Improving Access to the Accountability of Public Services

Final Report for The Scottish Government

August 2019

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Part 1:
Baseline Review and Analysis

Final Report for The Scottish Government

Contents

1. Executive Summary

Introduction

1. This Executive Summary presents the main findings arising from research of the Current Landscape of the Accountability of Public Services in Scotland. The research was commissioned by the Scottish Government's Consumer and Competition Policy Unit, on behalf of Scottish Ministers.

2. The research was commissioned to inform work progressing in Scotland on the Open Government Partnership (OGP). The OGP is an initiative that involves governments around the world who aspire to make their government more effective and responsive to people who live in their country. Scotland joined OGP in 2016, and the nation's current Action Plan 2018/2020 reaffirms the Scottish Government and Scottish Civil Society Network commitment to valuing openness, accountability, transparency and public participation. One of five commitments is: Commitment 4 - "improving access to accountability of public services - a citizen's journey".

3. Through its OGP Action Plan the Scottish Government, in partnership with civic society and others, seeks to reduce the complexity of how public services are held to account, increase people's awareness and understanding of how services are held to account, and simplify the landscape for people to navigate. A Collaborative Working Group has been established, comprising a range of State and civic society partners who will support delivery against Commitment 4 over the next two years.

4. The research was primarily desk-based, and was supplemented by a workshop with members of the Collaborative Working Group (i.e. the original signatories).

Public Services Provision in Scotland

5. The research explored what is understood by the term "public services", and identified the main providers of public services in Scotland. Public services are hugely diverse, and span everything: from criminal justice (e.g. courts, prisons) to

education (e.g. schools, colleges, universities); from emergency services (e.g. Fire Service, Police, Search and Rescue) to environmental protection; from early years to enterprise and skills; from health to public transportation and transportation infrastructure; from social care to waste management (e.g. wastewater, solid waste, recycling); from the water supply network to telecommunications and other utilities.

6. There are many thousands of organisations, agencies, and groups that deliver public services in Scotland. The scale, diversity, and complexity of public service provision cannot be under-estimated. It includes for example: local authorities; nurseries; primary and secondary schools; colleges and universities; regional NHS Boards; independent health care providers; registered care services; public bodies directly under the control of the Scottish Government; registered social landlords; and registered charities. Public service providers in Scotland are subject to external scrutiny from one or more organisation.

7. Key considerations for the work of the Collaborative Working Group are that:

    - there needs to be recognition of the difference between public services and the public sector;
    - not all public services in Scotland are delivered by the public sector;
    - the “public nature” angle is important – so as not to exclude some services when defining what is understood by the term public services (e.g. education services provided by colleges and universities, some care services); and
    - there is a need to ask people/public what they understand by the term public services.

Overview of Accountability

8. The research explored what is understood by the term “accountability” in its broadest sense, and in the context of this research. The starting point is that there are different types of accountability, and it can also mean different things to different people.

9. Accountability is considered an important pillar of good corporate governance. In this respect, accountability provides the necessary levels of assurance that an organisation will be assessed or evaluated on their performance related to something for which they are responsible. In the context of this research, accountability is how answerable organisations involved in the delivery of public services are for their actions to key stakeholders, including people (i.e. public assurance). Accountability centres on how public services are held to account for their decisions, spending, and actions. Essentially, accountability in the context of public services, among other things, relates to the following terms (**Figure 1**).

Figure 1: Accountability

10. Accountability of public services is important for a whole host of reasons. It provides a mechanism to monitor conduct and to hold organisations to account, and provides people with information to assess the appropriateness and effectiveness of an organisation's conduct and a means to raise concerns. It helps prevent the abuse of power and provides a mechanism to learn from failure and from past experience.

11. Strengthening accountability in public services is a key policy priority. This is likely in response to a potential perceived lack of trust and confidence among people, alongside a desire to transfer more power to people and communities, and to encourage greater public participation and engagement in the design,

delivery and management of public services. This is at the heart of the Open Government agenda, and forms part of a larger, long-term culture change across government and other public bodies.

12. Key considerations for the work of the Collaborative Working Group are:

- the focus should be on administrative accountability. In practice this means the systems in place that uphold that accountability and performance of services. It is important to focus on the system in place to deliver a public service effectively – the "*public function*" of a public service, including the ethics, codes of practice, and performance standards that inform quality of output;
- it may be most relevant to consider the "*what and why*" of decision making, as this can encourage continuous improvement and learning (i.e. accountability is not a fixed state, it is something that evolves and develops through engagement between actors, and can act as the catalyst for change to improve outcomes). It is not a means for punitive action or punishment;
- at its heart, accountability is about power dynamics. Accountability of public services is about redressing the power balance between State and civic society, to ensure people who use public services feel confident and are able to influence how those services are delivered to best meet their needs; and
- there is a need to ask people/public what they understand by the term public services – and their views on how to improve access to the accountability mechanisms of public services, about what the barriers are, and how to break down any barriers.

External Scrutiny Landscape

13. The research undertook a review and mapping exercise of the scrutiny and regulatory body landscape in Scotland, including how they involve people in their work. All scrutiny bodies have mechanisms in place to involve and engage people, however, the nature and extent of approaches is varied. Some, but not all, have an Involvement and Engagement Strategy (or similar). Such a strategy might be considered an example of good practice, as these documents set out

explicit organisational objectives and priorities around how regulatory bodies will actively look to involve and engage the public, and commitments to publicly report and evidence progress. These strategies typically highlight the importance of having different ways for the public to become involved, and recognise that some people might want lighter touch engagement, while for others a deeper level of involvement might be desired.

14. Over the years regulatory bodies have sought to ensure that greater levels of information and data are in the public domain. With regards to the Public Participation Spectrum, this largely falls under “Inform”. This is in recognition that openness, transparency and accountability of public services is crucial in building and maintaining public trust and confidence in those services. Access to information typically spans traditional methods (e.g. publications, leaflets, newsletters, e-bulletins), and a growth in the use of other methods to engage a broader audience (e.g. blogs, podcasts, social media, videos, live streamed events). Given differences in people’s preferences for receiving and digesting information, there will always be a need for a blended approach to information provision.

15. An inform, education or awareness raising piece is important for delivery of activity under OGP Commitment 4 because previous research (albeit somewhat outdated) has found, the public have limited awareness of scrutiny organisations and processes, and are familiar with some but not all external scrutiny bodies. While “inform” does not provide any opportunity for public participation, it does serve a useful purpose in terms of improving access to accountability. It does this by:

    - providing people with the information they need – e.g. to understand the accountability framework; and
    - allowing people to then make their own mind up about if and how they might become involved.

16. All regulatory bodies “Consult” the public (and others) in some shape or form. There are some good examples of meaningful consultative approaches, for example, the refinement of regulatory approaches and frameworks. Some bodies

also undertake their own consultations on a particular subject matter or issue – and good practice is to publish the consultation findings/analysis. The importance of regulators closing the feedback loop is critical. Others promote or publicise other organisations' or agencies' consultations.

17. Some scrutiny bodies have extensive mechanisms for involving and engaging people in their work – which align to later stages of the Public Participation Spectrum (Involve, Collaborate, Empower). This includes "panels" of service users which ensures regular two-way dialogue/contact between service providers and users. They have a number of benefits including providing early indication of emerging concerns and difficulties, and sounding out new ideas or proposals. It is good practice to produce and publish Consultation Reports (i.e. key findings, how feedback has/will been used, what actions have/will be taken).

18. Another good example includes the identification, training, and use of members of the public in the monitoring and inspection process. For example, it is recognised that service users will be empathetic when they speak directly with other people/service users, and in some cases can use their own shared experiences.

19. There are wider good examples of regulatory bodies involving members of the public in the review of draft publications, promotional materials, and website content to ensure that materials in the public domain are accessible and user-friendly.

20. From a review of the regulatory body websites', there does not appear to be any evaluation evidence around the effectiveness and/or impact of different methods of public involvement and engagement. However, remote tools will be most cost effective and have the potential to achieve a greater "reach". That being said, this should not be at the expense of more in-depth mechanisms (e.g. face-to-face engagement) that allows for deeper levels of public engagement and participation (and influence).

21. Regulatory bodies have various duties placed on them – some report directly to the Scottish Parliament, others report directly to the Scottish Government (this includes attendance at relevant committee meetings). All have a common set of mechanisms in place that aim to ensure that they, as organisations, are held to

account. This includes publishing a wide range of information spanning Corporate Plans to Annual Reports and Accounts, and on Freedom of Information and access to information to Complaints Handling.

2. Introduction and Context

This report presents the findings of a research study to provide a Baseline Evidence Review and Analysis of the Current Landscape of the Accountability of Public Services in Scotland. The research was commissioned by the Scottish Government's Consumer and Competition Policy Unit, on behalf of Scottish Ministers.

2.1 Open Government Partnership

Open Government Partnership (OGP)[1] is an initiative that involves governments who aspire to make their government more effective and responsive to people who live in their country. Since starting in 2011, OGP has grown to include 90+ member countries and many civic society organisations.

Each OGP government seeks to partner with civic society to improve governance. Among other things, this includes promoting transparency and empowering people. When governments join the OGP they must endorse the Open Government Declaration and commit to the following principles, to:

- increase the availability of information about governmental activities;
- support civic participation;
- implement the highest standards of professional integrity through administrations; and
- increase access to new technologies for openness and accountability.

Scotland joined OGP in 2016, and the Scottish Government and the Scottish Civil Society Network jointly developed the nation's first Action Plan (2017/18)[2]. The Action Plan identified five commitments to help people living in Scotland better understand how government works so that they can have

[1] Open Government Partnership website can be accessed here.
[2] Open Government Partnership Scottish National Action Plan 2016-2017, December 2016. Accessed here.

real influence and more effectively hold government to account. The five commitments were Financial Transparency, Measure Scotland's Progress, Deliver a Fairer Scotland, Participatory Budgeting, and Increasing Participation.

The Independent Reporting Mechanism (IRM) Scotland Final Report 2017 summarises the results of the implementation of Scotland's National Action Plan which covered the period from 1st January 2017 to 31st December 2017[3]. The Scottish Government responded to this feedback to inform its second National Action Plan[4].

Scotland's current National Action Plan 2018/2020[5] reaffirms the Scottish Government and Scottish Civil Society Network[6] commitment to valuing openness, accountability, transparency and public participation.

> *"An Open Government is one which provides information to people about the decisions it makes, supports people to understand and influence those decisions, and values and encourages accountability".*
>
> *"The Scottish Government recognises that it is important for people to get the information they need in order to understand how Government works and that people in Scotland have a lot of experience and knowledge that can help government to work better. By working together, we make better decisions and people are able to trust the process and the decisions government makes".*
>
> Open Government Partnership Scottish National Action Plan 2018-2020

"Open government" is the main theme for the Action Plan, and ambitious commitments have been made to improve openness, transparency, involve people, and the accountability of public services. This includes a focus on financial transparency and improving the way people can understand, participate in and influence the government's work.

[3] IRM for OGP Pioneers - Scotland Final Report 2017. Accessed online
[4] OGP – Improving Public Services. Accessed online
[5] Open Government Partnership Scottish National Action Plan 2018-2020, January 2019. Accessed here.
[6] Scottish Civil Society Network has 100+ members. Network information can be found on the SCVO website.

The five commitments for 2018-2020 are: (1) Providing financial and performance transparency, (2) Providing a framework to support overall change in Scottish Government to improve the way people take part in open policy-making and delivering services, (3) Improving how we share information, (4) Improving the accountability of public services - a citizen's journey (see **Table 1.1** on next page), and (5) Transparency and involvement as the UK leaves the European Union.

Through its OGP Action Plan the Scottish Government, in partnership with civic society and others, seeks to reduce the complexity of how public services are held to account, increase people's awareness and understanding of how services are held to account, and simplify the landscape for people to navigate. It is anticipated that the commitments made will lead to change and improve people's lives, with openness and transparency aligning strongly with the National Performance Framework, Programme for Government, and Scotland's Economic Strategy.

Table 1.1: Commitment 4 – Improving the Accountability of Public Services - a Citizen's Journey

Question	Response
What problem are you trying to solve?	People reported that they want to know more about: • How to make their voice heard • How to have a say in, and contribute to, public-sector improvement and accountability • Who makes decisions about how public services are designed and delivered, and how they make those decisions An identified need to help make sense of the accountability process and to increase understanding and certainty of how governments and public services are held to account for their decisions, spending, and actions
What are you going to do?	• Scrutiny bodies and regulators will work together to improve the public's understanding of, and access to, accountability processes: ○ understanding current public service scrutiny and regulatory bodies (their decisions and the public's

	access to them) ○ working with a wide range of people and partners to see how people would like to use their rights to complain, appeal or assess how public bodies perform, and what the barriers are to this ○ finding ways to improve access to information on who is responsible and strengthen people's ability to hold public services to account • A people-focused approach to public services: ○ develop ways of considering the effect of public policy and decision-making on people ○ use the principles of open government in advice services and a new consumer-protection body
How will that solve the problem?	• The actions will aim to help people understand how they can make public services more accountable. It will also improve their ability to influence issues and hold public services to account. In doing so, it is anticipated that this will: ○ improve the quality of information on public-service accountability and make it easier to access and use ○ make it easier to use public services and find support to sort out issues

Source: Open Government Partnership Scottish National Action Plan 2018-2020, January 2019.

2.2 Research Aim and Objective

The main aim of the study was to undertake research into the scrutiny bodies and regulators perspective: a review of the public service accountability landscape. The objective was to assess the current landscape of scrutiny bodies and regulators operating in, or accessible to, people in Scotland, highlighting any current challenges, barriers or gaps in the accountability framework for public services in Scotland.

A new Collaborative Working Group has been established, comprising a range of State and civic society partners who will support delivery against Commitment 4 over the next two years. The Group's current membership is outlined in **Table 1.2**.

Table 1.2: OGP Commitment 4 Collaborative Working Group Partners

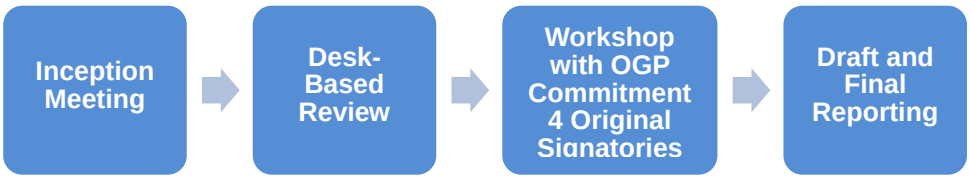
State Actors	Civic Society Organisations, Business, Multilaterals, Working Groups
Audit Scotland (signatory)	Association for Public Service Excellence
Care Inspectorate (signatory)	CEMVO Scotland
COSLA	Citizens Advice Scotland (signatory)
Scottish Government Consumer Policy (Government Commitment Lead)	Govan Community Project
Scottish Government Digital, Content Design & Strategy	Inclusion Scotland
Scottish Government Public Service Reform & Public Bodies	Individual Service Users (x2)
Scottish Information Commissioner (signatory)	Mydex CIC (Scotland OGP Steering Group Commitment Lead)
Scottish Public Services Ombudsman (signatory)	Scottish Independent Advocacy Alliance (Scotland OGP Steering Group Commitment Lead)
	Scottish Older People's Assembly
	Scottish Open Government Partnership Network
	Scottish Rural Action
	Scottish Youth Parliament
	Skye, Lochalsh & West Ross CPP
	See Me
	What Works Scotland

2.3 Study Method

Figure 1.1 set out details of the study method undertaken, with the research primarily desk-based (e.g. web searches, document search and review). The outputs from the desk research were discussed with members of the Collaborative Working Group (i.e. the original signatories) at a workshop on the 2nd April 2019, and feedback has been incorporated into relevant sections of the report. The research has also been informed by recent meetings

undertaken by the Scottish Government with members of the Collaborative Working Group.

Figure 1.1: Study Method



2.4 Report Structure

The remainder of the report has been structured as follows:

- **Section 2** sets the scene for the research, and provides an overview of what is understood by the term "public services", and identifies the main providers of public services in Scotland. The evidence is based on secondary research and feedback from the signatories' workshop.
- **Section 3** provides a brief overview of what is understood by the term "accountability", including within the context of public services. This has also been informed by secondary research and the signatories' workshop.
- **Section 4** provides key messages from our mapping and review of the scrutiny and regulatory body landscape in Scotland.
- **Section 5** provides some examples of how regulators and scrutiny bodies in Scotland go about involving people in their approach to scrutiny and regulation.

Further detail has been provided separately (Microsoft Excel format), including the mapping exercise of the scrutiny and regulatory body landscape in Scotland.

3. Public Services Provision in Scotland

This Section provides a brief overview of what is understood by the term "public services", and identifies the main providers of public services in Scotland. It is based on a review of published sources of information and draws on feedback provided at the signatories' workshop. It also briefly touches on key pieces of national research that have explored public service delivery in Scotland, including the external scrutiny[7] of public services.

3.1 What are Public Services?

Public services are hugely diverse.

Public services span everything: from criminal justice (e.g. courts, prisons) to education (e.g. schools, colleges, universities); from emergency services (e.g. Fire Service, Police, Search and Rescue) to environmental protection; from early years to enterprise and skills; from health to public transportation and transportation infrastructure; from social care to waste management (e.g. wastewater, solid waste, recycling); from the water supply network to telecommunications and other utilities.

Public services span both statutory and non-statutory service provision. For example, statutory provision includes public services that are required by law with legislation set by government for them to be in place. Statutory services are usually funded by government (e.g. Fire Service). Non-statutory public services are not all funded by government, and are delivered by a variety of providers, including civic society organisations (e.g. third sector), arms-length externals organisations (ALEOs), and the private sector.

As is evident from the description above, public services touch on and improve many different aspects of our day-to-day lives – *"public services underpin human welfare and economic growth"*[8]. Here, the OGP emphasises the extent to which *"people care about public services and depend on them being*

[7] External scrutiny – covers regulation, audit, inspection, and complaints handling.
[8] Open Government Partnership - Public Service Delivery. Website reference

delivered well". It further considers public services within the context of such services being *"the most common interface between people and the State"*, and the link between this and people's trust in government.

As noted by the Scottish Government *"the quality of those (public) services is part of the bedrock on which our society and future prosperity depends, and are crucial in shaping a more successful, wealthier and fairer Scotland"*[9].

The Commission on the Future Delivery of Public Services Report (June 2011)[10] notes *"public services are important to us all but are of particular importance in protecting the vulnerable and disadvantaged in our society. They are central to achieving the fair and just society to which we aspire"*

……and

"Public services have a significant influence on the quality of the business environment with a role in control of planning, infrastructure, enterprise support and investment in research and innovation. They have impact too through public transport, social housing, skills developed in schools, colleges and universities and through training and retraining programmes aimed at increasing job prospects for the unemployed".

A UK Government White Paper on Open Public Services (2011)[11] groups public services into three categories, namely:

1. Individual Services – personal services used by people on an individual basis. It covers public services such as education, skills training, adult social care, childcare, housing support, and individual healthcare.

2. Neighbourhood Services – services provided locally and on a collective basis. This spans, for example, maintenance of the local public realm, leisure and recreation facilities, and community safety.

[9] The Scottish Government website – Scotland Performs, National Outcomes. Accessed here
[10] The Christie Commission Final Report can be accessed here.
[11] UK Government, Open Public Services White Paper, 2011. Accessed online.

3. Commissioned Services – a mix of local and national services that are not devolved. This includes tax collection, prisons, and emergency services.

An important point to note is that "public services" are not the same as the "public sector". Indeed, not all public services are delivered by public bodies – as outlined above, some are delivered by the private sector and are run for profit. The general rule of thumb, however, is that as long as delivery of the service is fair and is needed by people then it could be considered a public service.

3.2 Feedback from Signatories Workshop

The main discussion points raised by partners that attended the signatories' workshop regarding what is meant by the term "public services" can be summarised as follows:

- there needs to be recognition of the difference between public services and the public sector;
- that not all public services in Scotland are delivered by the public sector;
- the "*public nature*" angle is important – so as not to exclude some services when defining what is understood by the term public services. Some examples referred to included education services provided by colleges and universities, some care services, etc; and
- there is a need to ask people/public what they understand by the term public services.

3.3 Who Provides Public Services in Scotland?

The main providers of public services in Scotland are outlined below. This highlights the scale, diversity, and complexity of public service provision in Scotland:

- 32 local authorities;

- 5,045 schools (i.e. 2,514 nurseries, 2,031 primary schools, 359 secondary schools, 141 special schools[12]), 27 colleges, and 19 universities are responsible for the direct delivery of education;
- 14 regional NHS Boards are responsible for the protection and the improvement of their population's health and delivery of healthcare services; seven Special NHS Boards; one public health body who supports the regional NHS Boards and provides specialist and national services[13]; and 425 independent health care providers (e.g. independent hospitals, private psychiatric hospitals, independent hospices, and independent clinics)[14];
- 14,000 registered care services in Scotland (e.g. childminding, daycare of children, care homes for adults, care at home)[15];
- 122 public bodies directly under the control of the Scottish Government, albeit the nature of the relationship with government varies. This spans executive agencies, Non Ministerial Office (NMOs), executive Non Departmental Public Bodies (NDPBs), advisory NDPBs, tribunal NDPBs, public corporations, health bodies, parliamentary bodies, other significant national bodies[16];
- 192 Registered Social Landlords (RSLs) delivering housing services[17]; and
- 24,481 registered charities including community groups, religious charities, schools, universities, grant-giving charities, and care providers[18].

All public service providers in Scotland are subject to external scrutiny from one or more organisation.

[12] Department for Education, Education and Training Statistics for the United Kingdom: 2017 - accessed here
[13] NHS Scotland website – Scotland's Health on the Web - accessed here
[14] Healthcare Improvement Scotland website - accessed here
[15] Care Inspectorate website – accessed here
[16] Public Bodies in Scotland: Guide – accessed here.
[17] Scottish Housing Regulator Directory of Social Landlords – accessed here
[18] The Scottish Charity Regulator (OSCR) website (as at March 2019) – accessed here

3.4 Overview of Relevant Contextual Research

Over the last decade or so there have been various reports that have considered the role public services play in Scotland, the scrutiny of public services, and/or the future delivery of public services.

Of particular relevance to this research are the following:

- The Crerar Review – The Report of the Independent Review of Regulation, Audit, Inspection, and Complaints Handling of Public Services in Scotland (September 2007)[19];
- Scrutiny and the Public: Qualitative Study of Complaints Handling of Public Services in Scotland (October 2007)[20];
- Commission on the Future Delivery of Public Services (June 2011)[21];
- Government's Response to the Christie Commission on the Future Delivery of Public Services (September 2011)[22]; and
- The 3-Step Improvement Framework for Scotland's Public Services (April 2013)[23].

While it is outwith the scope of this research to undertake a detailed review of these documents, some key points include the following (**please note**: some reports are more than a decade old):

- public service provision in Scotland is large, complex, and going through a period of continuous change. There is a continuing trend of public sector reform to ensure effective and sustainable public services. This agenda has been driven by a number of factors, including: tight budgetary and fiscal pressures; changing demographics; growing demand for public services; persistent inequalities; increased

[19] Professor Lorne D Crerar's Final Report can be accessed here.
[20] The Ipsos MORI and Partners Final Report can be accessed here.
[21] The Christie Commission Final Report can be accessed here.
[22] The Scottish Government, Renewing Scotland's public services: priorities for reform in response to the Christie Commission, September 2011. Accessed here
[23] The Scottish Government, The three-step improvement framework for Scotland's public services, April 2013. Accessed online

expectations of public services among the public; and delivering better outcomes;

- there is a supportive policy and legislative environment for community empowerment in public service reform. There is a recognised need to put communities first and adopt approaches that strengthen people's voices in informing, shaping, and improving the services that affect them;
- there is a growing appreciation of the role that people can play in shaping new approaches and informing the transformation of public service delivery. Placing people at the heart of the reform process is more commonplace to help improve the efficiency and effectiveness of public services. This approach is reported to provide benefits for the public sector (e.g. efficient allocation of scarce resources) and for people (e.g. increased satisfaction with services, building trust);
- there is an identified need for greater partnership working and collaboration among public service providers, including greater levels of alignment and integration; and
- the public service system can often lack accountability:
    - the powers and duties of external scrutiny and inspection bodies should be framed so as to focus on the achievement by public bodies of measurable outcomes and on the effectiveness of partnership working
    - often effective challenge and external scrutiny is difficult due to poor data availability or the incomparability of information on the costs, quality and performance of public services
    - there was a recommendation to reduce the number of scrutiny and complaints-handling bodies – plus ensuring complaints handling becomes more consistent and external scrutiny becomes more proportionate, risk-based and better coordinated

- the research found that the public have limited awareness of scrutiny organisations and processes. However, there was a clear expectation among the public that there is and should be external scrutiny of public services
- the public were more familiar with inspection and complaints handling than with regulation and audit, and there was awareness of some but not all external scrutiny organisations. There were higher levels of awareness of the former Care Commission and HM Inspectorate of Education (now known as Care Inspectorate and Education for Scotland respectively), and the Health and Safety Executive and the Scottish Public Services Ombudsman.

While much of this research is dated, it does highlight the need for change and improvements within the public services and accountability landscape. There is a clear indication that more effort is required to educate and increase levels of awareness and understanding of the existing scrutiny landscape among the public. This is with a view to empowering people to engage more effectively in this area. There might also be changes required to organisational processes at an operational and monitoring and reporting level to ensure good quality, impact information and data that can be shared with all interested parties, including the public.

4. Overview of Accountability

This Section provides a brief overview of what is understood by the term "accountability" in its broadest sense, and in the context of this research. It is based on a review of published sources of information and draws on feedback provided at the signatories' workshop.

4.1 What is meant by Accountability?

"The fact of being responsible for what you do and able to give a satisfactory reason for it, or the degree to which this happens".

Cambridge English Dictionary

"If you are accountable to someone for something that you do, you are responsible for it and must be prepared to justify your actions to that person".

Collins English Dictionary

"The fact or condition of being accountable; responsibility".

Oxford English Dictionary

"The obligation of an individual or organization to account for its activities, accept responsibility for them, and to disclose the results in a transparent manner".

Business Dictionary

"Accountability is about a relationship between those responsible for something, and those who have a role in passing judgement on how well that responsibility has been discharged".

"…enables people to know how government is doing and how to gain redress when things go wrong. It ensures ministers and civil servants are acting in the interests of the people they serve. Accountability is a part of good governance and it can increase the trustworthiness and legitimacy of the state in the eyes of the public".

Institute for Government

There are many different types of accountability – political, legal, administrative, professional, and social accountability.

"Strong accountability provides the foundation of a healthy democracy"[24].

Accountability is considered an important pillar of good corporate governance. In this respect, accountability provides the necessary levels of assurance that an organisation (or individual e.g. Accountable Officer) will be assessed or evaluated on their performance (or behaviour) related to something for which they are responsible.

In the context of this research, accountability is how answerable organisations involved in the delivery of public services are for its actions to key stakeholders, including people (i.e. public assurance).

Agencies and organisations delivering public services are ultimately accountable to the level of government within which they sit, are regulated and/or funded by, or operate on behalf of. This could be a local authority, the Scottish Government, the Scottish Parliament, or the UK Government. The issue of accountability is at the centre of modern democratic government – it defines the relationship between the public and decision makers. In practice, accountability in public services is complex and involves a large number of regulatory bodies, with varying degrees of power.

Accountability centres on how public services are held to account for their decisions, spending, and actions. It can mean an obligation to provide information about performance, to explain decision making, and to justify conduct. It implies the existence of open debate about these issues and public scrutiny and judgement[25].

There is also the issue of what happen when performance is not up to standard. Here, accountability can often mean a formal system of remedial action – the provision of recommendations or requirements to promote continuous improvement in standards, in performance, etc.

[24] Institute for Government, Accountability in Modern Government: Recommendations for Change, October 2018. Accessed online.
[25] Open Government Network Northern Ireland, Public Accountability Factsheet, accessed online

4.2 Feedback from Signatories Workshop

In the context of Commitment 4 of Scotland's OGP National Action Plan 2018/20, discussions with the original signatories suggests that the focus of this work should be on a narrower interpretation of accountability – one that is *"closer to the individual"* – around how the public can raise an issue, make a complaint, or put their case forward for a fair hearing, etc.

It was felt that the focus should be on administrative accountability. In practice this means the systems in place that uphold that accountability and performance of services. The discussion with original signatories highlighted the importance of focusing on the system in place to deliver a public service effectively – the *"public function"* of a public service, including the ethics, codes of practice, and performance standards that inform quality of output.

Under Commitment 4 it was felt that it may be most relevant to consider the *"what and why"* of decision making, as this can encourage continuous improvement and learning (i.e. accountability is not a fixed state, it is something that evolves and develops through engagement between actors, and can act as the catalyst for change to improve outcomes). It is not a means for punitive action or punishment.

At its heart, accountability is about power dynamics. Accountability of public services is about redressing the power balance between State and civic society, to ensure people who use public services feel confident and are able to influence how those services are delivered to best meet their needs.

Partners also identified a need to ask people/public what they understand by the term accountability – as well as their views on how to improve access to the accountability mechanisms of public services, about what the barriers are, how to break down such barriers, etc.

4.3 Summary Overview

As is highlighted in **Section 3.1** and **Section 3.2** accountability can take many different forms. From the perspective of Commitment 4 of Scotland's OGP National Action Plan 2018/20, it is important that the public know how government/service providers are doing, but importantly that they are clear on why decisions are made and the likely impact of those decisions on them personally, their family, and other people.

Essentially, accountability in the context of public services, among other things, relates to the following terms (**Figure 3.1**).

Figure 3.1: Accountability

Accountability of public services is important for a whole host of reasons. It provides a mechanism to monitor conduct and to hold organisations to account, and provides people with information to assess the appropriateness and effectiveness of an organisation's conduct and a means to raise concerns. It helps prevent the abuse of power and provides a mechanism to learn from failure and from past experience.

Accountability incentivises those delivering public services to act in the public interest, promotes improvement, and – through a system of transparent decision making and clear responsibility – promotes trust and allows appropriate risks to be taken[26].

Strengthening accountability in public services is a key policy priority at all levels. This is likely in response to a potential perceived lack of trust and confidence among people, alongside a desire to transfer more power to people and communities, and to encourage greater public participation and engagement in the design, delivery and management of public services. This is at the heart of the Open Government agenda, and forms part of a larger, long-term culture change across government and other public bodies.

Accountability of public services often centres on being transparent with regards to the arrangements in place to evidence how decisions are made, what actions are taken, and performance.

Availability and accessibility of this information helps people better understand:

- who is accountable for what;
- how well organisations are doing;
- how well public services are being delivered;
- how public money is allocated and spent, including best value;
- what has been achieved, including delivery of outcomes for people;
- that any poor performance will be dealt with effectively;
- how to access information; and
- how to make a complaint or raise an issue.

A recent survey by the Office of the Scottish Charity Regulator (OSCR) – The Scottish Charity Survey (2018) - however, found that public trust and

[26] Institute for Government, Accountability in Modern Government: Recommendations for Change, p3

confidence in Scottish charities (key providers of public services) remains strong[27]. The same survey commonly reported ways to increase trust as:

- knowing that a charity is well run;
- seeing evidence of what a charity has achieved;
- knowing how much of a donation goes to the cause; and
- knowing that a charity is independently regulated.

[27] https://www.oscr.org.uk/news/our-survey-says-public-trust-remains-stable (Published May 2018).

5. External Scrutiny Landscape

This Section provides an overview of the main messages arising from our review and mapping of the scrutiny and regulatory body landscape in Scotland. This is based on web searches to identify scrutiny and regulatory bodies, followed by a review of a wide range of information and documents published on their websites.

A mapping spreadsheet has been provided separately which provides more detail.

5.1 Feedback from Signatories Workshop

It is worth highlighting the main points raised at the signatories' workshop regarding the mapping and review process:

- the mapping exercise should include bodies that have a role in scrutiny, regulation, and oversight – each has different powers to enforce action, but all have legitimacy;
- the mapping exercise should not be overly complex, otherwise the list will be large – the focus should be on those bodies who have a scrutiny, regulation, and oversight role of organisations/services not individuals (i.e. exclude those bodies that, for example, might deal with complaints about an individual within a profession); and
- a potential gap in the accountability framework in Scotland might be around influencing policy decision-making – it is difficult to challenge the policy where authority lies elsewhere (e.g. Scottish Government).

5.2 Internal and External Scrutiny

As highlighted in **Section 2**, public service provision in Scotland is hugely diverse and complex. Organisations that provide public services (e.g. local authorities, housing associations, health boards) all have existing processes, systems and governance structures in place to monitor and evaluate their own

activities and performance (e.g. internal performance management, scrutiny and audit functions).

All are also subject to external scrutiny from one or more organisation or agency.

External scrutiny covers regulation, audit, inspection, and complaints handling, and is typically undertaken to:

- provide assurance and public accountability;
- support, promote, and be a catalyst for improvement and innovation, including:
    - identifying good practice and areas for improvement
    - influencing organisational behaviour and culture change
    - improving practice, standards, quality, service delivery, and achievements; and
- help shape and inform policy and practice.

Fundamentally, external scrutiny and oversight provides independent assurance that public services are:

- delivered effectively and efficiently;
- delivered to meet the right standards;
- complying with necessary standards and regulations;
- of a good quality and well-managed;
- safe;
- fit for purpose; and
- that public money is accounted for and is being used properly (i.e. delivering best value).

The public are commonly identified as a key beneficiary of the external scrutiny process.

5.3 The External Scrutiny Landscape

Previous research has found that the external scrutiny landscape and arrangements in Scotland is complex (**Section 2**). This was said to relate to a number of factors:

- the scale, diversity, and complexity of public service provision;
- the large number of public service providers in Scotland;
- the role scrutiny bodies have been tasked to perform by the Scottish Government and the Scottish Parliament; and
- how external scrutiny bodies are established and run[28].

5.4 Scrutiny and Regulatory Bodies

There are a number of external scrutiny bodies in Scotland – their role is to have oversight, monitor, review, and assess the activities and performance of organisations that provide public services. A few examples are provided below:

- criminal justice – e.g. Her Majesty's Inspectorate of Prisons for Scotland, Her Majesty's Inspectorate of Constabulary in Scotland;
- education – e.g. Education Scotland, The Quality Assurance Agency (Scotland);
- environment – e.g. Scottish Environment Protection Agency;
- emergency services – e.g. Her Majesty's Fire Service Inspectorate for Scotland;
- health and care – e.g. The Care Inspectorate, Healthcare Improvement Scotland;
- housing – e.g. Scottish Housing Regulator; and
- local government – e.g. Audit Scotland, Accounts Commission.

[28] Professor Lorne D Crerar's Final Report can be accessed here.

The statutory duties of external scrutiny bodies in Scotland are typically enshrined in relevant legislation (and any amendments) or defined by the Scottish Government. In this sense, they tend to operate independently and impartially – while at the same time being directly accountable to Scottish Ministers for the standards of their work. Scottish Ministers are ultimately accountable to the Scottish Parliament.

5.5 Scrutiny and Regulatory Approaches

Strategic Code of Practice

The Scottish Regulators' Strategic Code of Practice (2015)[29] outlines how Scottish regulators should apply regulatory principles and good practice when setting regulations. There is a commitment to "*better regulation*", and the code of practice was developed to drive an outcome-focused framework for regulation in Scotland. It highlights that regulators should be enablers, take a risk and evidence based approach, understand those they regulate, and communicate clearly and effectively. The better regulation principles are *"that regulatory functions[30] should be exercised in a way that is transparent, accountable, proportionate, consistent, and targeted only where needed*"[31].

[29] The Scottish regulators' strategic code of practice, January 2015. Accessed online.
[30] This includes advice, guidance, licensing, permissions, and consents, inspections, monitoring and enforcement.
[31] The Scottish regulators' strategic code of practice, January 2015

Regulators should adopt the following high level operational approaches:

- Adopt a positive enabling approach in pursuing outcomes that contribute to sustainable economic growth.
- In pursuing their core regulatory remit be alive to other interests, including relevant community and business interests; taking business factors appropriately and proportionately into account in their decision making processes; and protecting public health and safety.
- Adopt risk and evidence based protocols which help target action where it's needed and help to ensure the achievement of measurable outcomes.
- Develop effective relationships with those they regulate and have clear two-way communication in place.
- Tailor their approach depending on the nature of the sector they are regulating and the desired outcomes. This includes a commitment to advice and support for those who seek to comply, allied with robust and effective enforcement when justified.
- Recognise, in their policies and practice, a commitment to the five principles of better regulation: regulation should be transparent, accountable, consistent, proportionate and targeted only where needed.
- Pursue continuous improvement in regulatory practice based on the principles of better regulation.

Source: The Scottish regulators' strategic code of practice.

A review group has been established to provide Scottish Ministers with recommendations on improvements to the Code, and is considering whether the:

- Code has been effectively implemented and had a positive impact on regulators' working practices and regulatory outcomes;
- content of the Code remains appropriate and fit for purpose - including how to incorporate inclusive growth, consumer interests, and a collaborative approach to compliance; and
- how to share best practice and new learning.

In early 2018, the group issued a call for evidence to gather wider views on the Code. The results of the call for evidence have not yet been made publically available, however, this might be something that the Collaborative Working Group should consider once findings are made known.

Regulatory and Improvement Frameworks

There are a range of regulatory or improvement frameworks (or similar) in place – these are used by external scrutiny bodies to guide the scrutiny activity of public services, to ensure compliance (i.e. with regulations and standards) and performance against targets, and to drive continuous improvement.

Some frameworks have been revised in recent years – this reflects a number of factors, including incorporating greater elements of self-assessment or self-evaluation into the process, changes in the wider delivery and/or policy environment, etc. Proposed changes are typically subject to a period of consultation with key stakeholder groups, including the public.

There is often reference (commitment) within the frameworks to the better regulation principles. The frameworks go on to set out details of, for example, inspection/audit processes, inspection/audit methodologies, levels of engagement with public service providers, underpinning principles, grading/rating scales, etc.

There has been a growing emphasis placed on incorporating more self-assessment and self-evaluation to help inform the external scrutiny process. This reflects the fact that there is key role (and indeed a responsibility) for service providers to evidence their own compliance and performance. Pre-inspection evidence is beginning to be used more often as an important source of information on performance.

5.6 Scrutiny Activity

Scrutiny activity of public services in Scotland takes different forms, including:

- cyclical inspections – of individual organisations;

- follow-up inspections – linked to following-up on the outputs of cyclical inspections;
- joint inspections – involving more than one scrutiny body; and
- thematic inspections – this includes, for example, examining specific areas of work or delivery.

5.7 Approaches to Joint Working

There are certain duties placed on scrutiny bodies through the Public Services Reform (Scotland) Act 2010. "*Scheduled scrutiny authorities*" are required to co-operate and coordinate activity with each other, and where appropriate Scottish Ministers. The overall goal is to improve the exercise of the scrutiny bodies' functions in relation to local authorities, social services, health services or policing.

The scheduled scrutiny authorities defined by Schedule 20 of the Act are subject to addition or subtraction by Scottish Ministers and include: Food Standards Authority, Healthcare Improvement Scotland, HM Inspectorate of Constabulary, HM Inspector of Prisons for Scotland, HM Inspector of Prosecutions Scotland, inspectors of schools, Mental Welfare Commission for Scotland, Scottish Housing Regulator and the Care Inspectorate.

The Act also sets out how listed scrutiny bodies must engage in a joint inspection into the provision of children's or any function in which the scrutiny bodies have the power to investigate with one or more additional agencies as directed by Scottish Ministers. The listed agencies include: Healthcare Improvement Scotland, HM Inspectorate of Constabulary, HM Inspector of Prisons for Scotland, HM Inspector of Prosecutions Scotland, inspectors of schools, Mental Welfare Commission for Scotland, Scottish Housing Regulator, Care Inspectorate and any Special Health Board.

There are numerous examples of scrutiny bodies working together in some shape or form – this spans, for example, information sharing to joint inspections. There is growing use of memorandums of understanding (MoU)

that look to formalise connections, relationships, and ways of working and collaborating between agencies. Commonly, MoU centre on processes for data and information sharing, resource sharing, communication and liaison and making sure agencies do not duplicate effort.

The number of MoU in place and the degree of interaction varies across organisations. However, this is an area that is continuing to be further developed. A few specific examples include:

- Her Majesty's Inspectorate of Prisons for Scotland often draws on multi-disciplinary teams to undertake inspections of prisons in Scotland. This includes Healthcare Improvement Scotland, Education Scotland, The Care Inspectorate, and The Scottish Human Rights Commission;
- The Police and Fire Reform (Scotland) Act 2012 places a duty on the Auditor General for Scotland, inspectors of constabulary in Scotland and inspectors of the Scottish Fire and Rescue Service to cooperate and coordinate activity with each other to improve how functions are carried out;
- HM Fire Service Inspectorate in Scotland has MoUs in place, including with Audit Scotland (establishing a complementary relationship to ensure no duplication of work/effort and to add value), and with the Scottish Public Services Ombudsman (complaints handling);
- The Scottish Environmental Protection Agency has an extensive portfolio of MoUs with agencies in Scotland and the UK. Within Scotland, SEPA has formal agreements with Scottish Water[32], the Drink Water Quality Regulator, Health Protection Scotland[2] and Food Standards Scotland. Across the UK, formal relationships exists with the Chief Fire Officer Association, Scotland and Northern Ireland Forum for Environmental Research, Met Office, Maritime and Coastguard Agency, Coal Authority; Environmental Agency (England), Northern Ireland Environmental Agency, Natural Resources Wales and the Office of Nuclear Regulation;

[32] Note that these are not scrutiny or regulatory bodies.

- Audit Scotland has a MoU with NHS Scotland Counter Fraud Services that focusses on the deterrence, prevention and detection of fraud and other irregularities in NHS Scotland (and other public bodies);
- The Scottish Housing Regulator is developing a framework for joint working, co-operation and collaboration. Its current MoU include those with Office of the Scottish Charity Regulator, Care Inspectorate, and the Scottish Public Services Ombudsman;
- the Mental Welfare has MoU with various organisations to ensure there is a clear understanding of how it works together in common areas. This includes the Scottish Government, Mental Health Tribunal, Scottish Public Services Ombudsman, Care Inspectorate, Healthcare Improvement Scotland, Scottish Social Services Council, and Office of the Public Guardian (Scotland); and
- the Sharing Intelligence for Health Care Group provides a forum for sharing and considering intelligence to improve the quality of care systems across Scotland (e.g. NHS boards). Membership includes seven agencies: Audit Scotland, Care Inspectorate, Healthcare Improvement Scotland, Mental Welfare Commission for Scotland, NHS Education for Scotland, NHS National Services Scotland, and Scottish Public Services Ombudsman. The main purpose is to share any major concerns as they arise so that they can be acted upon appropriately and learning from any incidents is shared across the members.

5.8 Accountability Channels

There is a duty placed on scrutiny bodies to give a public account of their activities and use of resources – this typically includes the setting out of key roles and responsibilities which underpin relationships with, and clear lines of accountability to Parliament and to Scottish Ministers.

For example, lines of accountability might include attendance at a Parliamentary Committee and dealing with Parliamentary questions and correspondence, etc.

Annual Reports and Accounts

A key measure promoting public body transparency and accountability is the requirement for the publication of annual reports and accounts. This is a legislative requirement set out in the legislation that establishes the public body. The Scotland Act 1998 establishes that the yearly activities of a public body must be presented in a report to Parliament, and when the functions relate to Scotland, must be laid out before Scottish Parliament. Further, for any public body with function related to Scotland, their accounts are to be submitted to the Auditor General for Scotland.

By law, annual reports generally are required to contain:

- a survey of the exercise of the functions of the public body;
- activities relating to the enforcement of relevant regulation; and
- performance in relation to any set of standards.

The form of the report, additional content, and method of publication are at the discretion of each public body. This requirement covers bodies with a Scotland wide jurisdiction and UK wide - for example the Office of Road and Rail and the Professional Standards Committee must also publish annual reports which will be laid out to both Parliament and Scottish Parliament.

Freedom of Information

All public bodies in Scotland are required to comply with freedom of information regulation set out in the Freedom of Information (Scotland) Act 2002 (FOI Act) which came into force in 2005. The FOI Act covers a wide range of organisations including local councils, the NHS, the police, the Scottish Government, universities, colleges, most schools, and many other bodies.

The FOI Act gives rights to the public to enquire about information held by the body and requires that these bodies respond to any requests appropriately. Further, all organisations covered under the FOI Act are also subject to the

Environmental Information (Scotland) Regulations 2004 (EIAs) which gives members of the public the right to enquire about any information relating to the environment that is held by any public body. The Scottish Information Commissioner enforces complicity with the FOI Act and EIAs and requires each public body to report statistics regarding FOI requests on a quarterly basis.

Publication Scheme Duties

All bodies that are subject to the FOI Act are also subject to publication scheme duties to proactively publish information. Any publication scheme must gain approval from the Scottish Information Commissioner. To help this process, the Scottish Information Commissioner maintains a Model Publication Scheme (MPS) that sets the minimum standards.

A public body that formally adopts the MPS will meet SIC approval. Information required by the MPS is defined by 9 classes of information[33] which include:

- Class 1: About the authority
- Class 2: How we deliver our functions and services
- Class 3: How we take decisions and what we have decided
- Class 4: What we spend and how we spend it
- Class 5: How we manage our human, physical and information resources
- Class 6: How we procure goods and services from external providers
- Class 7: How we are performing
- Class 8: Our commercial publications
- Class 9: Our open data

While it is recommended that public bodies do not develop their own publication schemes as the MPS sets a standard for the public to follow, several groups of authorities have worked together to produce template

[33] More detail can be found here.

Guides to Information. This approach has helped authorities in those sectors identify other information they ought to publish, over and above the MPS.

Complaints Handling Procedures

The Scottish Public Services Ombudsman sets out model complaints handling procedures (CHPs) that most devolved public services in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges must comply with. Every CHP should be easily accessible to all end users taking into account specific needs (e.g. people with learning difficulties, people who are deaf or hard of hearing, the visually impaired and non-English speakers, etc). Further complaints information including response performance should be publicised and available to the public.

The Model CHP is a three-tiered process. First, there is a frontline resolution intended for issues that are relatively straightforward to resolve and require no investigation, typically handled by a staff member in 5 working days. The next stage is an investigation for issues that could not be resolved at the frontline or involve a complex or 'high risk' issue. A thorough investigation is expected to yield a resolution within 20 working days and must be signed off by a senior manager. The final level of the CHP is an external review by SPSO or other appropriate organisation.

The Model CHP also sets out what types of complaints that a regulatory or scrutiny body can investigate. Generally, individuals' complaint can only relate to the service they've received from the organisation. This includes things like: delays in responding to enquiries and requests, failure to provide a service, the standards of service, organisational policy, treatment by a member of staff or failure of the organisation to follow proper procedure. These complaints can also be about someone external to the organisation but who is working on behalf of the organisation. Things that an individual cannot complain about typically include things relating to: a routine first-time request for a service, requests for compensation, issues that are in court or have already been

heard by a court or tribunal, disagreement with a decision where a statutory right of appeal[34] exists, an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where a final decision has already been given.

In terms of the public holding accountability power against public bodies, CHPs are a key tool. People have the ability to directly have their voices heard. Organisations should take complaints as a learning process to feed into improving their services. The scrutiny bodies with a Scotland wide remit identified in our research follow the Model CHPs set by SPSO and are ultimately accountable to SPSO regarding all complaints. Those bodies with a UK wide remit follow similar processes set out by the British Standards Institution.

5.9 Involving and Engaging People

As highlighted in earlier, the public is an important beneficiary of the external scrutiny of public services in Scotland. To this end, it is evident that scrutiny bodies continue develop ways of involving and engaging service users (and the public more generally) in their work. The nature and extent of approaches is varied.

Provision of information is a central element. This includes information about who the body is, its roles and responsibilities, how it goes about its work, how to become involved/make contact, and the outputs of scrutiny work, etc. This spans traditional methods (e.g. publications, leaflets, newsletters, e-bulletins). Bodies also actively engage with the public via social media platforms (e.g. Twitter, Facebook, LinkedIn, Instagram). For example, Education Scotland has a wide audience (25,000 followers). Many organisations now report social media statistics and interactions in their Annual Reports publications as a measure of performance and success.

[34] A right of appeal refers to a disagreement about a regulatory decision carried out by the public body. For example, a challenge to a decision by the Care Inspectorate to deny a care service registration would fall under a right to appeal not a complaint.

The point here is that organisations are using social media platforms to communicate to a broader population of users, to increase their interaction and engagement with the public, and directly bring people into their organisation to inform accountability mechanisms.

Open consultations or calls for evidence are another way in which the public can directly have its voice heard concerning the plans, activities and policies of public services.

As highlighted in **Section 5**, there are wider examples of involving and engaging people, this includes:

- training and supporting service users/public to be involved in undertaking monitoring and/or inspection of public services;
- people's panels or juries (or similar); and
- involving people in the review of draft publications, promotional materials, and website content, etc to ensure that materials in the public domain are accessible and user-friendly.

6. Involving People

6.1 Introduction

This Section provides five examples relating to regulators and scrutiny bodies in Scotland, each covering a different thematic area (e.g. education, environment, health, housing, and justice):

- The Scottish Housing Regulator;
- Healthcare Improvement Scotland;
- Education Scotland;
- Her Majesty's Inspectorate of Prisons for Scotland; and
- Scottish Environment Protection Agency.

It provides a description of their role and how each organisation goes about involving people in its approach to scrutiny and regulation. It also touches on some examples of how each body is held to account.

There are many reasons why organisations engage with people/the public, and this usually spans fives levels of the Public Participation Spectrum (as referred to be Involve)[35] – Inform, Consult, Involve, Collaborate, Empower.

From a rapid review of regulatory bodies' Involvement Strategies (or similar) and other organisations' engagement strategies, many set out adapted "ladder of participation" diagrams which align closely with the Public Participation Spectrum. Essentially the Public Participation Spectrum reflects different:

- degrees of participation;
- levels of engagement with the public; and
- opportunity for public influence

[35] Involve, Public Participation Spectrum. Accessed online

Introduction

The Scottish Housing Regulator (SHR) is the independent regulator of Registered Social Landlords (RSLs) and local authority housing services in Scotland. This spans 192 social landlords delivering housing services, comprised of 160 RSLs and 32 local authorities[36].

The SHR, which has powers to obtain information and carry out inquiries[37], is an independent Non-Ministerial Department, directly accountable to the Scottish Parliament.

The Scottish Parliament has the power to require any Board member, Chief Executive or any member of staff of the SHR to attend a Parliamentary Committee. Further, in order to ensure good communications, the SHR must ensure that the Scottish Government's Housing and Social Justice Directorate (HSJD) is informed in advance of any significant announcements or publications which may have implications for the Government (and vice versa).

The statutory objective of the SHR is to *"safeguard and promote the interests of current and future tenants of social landlords, people who are or may become homeless, and people who use housing services provided by RSLs and local authorities"*.

The SHR regulates social landlords to safeguard and promote the interests of a large and diverse range of people, including:

- nearly 600,000 tenants who live in homes provided by social landlords;

[36] Scottish Housing Regulator, Directory of Social Landlords – accessed here
[37] The SHR has different intervention powers for RSLs and local authorities due to differences in the constitutional and governance arrangements of these organisations.

- almost 123,000 home owners who receive services from social landlords;
- some 45,000 individuals and their families who may be homeless and seek help from local authorities; and
- 2,000+ gypsy/travellers who use official sites provided by social landlords[38].

Regulatory Framework

The SHR's main functions are to:

- keep a publicly available register of social landlords; and
- monitor, assess, report, and intervene (as appropriate) in relation to:
    - social landlords' performance of housing activities (i.e. RSLs and local authorities)
    - RSLs financial well-being and standards of governance. The SHR does not regulate these aspects for local authorities, and liaises closely with partner scrutiny bodies to consider the full range of scrutiny activity available for local authorities.

The SHR has recently published a new Regulatory Framework and Statutory Guidance that sets out how it undertakes a risk-based and proportionate approach to regulating social landlords (2019)[39]. It undertook consultation events, including with tenants and other service users, to help shape the Framework's content.

The focus of the Regulatory Framework is on: securing assurance that landlords are well run organisations; that they deliver good outcomes for tenants, people who are homeless and others who use their services; helping tenants and others to hold their landlords to account, and driving improvement in the provision of social housing.

[38] Scottish Housing Regulator, Annual Performance Report and Accounts 2017/18. Accessed here.
[39] Scottish Housing Regulator, Regulation of Social Housing in Scotland Our Framework, February 2019. Accessed here

Landlord self-assurance (with appropriate supporting evidence) is a fundamental element of the new SHR Regulatory Framework. Landlords are required to assure themselves, their tenants and service users that they meet the Standards and Requirements as set out in the Framework. Landlords must prepare an Annual Assurance Statement confirming that they meet the Standards and Requirements, or provide details of plans put in place to address any instances of material non-compliance. Annual Assurance Statements are submitted to the SHR and landlords must make them available to tenants and service users.

The SHR uses the Statements and notifications as part of its risk assessment to decide whether it needs any further information or assurance from the landlord (e.g. it might ask for more information, it might carry out work to verify or check the information/data provided, it might ask a landlord to get external verification). The Statements are also published on the SHR website.

Each year the SHR publishes information on the indicators it will use to assess risk (subject to change in response to e.g. changes in the operating environment for RSLs). As part of the risk assessment process, the SHR considers the Annual Assurance Statement and Scottish Social Housing Charter Return alongside other information it has received from the landlord, from past/current engagement, thematic work, notifiable events, whistleblowing, etc (and for RSLs financial returns) – to decide what its regulatory engagement will be (if it needs to engage with the landlord, and to what degree).

The SHR undertakes an annual programme of visits to RSLs – based on its risk assessment process and where it needs more assurance. This is set out in more detail in Engagement Plans (published on the SHR website), and which are under continuous review and updated accordingly.

The Framework sets out the regulatory requirements for all social landlords (i.e. Annual Assurance Statement, Annual Return on the Social Housing Charter, etc) and wider standards of governance and financial management

for RSLs only. The latter relates to the following standards (and their associated guidance):

- Standard 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- Standard 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.
- Standard 3: The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.
- Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose
- Standard 5: The RSL conducts its affairs with honesty and integrity.
- Standard 6: The governing body and senior officers have the skills and knowledge they need to be effective.
- Standard 7: The RSL ensures that any organisational changes or disposals it makes safeguard the interests of, and benefit, current and future tenants.

From April 2020, it will publish a regulatory status for each RSL which will set out its judgment on compliance with regulatory requirements and the regulatory standards of governance and financial management (i.e. compliant, working towards compliance, statutory actions). Regulatory status will be published on the SHR website alongside the associated Engagement Plan. The regulatory status is reviewed after the SHR engages with the RSL or when it receives new information.

Involving and Engaging People

The SHR seeks to actively involve tenants, homeless people and others who use social housing services in its work, as outlined in its latest Consultation

and Involvement Strategy (2016-2018)[40]. Individual landlords also have an important part to play in developing and supporting tenant engagement and tenant-led scrutiny (e.g. tenant conferences, satisfaction surveys, consultations).

The main ways that the SHR involves and engages people are as follows[41]:

- National Panel of Tenants and Service Users to understand views and priorities;
- Registered Tenant Organisation (RTO) Liaison Group to help involve tenants in the SHR's regulatory approach
- feedback gathered from all tenant organisations;
- involving Regional Networks and RTOs in regulatory consultations
- working with Volunteer Tenant Assessors to give a tenant perspective to scrutiny.

The SHR has two involvement objectives for the period 2016-2018, namely to: understand the priorities and views of tenants and service users; and involve tenants and other service users in its regulation of social landlords.

The SHR's involvement activities are monitored and reported on in its Annual Performance Report and Accounts. Information on the main tenant and service user engagement mechanisms are outlined below.

National Panel of Tenants and Service Users

Panel members are volunteers and the Panel is open to new recruits on an ongoing basis, with membership standing at almost 500 members in Scotland[42]. The SHR seeks the views of Panel members around two or three times a year, and this typically involves a survey of all Panel members and in-depth qualitative discussions with Panel members.

[40] Scottish Housing Regulator, How we involve tenants and service users in our work 2016-18, May 2016. Accessed here.
[41] Scottish Housing Regulator, How we involve tenants and service users in our work 2016-18
[42] Ibid.

Five Panel Reports have been published between July 2014 and March 2018 and cover a range of topics, including:

- tenants' priorities around rents, affordability and value for money;
- specific aspects of landlords' service delivery and tenants' understanding and awareness of SHR;
- drivers of value for money judgements, affordability, rent consultations, and demonstrating value; and
- tenant safety in the home.

Registered Tenant Organisations (RTO) Regional Network Liaison Group

There continues to be ongoing engagement between SHR and tenant representatives. The Liaison Group was originally formed to ensure that the SHR had meaningful contact and dialogue with Regional Networks which represent social landlord tenants across the country, and that their views are gathered to inform its regulatory approach[43]. The Group met quarterly, and included one representative from each of the nine Regional Networks plus representatives from SHR. The latest minutes on the SHR website are from a meeting held in March 2017.

The SHR would also, for example, invite tenant representatives to round-table policy discussions or publication launches where these affected tenants, and SHR presented at the main tenant support agencies conferences.

The SHR involves tenants and service users when it consults on new regulatory proposals that impact on those who use landlords' services. The Regional Networks and the RTO Liaison Group are key routes to gather such feedback. The National Panel and regular liaison with representative bodies or those who work on behalf of service users are also used to gather the views and interests of more "hard to reach" service users (e.g. equalities groups).

[43] SHR Liaison Group - Remit, Roles and Responsibilities. Accessed here

It would appear that following an organisational review a new regional network structure was launched on the 1st November 2017[44] to help RTOs (of which there are now around 470 in Scotland), engage with the Scottish Government on issues of national policy.

There are now four Regional Networks[45], and each covers a number of local authority areas. The Networks aim to improve the housing and well-being of tenants and residents in Scotland, and promote tenants and residents interests in housing, planning, community regeneration, the environment and community safety.

It would appear that the Liaison Group is continuing in some shape or form.

Volunteer Tenant Advisors

The SHR has recruited a team of Volunteer Tenant Advisors from across Scotland as another mechanism to bring a tenant perspective to its scrutiny of landlords' services. The Volunteer Tenant Advisors take part in an induction day, and examples of how they are involved include:

- speaking directly to other tenants to gather their views on landlords services, which provides a tenant perspective to add to other regulatory evidence gathered by the SHR;
- testing landlords' services (e.g. mystery shoppers) and assessing the information and materials provided by landlords for their tenants; and
- reviewing draft SHR publications and leaflets and its website content to ensure that materials are accessible and user-friendly for tenants.

When the SHR assesses the quality of services provided by social landlords, the views of other service users are also gathered to provide a user perspective to add to wider regulatory evidence.

[44] More information on Regional Networks can be found here
[45] Central, North, South East and South West.

Scottish Social Housing Charter

The Scottish Social Housing Charter (2017)[46] has sought to make it even easier for tenants and service users to scrutinise social landlords' housing activities[47]. It sets the standards and outcomes that social landlords should aim to achieve when performing their housing activities. The Charter therefore helps improve the quality and value of the services that social landlords provide.

Of note, is that tenants and homeless people (among other stakeholders) were consulted on its content to ensure that the Charter:

- described the results that tenants and other customers expect social landlords to achieve;
- covered social landlords' housing activities only; and
- could be monitored, assessed and reported upon by the SHR.

The Charter holds social landlords accountable to their tenants and other customers for how well they do across 16 outcomes/standards, covering themes such as Customer and Landlord Relationship, Housing Quality and Maintenance, Neighbourhood and Community, Access to Housing and Support, Getting Good Value from Rents and Service Charges, and Other Customers.

Public Media (Print, Online and Social Channels of Engagement)

The SHR website provides a wide range of publications and other resources, including but not limited to, those that provide evidence on how the agency itself is held to account:

- Annual Report and Accounts;
- Corporate Plan;
- Consultation and Involvement Strategy;

[46] The Scottish Social Housing Charter, April 2017. Accessed here.
[47] The first Charter came into effect in April 2012 and has since been reviewed and revised.

- statements on compliance with public services requirements;
- Regulatory Framework and associated guidance;
- what we will do – planned activity for the year ahead;
- Engagement (Regulation) Plans that set out details of SHR's engagement with social landlords in a given year (and level of engagement – low, medium, high) and for local authorities (planned scrutiny, no scrutiny, or ongoing monitoring);
- Landlord documents (e.g. Annual Report on the Charter, Landlord Reports, Inquiry Reports, Local Scrutiny Plans);
- complaints handling procedure;
- access to information - adopted the Model Publication Scheme 2017 produced by the Scottish Information Commissioner;
- Landlord Annual Assurance Statements;
- the Scottish Social Housing Charter e.g. a report for each landlord, online interactive tools to allow users to compare landlords performance, an annual report summarising all landlords' progress and performance; and reports and analysis on related thematic work; and
- other statistical information that is collected from social landlords.

All publications (including short summary versions) and policies are available on the SHR website. It uses social media to promote new publications and announcements, and around 100 tenant organisations subscribe to its bi-monthly newsletter.

Summary

The SHR is the independent regulator of RSLs and local authority housing services in Scotland. The SHR and indeed the organisations it regulates have well-established mechanisms for involving and engaging people and families who live in homes provided by RSLs and local authority housing services

and/or who access wider housing services. This is perhaps not surprising given their strong presence in local communities across Scotland.

The SHR has a Consultation and Involvement Strategy (2016-2018) – while it is out of date, it is likely that a refreshed strategy will be published in due course. In terms of the Public Participation Spectrum, the SHR has a good spread of activities that span all levels of engagement:

- Inform – e.g. annual reports, engagement plans, landlord reports, social media, etc;
- Consult – e.g. National Panel of Tenants and Service Users to understand views and priorities; feedback gathered from all tenant organisations; consultation events to help develop the Regulatory Framework;
- Involve – e.g. National Panel of Tenants and Service Users; RTO Liaison Group to help involve tenants in the SHR's regulatory approach;
- Collaborate - involving Regional Networks and RTOs in regulatory consultations
- Empower – e.g. working with Volunteer Tenant Assessors to give a tenant perspective to scrutiny.

Of note is that the SHR has developed a useful tool for people to compare the performance of different landlords across a range of financial and performance monitoring information and data.

Find and Compare Landlords Statistical Information

Introduction

Healthcare Improvement Scotland (HIS) is a Health Body under the Public Services Reform (Scotland) Act 2010. It is directly accountable to Scottish Ministers for the delivery of its strategic objectives.

HIS provides public assurance about the quality and safety of healthcare. It does this through the scrutiny of NHS hospitals and services, and independent healthcare services. It has the following statutory powers:

- powers of access and right of entry (for the purposes of inspection) in relation to the health service and independent healthcare services;
- the power to direct a Health Board to close a ward to new admissions where there is a serious risk to the life, health or wellbeing of persons;
- the power to require documents in relation to the functions of the Death Certification Review Service; and
- regulatory powers in relation to the independent healthcare sector[48].

Regulatory Framework

HIS' scrutiny role is to support healthcare providers to make sure that their services are safe, effective and person-centred. For NHS hospitals and services, HIS undertakes announced, unannounced and follow-up inspections.

Its inspections currently focus on two key areas:

- safety and cleanliness inspections; and

[48] Operating Framework: Healthcare Improvement Scotland and Scottish Government December 2018. Accessed online

- inspections to measure NHS boards against a range of standards, best practice statements, and documents related to the care of older people in acute hospitals.

NHS Board self-assessment (does not appear to be shared publically) and any previous hospital inspection reports are reviewed prior to the inspection, and informs decisions on which "Standards" (see below) to focus on during the inspection. A key part of the role of the public partner (i.e. members of the public) is to talk with patients about their experience of staying in hospital and listen to what is important to them.

The Healthcare Associated Infection (HAI) standards[49] set out the range of standards for all healthcare organisations to adhere to, and cover the following:

- Standard 1: Leadership in the prevention and control of infection.
- Standard 2: Education to support the prevention and control of infection.
- Standard 3: Communication between organisations and with the patient or their representative.
- Standard 4: HAI surveillance.
- Standard 5: Antimicrobial stewardship.
- Standard 6: Infection prevention and control policies, procedures and guidance.
- Standard 7: Insertion and maintenance of invasive devices
- Standard 8: Decontamination.
- Standard 9: Acquisition of equipment

[49] Healthcare Improvement Scotland, Healthcare Associated Infection (HAI) standards, 2015. Accessed online. Not every criterion will apply to all settings or all service providers.

The Care of Older People in Scotland standards[50] sets out some 16 standards, and were developed in recognition of the integration of health and social care services. Everyone is entitled to the same level of care regardless of their age – and it is recognised that older people are admitted more often to hospital, and can face problems not experienced by younger age groups.

HIS also regulates independent healthcare by inspecting services to ensure that they comply with standards and regulations - using announced and unannounced inspections.

Its inspection methodology[51] outlines the various quality indicators used for self-evaluation and external quality assurance, and which centre on Outcomes and Impact, Service Delivery and Vision and Leadership.

Copies of the latest (plus all previous) inspection reports are published on the HIS website, as are any Improvement Action Plans which set out any:

- "requirements" – action(s) required from an NHS board to comply with the standards published by HIS (or its predecessors). A requirement means the hospital or service has not met the standards and there is concern about the impact of this on patients using the hospital or service. It is expected that all requirements are addressed and the necessary improvements are implemented. Improvement Action Plans set out details of the actions to be undertaken, timescales to meet the action(s), who is responsible for taking action, progress, and date completed. Of note is that actions should be implemented across, for example the NHS board as a whole, and not just at the hospital inspected; or
- "recommendations"- relates to national guidance and best practice which highlights where a hospital or service should follow the recommendation to improve standards of care.

[50] Healthcare Improvement Standards, Care of Older People in Hospital Standards, 2015. Accessed online
[51] Independent Healthcare Regulation, Inspection Methodology, August 2018. Accessed online

HIS has a role to play in the continuous monitoring of NHS board improvement plans.

All NHS Boards need to ensure that people has a say in, for example decisions about their care and the development of local health services. The Participation Standard is used to measure performance against: how well NHS Boards focus on the patient; how well NHS Boards involve the public; and how NHS Boards take responsibility for ensuring they involve the public. Each NHS Board is required to submit a self-assessment report. The Scottish Government use the reports to form questions put to each NHS Board at its Annual Review.

Involving and Engaging People

HIS' Engaging People Strategy 2014-2020[52] sets out the range of ways that people (e.g. patients, carers, public partners who work with the organisation on a voluntary basis, and voluntary groups and networks) can get involved with the organisation.

In driving improvement in healthcare, the Strategy identifies five specific objectives:

- evidence – including that assessment of patient experience and feedback is built into all its products;
- quality assurance – including using the intelligence gathered from patient, carer and family feedback about NHS Scotland to inform quality assurance of services;
- quality improvement implementation support – including sharing best practice, supporting innovation and quality implementation, and adopting collaborative approaches to improve effectiveness, person-centred care, and patient safety programmes;

[52] Healthcare Improvement Scotland, Engaging People Strategy 2014-2014, September 2014. Accessed here.

- valuing people – including encouraging, enabling and supporting patient and public attendance at public sessions of the Board, and supporting patients and the public to participate in Committee work; and ensuring work with volunteers meets and goes beyond the Investing in Volunteers standard; and
- better use of our resources – including that equality, personal experience and engagement are embedded in all of the organisation's work via planned and targeted engagement.

Involving the public is viewed as critical to:

Healthcare Improvement Scotland also holds Investing in Volunteers status.

- learn from the experiences of patients and carers;
- ensure that health services are sensitive to the needs and preferences of patients; and
- enable the public to review the quality of the NHS.

The main ways which HIS involves the public in its work include:

- voluntary organisation staff and members who help design advice and guidance and support scrutiny teams;
- public partners (volunteers) who receive training and support to provide a public perspective to HIS' work;
- associate patient focus inspectors (volunteers) who participate in inspections to help ensure that they focus on the things that matter most to patients; and
- participants involved in consultation activities (e.g. focus groups and surveys).

The Strategy goes on to identify various channels and methods for public engagement, as outlined in **Figure 5.1**.

Figure 5.1: Healthcare Improvement Scotland – Key Channels and Methods

Public Partners	• Ongoing work to develop a pool of public partners (i.e. volunteers – 18 years+) to bring a deeper and wider public perspective to the organisation's work
	• Public partners help make sure that people's experiences of care are used to make care better
	• Volunteers can be involved in lots of ways:
	  ○ helping make sure that people who are affected by decisions are involved in those decisions
	  ○ collecting feedback about people's care in various settings
	  ○ reading public-facing publications to make sure they are accessible and easy to understand

Voluntary Organisation Networks	• Continuing to work with, and drawing, on the expertise of voluntary sector organisations that provide services for patients and the public • Connecting into the wider networks of voluntary sector organisations, including people with lived experience of the health and care system to gather insights and evidence
Focus Groups	• The organisation's 14 local offices in each health board area are well placed to gather views from people on key issues using focus groups or other approaches to help inform and influence the work of Healthcare Improvement Scotland (see below)

Source: Healthcare Improvement Scotland, engaging People Strategy 2014-2014

The Scottish Health Council, which is part of HIS (but with its own governance committee), is worthy of further comment. It supports NHS boards and health and social care providers to involve patients and the public in the development of services. The Scottish Health Council has a network of 14 local offices across Scotland – one in each NHS Board area and a national office in Glasgow.

"Our Voice: working together to improve health and social care"[53] is about engaging the people of Scotland to make health and social care better.

There are various ways people can get involved:

- at an individual level, people can provide feedback on health and care services (e.g. feedback, comments, complaints, etc);
- at a community level, there are various networks for people to come together – either in person, online or in other ways – to talk about and share thoughts and ideas (e.g. The ALLIANCE Involvement Network, Patient Participant Groups, Third Sector Interfaces, etc)
    - For example there are over 100 Patient Participant Groups in Scotland[54]. The patient-led group, linked to a local GP, works alongside GPs and practice staff to provide a patient perspective on healthcare services that are offered to the community. Ideally, the Group should include patients that reflect the diversity of the catchment population.
- at a national level, there is a:
    - Citizens' Panel which is made up of around 1,300 people who are asked their opinions on various issues through surveys (online, postal, telephone), discussion groups and workshops. The Panel was established in 2016 and there have been four reports to date covering:
        - public perceptions on social care support, use of medicines and pharmacy services, and dental services for improving oral health
        - views on loneliness in Scotland and shared decision-making with health and social care professionals

[53] More information on Our Voice, including an information leaflet can be accessed here.
[54] Map and details of PPGs can be found here

        - digital technologies for healthcare improvement, using and sharing personal health and social care information and access to healthcare professionals other than doctors
        - knowledge about HIV and how it is transmitted, their attitudes to mental health and wellbeing and how to make communication between health and care services and those that use them more inclusive.

      Citizen Panel Reports are published on the Scottish Health Council website, and among other things, findings have been used to inform Scottish Government consultations, service improvement and policy and strategy development

    - Citizen's Jury which brings together members of the public and health and social care professionals to talk about and debate an issue then arrive at a conclusion. Last year a diverse group of Scottish people (usually between 12 and 25 people) gathered over three days to consider and make recommendations on shared decision-making in health and social care. Reports are published.

The Scottish Health Council website also provides wider useful information on Participation Tools and Participation Toolkits.

Public Media (Print, Online and Social Channels of Engagement)

The HIS website provides a wide range of publications and other resources (evidence, scrutiny, improvement) including but not limited to, those that provide evidence on how the agency itself is held to account. The search function allows search dates from 2010 to 2019 (or by town, city, postcode of hospital or hospice).

Some examples include:

- Annual Report;
- Annual Accounts;

- Corporate Plan;
- Strategic Plans;
- Operating Framework that sets out how HIS and the Scottish Government SG will work together;
- a short video about its scrutiny work;
- latest Inspection Reports published;
- Inspection Reports;
- Inspection Action Plans; and
- Thematic Inspection Reports.

Summary

HIS provides public assurance about the quality and safety of healthcare in Scotland, and is responsible for the scrutiny of NHS hospitals and services as well as independent healthcare provision. HIS also has long-established mechanisms in place for people (patients, carers, public) to get involved with the organisation. Public involvement and engagement is viewed as critical to drive change, improve public health, and strengthen public confidence in the NHS – it is seen as an ongoing process.

The Scottish Health Council (which is part of HIS) also has an important role to play in supporting NHS boards and health and social care providers to involve patients and the public in the development of services.

In terms of the Public Participation Spectrum, HIS and the Scottish Health Council has a good spread of activities that span all levels of engagement:

- Inform – e.g. annual reports, inspection reports, inspection actions plans, thematic inspection reports, social media (Twitter, Facebook), YouTube videos, blogs, podcasts, etc;
- Consult – e.g. focus groups, Citizen's Panels;

- Involve – e.g. volunteers that make sure public-facing publications are accessible and easy to understand;
- Collaborate – e.g. volunteers that make sure public-facing publications are accessible and easy to understand; and
- Empower – e.g. volunteers that collect feedback about people's care in various settings, Citizen's Jury, Patient Participation Groups.

It has also live streamed the HIS Annual Review – this process holds Boards to account for their performance, highlights key achievements during the past year, and plans for the year ahead.

Annual Review of Healthcare Improvement Scotland

HMIPS
HM INSPECTORATE OF
PRISONS FOR SCOTLAND

Introduction

Her Majesty's Inspectorate of Prisons for Scotland is required to inspect and monitor the conditions and the treatment of prisoners in the 15 prisons across Scotland[55], inspect court custody provision in Scotland, and report its findings publicly. Its main statutory responsibilities are defined as follows:

- the regular inspection of individual establishments;
- responsibility for the monitoring of prisons;
- the production of an Annual Report which is presented to the Scottish Ministers and laid before Parliament; and
- the inspection of the conditions and treatment of prisoners under escort.

HM Inspectorate of Prisons for Scotland is independent of the Scottish Prison Service (SPS), the Scottish Court Service (SCS) and the Scottish Government.

Inspection Framework

The lived experience of those in prison lies at the heart of the inspection and monitoring process. Its programme of regular inspections is informed by an assessment of risk and requirement. Follow-up inspection via return visits by inspectors are undertaken, and ongoing monitoring is led by Volunteer Independent Prison Monitors (see below for more detail).

In its role to inspect the conditions in prisons and the treatment of prisoners, this is done against a set of published standards first launched in March 2015

[55] SPS has 13 publicly managed prisons and 2 by private sector operators under contract to SPS

and revised in April 2018[56]. There are nine standards – based on national and international agreed human rights law standards (plus associated Quality Indicators which are graded individually to inform the overall grade for the Standard as a whole):

- Standard 1: Lawful and Transparent Custody.
- Standard 2: Decency.
- Standard 3: Personal Safety.
- Standard 4: Effective, Courteous and Humane Use of Authority.
- Standard 5: Respect, Autonomy and Protection Against Mistreatment.
- Standard 6: Purposeful Activity.
- Standard 7: Transitions from Custody into the Community.
- Standard 8: Organisational Effectiveness.
- Standard 9: Health and Wellbeing.

PANEL – Participation, Accountability, Non-discrimination and equality, Empowerment, and Legality. Components of a human rights-based approach.

Accountability – There should be monitoring of how prisoners' rights are being affected as well as remedies when things go wrong.

The standards articulate what is expected of a well-run prison and contain statements identifying what is important and what will be monitored and inspected. It is designed to assist those who are running prisons and to encourage openness and transparency in the scrutiny of prisons. A human rights-based approach is adopted – *"prisoners are recognised, not as mere passive receivers of treatment, but as active parties who have an influence in how their rights are realised and how the state can fulfil its obligations"*[57].

[56] HMIPS, Standards for Inspecting and Monitoring Prisons in Scotland, April 2018 Accessed online
[57] Ibid.

There is reference that these standards were drawn up through a process of consultation, however, it is not clear whether the public were involved.

It is recognised that there is a power imbalance that exists between the prison establishment and the prisoner, and the inspection process places a particular emphasis on ensuring that all prisoners have the right to participate in the decisions which affect them. For example, a number of Quality Indicators are highlighted where "participation" is particularly important, including:

- Is the establishment proactive in engaging with prisoners to hear their opinions?
- Is prisoner participation routine and embedded in the approach to decision making?
- Has the prisoner voice been an influential component of the decision making process; have their opinions been taken into account?
- Do prisoners feel able to participate and do they know when they are permitted to do so?
- Do staff understand the need for prisoner participation?
- Are there effective lines of communication between the prison and the prisoners regarding decisions made?
- Are all prisoner groups represented, including those who are in vulnerable situations, with protected characteristics and those who are not often heard?
- Is the prison proactive in providing support to those who need it in order to participate?

The Inspectorate also has Standards for Inspecting Court Custody Provision in Scotland (2017)[58] which set out six standards (and associated Quality Indicators) for regular oversight and scrutiny of places where people are detained (e.g. police cells, court custody, prison):

[58] HMIPS, Standards for Inspecting Court Custody Provision in Scotland, March 2017. Accessed online.

- Standard 1: Lawful and transparent use of custody.
- Standard 2: Decency, Dignity, Respect and Equality.
- Standard 3: Personal safety.
- Standard 4: Health, wellbeing and medical treatment.
- Standard 5: Effective, courteous and humane exercise of authority.
- Standard 6: Respect, autonomy and protection against mistreatment.

There is reference that these standards were drawn up through a process of consultation, however, it is not clear whether the public were involved.

In undertaking inspections of prisons and court custody provision, HM Inspectorate of Prisons for Scotland gathers and reviews information and data from a range of sources. For example, for prisons this includes:

- obtaining information and documents from the SPS and the prison inspected;
- shadowing and observing Prison Service and other specialist staff as they perform their duties within the prison;
- interviewing prisoners and staff on a one-to-one basis;
- conducting focus groups with prisoners and staff;
- observing the range of services delivered within the prison;
- inspecting a wide range of facilities impacting on both prisoners and staff;
- attending and observing relevant meetings impacting on both the management of the prison and the future of the prisoners such as Case Conferences; and
- reviewing policies, procedures and performance reports produced both locally and by Scottish Prison Service headquarters specialists.

In relation to each standard and quality indicator, inspectors record their evaluation as follows: a colour coded assessment marker – ranging from good

to unacceptable performance; and a more narrative assessment – a written record of the evidence gathered. In terms of inspection reporting, HM Inspectorate of Prisons for Scotland reports (prisons and court custody provision) are published on its website. This includes Summary Reports, Full Inspection Reports, and News Releases. Reports contain: recommendations and examples of good practice identified.

Our understanding is that, for example, prisons/ court custody provision are expected to produce an action plan in response to the findings provided in Inspection Reports (not available on the HM Inspectorate of Prisons for Scotland website). HM Inspectorate of Prisons for Scotland have a role to play in the continuous monitoring of action plans.

Follow up inspections are also undertaken to follow up any points of interest noted in previous inspections.

Involving and Engaging People

Independent Prison Monitors

Independent Prison Monitors is a volunteering role for Her Majesty's Inspectorate of Prisons for Scotland. They are volunteers from local communities who monitor treatment and conditions in Scotland's prisons (there are over 120 volunteers).

Each prison is monitored at least once per week. Independent Prison Monitors make observations about treatment and conditions, and also look into issues raised by prisoners. Any prisoner can ask to see an Independent Prison Monitor by:

- calling the IPM Freephone on 0800 056 7476. Calls are confidential;
- submitting a paper request form via request boxes in prisons.
- approaching Independent Prison Monitors while they are visiting prisons.

Their findings are communicated regularly to prison Governors and Directors throughout the year.

There is an Independent Prison Monitoring Advisory Group which meets on a quarterly basis. Its membership includes experts in prisons, human rights and related fields, Independent Prison Monitors, Prison Monitoring Coordinators and HM Inspector of Prisons for Scotland. Its remit is to ensure the continued independence of Independent Prison Monitors and supports the development and improvement of prison monitoring in Scotland. Its key functions are to:

- keep the effectiveness of prison monitoring under review;
- contribute to and review the guidance for prison monitoring;
- review training for Independent Prison Monitors; and
- make recommendations for improvement.

Calls for Evidence

The Inspectorate also undertakes calls for evidence. For example, this includes oral and written evidence on prisoner voting to the Equality and Human Rights Committee, and on the use of remand to the Justice Committee.

Print, Online and Social Channels of Engagement

The HM Inspectorate of Prisons for Scotland website provides a wide range of publications, news alerts and other resources that people (and others) can have sight of, including:

- Standards of Inspection and Monitoring of Prisons in Scotland;
- Standards for Inspecting Court Custody Provision in Scotland;
- recent and upcoming inspections – name of prison and date of inspection;

- published documents – a searchable function for the years 2016 to 2019 and spanning:
    - Full Inspection Reports
    - Follow Up Inspection Reports
    - Annual Reports
    - Thematic Inspection Reports (e.g. Lived Experiences of Older Prisoners in Scottish Prisons)
    - Monitoring reports
    - Other publications; and
- archived publications - search facility for the years 2009 and 2015.

It is our understanding that Prison Monitoring Summary Reports are aimed at prisoners and are placed on noticeboards within the prison. It is drawn from reporting and discussion at quarterly meetings at establishments.

An Independent Prison Monitoring Advisory Group provides oversight of the effectiveness of Independent Prison Monitoring and the training and guidance available to Independent Prison Monitors, and makes recommendations for improvement.

Summary

Her Majesty's Inspectorate of Prisons for Scotland inspects and monitors the conditions and the treatment of prisoners in Scotland, and inspects court custody provision in Scotland.

In terms of the Public Participation Spectrum, Her Majesty's Inspectorate of Prisons for Scotland’s activities cover the following aspects:

- Inform – e.g. annual reports, monitoring reports, inspection reports, thematic reports, social media (Twitter), etc;
- Consult – e.g. calls for evidence, consultation on developing standards for inspection and monitoring;

- Involve – e.g. Independent Prison Monitors; and
- Empower – e.g. Independent Prison Monitors.

Introduction

Education Scotland is the national improvement agency for education in Scotland. It is a Scottish Government executive agency tasked with supporting quality and improvement in Scottish education. This is with a view to ensuring the delivery of better learning experiences and outcomes for Scottish learners of all ages.

Education Scotland operates independently and impartially, while remaining directly accountable to Scottish Government ministers for the standards of its work.

Inspection and External Review

Among other things, Education Scotland provides assurance to Scottish Ministers and the public on the quality of education in Scotland. In its inspection and external review role, Education Scotland evaluates the quality of learning and teaching in individual Scottish schools and education services.

A few years ago Education Scotland undertook a consultation on approaches to education inspection. This was largely driven by significant changes to the delivery of education in recent years (e.g. Curriculum for Excellence). This included consultation with education organisations, local authority education staff, practitioners, learners and parents.

Education Scotland sets out its intended programme of inspection and review activity across all sectors for the forthcoming academic year. Sectors span:

Early learning and childcare settings, Schools, Community learning and development services, Colleges, Private colleges and English language schools, Career information, advice and guidance services, Prison education, and Education functions of local authorities.

It also undertakes National Thematic Inspections. For example: readiness for empowerment; curriculum leadership; and parent and pupil participation.

The Education Scotland website contains detailed information on how it goes about:

- inspecting schools (early learning and childcare, primary and secondary schools, including all-through schools), including special schools and Gaelic Education;
- external review of Scotland's careers information, advice and guidance services;
- external review of Scottish colleges; and
- inspecting community learning and development (CLD)[59].

Schools and colleges use the following quality frameworks or toolkits to evaluate and report on their performance to Education Scotland:

- How good is our school?[60]; and
- How good is our college?[61].

The focus of the frameworks are on self-evaluation and self-improvement – supporting and building on the internal quality arrangements that educational institutions have in place. This is with a view to helping identify what is working well, what needs to improve, and having a greater positive impact on learners (i.e. continuous cycle of improvement – looking inwards, outwards and forward).

[59] For more information, see Education Scotland website – About Inspections and Reviews website.
[60] How good is our school? (4th edition) can be accessed here
[61] How good is our college? (first edition) can be accessed here

Schools and colleges are therefore required to demonstrate their accountability through a number of formal processes – including self-evaluation audit and development planning, and external processes via inspection by Education Scotland. They are also accountable to parents and the general public.

Early Years and Schools – An Example

Education Scotland aims to promote improvement in schools and successful innovation that enhances learners' experiences. Its inspectors focus on the quality of children's and young people's learning and achievements.

From 2016/17 it has operated two inspection models for early years and schools:

- full inspection model
    - evaluated across four standardised Quality Indicators and a further Quality Indicator that is chosen by the school: Leadership of change; Learning, teaching and assessment; Raising attainment and achievement; and Ensuring wellbeing, equality and inclusion;
    - Inspections incorporate themes from other Quality Indicators to ensure they capture the evidence needed to promote improvement and provide evidence to inform national policy development. Themes are reviewed regularly to ensure they remain relevant;
- short inspection model
    - is being piloted in primary schools - short, focused visit inspection model in a small sample of schools, involving a two-day visit with a smaller number of inspectors (dependent on school roll). Two of the four Quality Indicators outlined above are evaluated; and

- developing a short visit model for use in secondary school inspections.

The latest edition of “How good is our school?” - and its associated Quality Indictors - has a particular focus on efforts to improve attainment for all learners, and closing the attainment and achievement gap been the most disadvantaged children and their peers. It has a focus on equality, well-being, and skills for learning, life and work. The importance of partnership working and collaboration is also emphasised. The framework, which helps evaluate how well a school is performing, covers three categories (and has 15 associated Quality Indicators):

- leadership and management – how good is our leadership and approach to improvement;
- learning provision – how good is the quality of care and education we offer; and
- successes and achievements – how good are we at ensuring the best possible outcomes for all our learners.

As part of the inspection process, schools have the opportunity to feed in self-evaluation evidence (and complete a brief self-evaluation summary form).

An important aspect of self-evaluation and for the inspection is to provide opportunities for a school’s key stakeholders to feed in their views. A pre-inspection questionnaire is used to gather the views of learners (children and young people), parents, staff and wider partners (e.g. colleges, universities, employers, third sector organisations). As part of the inspection process, inspectors also meet with a range of stakeholders, including parents and the school’s Parent Council chairperson.

Following the inspection Education Scotland publishes a letter for parents on its website and sends it to the education authority, and to the chair of the Parent Council.

Education Scotland publishes Evidence Reports, Inspection Reports and Summarised Inspection Reports on this website.

If necessary, the school, with the support of the education authority, will amend its development plan to bring about any improvements that the letter says are needed. Further inspections might be undertaken to support staff to make improvements or to gather information about effective practice.

Public Media (Print, Online and Social Channels of Engagement)

Education Scotland's website provides a wide range of publications and other resources, including but not limited to, those that provide evidence on how the agency is held to account:

- Framework Document - sets out how Education Scotland will operate, its relationship with Scottish Ministers and the Scottish Government and how it is expected to fulfil its remit and purpose.
- Corporate Plans;
- Business Plans;
- Annual Review Reports;
- Annual Accounts;
- complaints handling procedure;
- annual programme of planned inspection and review activity across all sectors for the forthcoming academic year;
- inspection and review – sector-specific guidance and briefings;
- self-evaluation quality frameworks and toolkits for different sectors;
- a report that sets out details of inspection reports published in the previous month;
- inspection evidence reports (i.e. self-evaluation);
- inspection reports (full reports and summarised findings);
- thematic reports;

- National Improvement Hub – digital hub that provides information/support for practitioners to improve their practice and increase the quality of learners' experiences and outcomes (e.g. self-evaluation and improvement frameworks, research, teaching and assessment resources, exemplars of practice and support for on-line collaboration and networks through Glow);
- monthly e-bulletin newsletter that provides information on education news and events, and details of resources and activities to help parents' support their child's learning; and
- plus a quarterly e-bulletin newsletter for parents and carers.

Article in The Herald, 30th September 2017

An article in The Herald reported that school inspection reports over five years old were difficult for the public to gain access to, and those over eight years old had been deleted from the website. It was reported that Education Scotland had a policy of removing out dated reports.

It would appear now that reports still appear on the website for five years, and there is an enquiries email address should an older report be required.

Source: The Herald article can be read here

Summary

Education Scotland is the national improvement agency for education in Scotland. It provides assurance to Scottish Ministers and the public on the quality of education in Scotland. Education Scotland evaluates the quality of learning and teaching in individual Scottish schools and education services. This activity spans a number of sectors: Early learning and childcare settings, Schools, Community learning and development services, Colleges, Private colleges and English language schools, Career information, advice and guidance services, Prison education, and Education functions of local authorities.

In terms of the Public Participation Spectrum, Education Scotland undertakes activities that lean more towards the first part of the spectrum:

- Inform – e.g. annual review reports, annual programme of planned inspection and review, inspection evidence reports, inspection reports, thematic reports, e-bulletins, social media (Facebook, Twitter); and
- Consult – e.g. consultation on approaches to education inspection; learners and parents (and other key stakeholders) are consulted to help inform self-evaluation evidence that feeds into inspections and reviews.

There does not appear to be activity around the Involve, Collaborate or Empower stages of the spectrum.

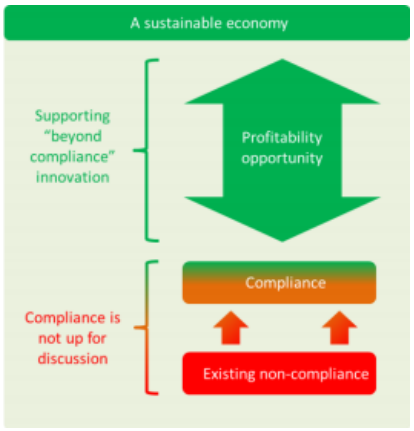
Introduction

The Scottish Environment Protection Agency (SEPA) is Scotland's principal environmental regulator, protecting and improving Scotland's environment. It is a non-departmental public body accountable through Scottish Ministers to the Scottish Parliament.

SEPA predominantly regulates small, medium and large businesses, but also some public and third sector bodies. SEPA's role is to make sure that:

- the environment and human health and well-being are protected (social success);
- Scotland's natural resources and services are used as sustainably as possible and contribute to sustainable economic growth (economic success); and
- it delivers on obligations relating to Scotland's flood warning system, Scotland's Zero Waste Plan, Scotland's Radioactive Incident Monitoring, and works with the Health and Safety Executive to limit the risk of major accidents at industrial worksites.

Sector Road Map



In terms of environmental regulation, following the sector road map, SEPA aims to:

- ensure that regulated entities meet legal obligations and compliance standards; and
- support as many regulated entities as possible to go beyond compliance.

Regulatory Framework

In recent years, the Regulatory Reform (Scotland) Act 2014 has shaped SEPA's new regulatory framework called, One Planet Prosperity[62]. SEPA has modernised its regulatory strategy to be fit for the 21st century by adopting a more integrated approach. This combines the ways it can influence the behaviour of businesses with all the other factors that can influence business behaviour, namely:

- consumer demand for environmental credentials;
- investor and supply-chain requirements for environmental performance;
- assessment by external ratings bodies;
- trade association membership standards;
- expectations of potential employees about environmental performance; and
- social scrutiny from the public, NGOs, etc. via social media.

[62] SEPA, One Planet Prosperity – Our Regulatory Strategy. Accessed online.

Further, this 21st Century regulation has to be carried out in accordance with SEPA's six new Organisational Characteristics[63]:

- Characteristic 1: Producing information and evidence that people use to make decisions;
- Characteristic 2: Helping people implement successful innovation, not minor improvements on 'business-as-usual';
- Characteristic 3: Helping communities see the environment as an opportunity to create social and economic success;
- Characteristic 4: Routinely interacting with regulated businesses through their boardrooms and executive teams and owners;
- Characteristic 5: An organisation that people are clamouring to work for; and
- Characteristic 6: Using partnerships as our principal way of delivering outcomes.

Sector Plans

Sector plans are the cornerstone of SEPA's new regulatory strategy/framework – it marks a shift from regulating individual sites to a sectoral approach that supports the aim of getting all businesses to reach compliance and pushing ahead as many as possible to go beyond compliance.

There are currently eight finalised sector plans - SEPA's website clearly lays out the sector plans (pdf or online flipbook formats), links to, or information on, other relevant regulation or guidance for the sector, and how each sector plan will deliver against UN Sustainable Development goals.

[63] Ibid.

Figure 5.2 lists the current state of SEPA's sector plans. There are a further seven sector plans which have recently been consulted on (discussed more in the following section), and exist in draft form subject to further research, comment and revision. Additionally there is one plan coming soon.

Taken together, there will at least 16 sector plans covering a broad spectrum of businesses within the Scottish economy.

Figure 5.2: SEPA's Sector Plans

Completed Sector Plans	• Landfill • Leather • Metals • Nuclear power generation and decommissioning • Oil and gas decommissioning • Scotch whisky • Tyre • Water supply and waste water
Draft Sector Plans (recently completed consultation phase)	• Chemicals manufacturing • Crop production • Dairy processing • Dairy production • Finfish aquaculture • Housing • Strategic infrastructure (transport and utilities)
Coming Soon	• Forestry and timber production and processing

The Landfill Sector Plan[64]

To explore SEPA's approach in more detail the following section considers its Landfill Sector Plan. Within the landfill sector, SEPA has regulatory power over 55 operational sites and 217 non-operational sites in Scotland.

The environmental legislation of the landfill sector mandates that all activities must be in accordance with the EU Waste Framework Directive, the Landfill Directive and the waste hierarchy. In terms of environmental regulation by SEPA, operational landfills are regulated through the issue of Pollution Prevention and Control (PPC) regime permits which reflect the standards set out by the EC Landfill Directive 1999 and the Landfill (Scotland) Regulations 2003. SEPA also enforces Duty of Care and other legal compliance requirements of operators. Further, SEPA works with partner organisations (e.g. Scottish Landfill Tax, Landfill Tax Community Fund, law enforcement agencies) when appropriate.

SEPA acknowledges that merely enforcing regulation to compliance is not enough to meet their One Planet Prosperity goals, and that efforts to promote and support activity within the landfill sector that goes beyond compliance are necessary. This includes adopting a wider sectoral approach that considers the influence of other players with a stake in the sector including industry bodies like the Scottish Environmental Services Association, landfill/waste removal competitors, consumer influence from those like National Grid and Transport Scotland for example, the supply chain - for example supermarkets, NGOs, and government and regulators including local authorities and Scottish water amongst others[65].

The landfill sector consistently delivers the lowest compliance rates, so much of what SEPA aims to do in the sector is to promote compliance with regulation. Major factors contributing to non-compliance include, *inter alia*: plant maintenance and/or condition, waste acceptance, capping, monitoring and reporting, management plan, staff knowledge, and odour and/or litter.

[64] SEPA, Landfill Sector Plan. Accessed online.
[65] Full list on page 17 of the Landfill Sector Plan.

The sector plan lays out a series of actions on how SEPA will work to improve compliance across the sector. This includes, *inter alia*:

- promoting adequate financial provision of operators within the sector;
- producing clear guidance that is easy to understand across operators, partners and the general public;
- developing landfill permits and licenses that are fit for purpose;
- developing and sharing across the sector best practice examples that support compliance;
- investing in and empowering SEPA staff so they can provide knowledgeable, consistent and effective support;
- helping responsible, compliant businesses by increasing scrutiny and financial burdens for those who consistently do not comply; and
- developing strategies in conjunction with Police Scotland to deter illegal activities.

For example, SEPA publishes an extensive set of guidance documents informing the pollution prevention and control regime and its processes[66]. These help explain the regulations and obligations that operators must meet as defined by the Pollution Prevention and Control (Scotland) Regulations 2012[67]. The guidance is extensive and covers topics such as best available techniques, permit application guidelines, soil and groundwater technical testing guidance, guidance on the control of noise, monitoring guidance, and guidance on odour control, burning biomass, and timber treatment.

While the sector plan does not explicitly lay out any actions or strategies for engaging the public when it comes to the landfill sector, the plan references several instances that suggest the public's voice is coming through in the policy. For example, the sector plan mentions that the landfill sector receives the greatest number of public complaints, and that:

[66] Accessed online.
[67] The Act in its entirety may be accessed here.

- regulatory effort will be focussed on sites with the greatest negative impact on communities; and
- support will be given to those operators who actively engage their community.

Two targeted outcomes include:

- building better relationships between landfill operators and communities; and
- preventing communities being negatively impacted by neighbouring landfills.

Involving and Engaging People

SEPA utilises several mechanisms to encourage community/public participation and engagement. It seeks to operate in accordance with the Community Empowerment (Scotland) Act 2015 designed to help communities have a greater say in the decisions that affect them.

SEPA regularly holds public drop-ins and events, is an active participant in Community Planning Partnerships, encourages participation requests from the public, opens the doors for the public to comment on, and influence its policies, and operates a 24-hour pollution hotline to respond to public concerns as appropriate and a specific telephone number for reporting fly tipping and illegal dumping.

In May 2019 SEPA held drop-in events at the Elgin Library and Forres Town Hall to help local people learn about new and improved flood warnings. SEPA also wrote directly to 120 households who are now within a newly defined flood warning area to help them learn about the benefits of signing up to Floodline, SEPA's national flood warning service.

Full Article is found on SEPA's media page, accessed here.

Community Planning

Community Planning Partnerships are placed on a statutory footing. SEPA, along with community planning partners, having a duty around the planning and delivery of local outcomes. SEPA has a designated mailbox to receive information relating to Community Planning Partnerships.

Participation Requests

"*Participation requests are intended to provide opportunities for communities to work with SEPA and others to be involved in service delivery and improving outcomes in order to make services and people's quality of life better"*[68].

Participation requests are a formal process where a member of the public can either submit a form or write a letter to SEPA to request involvement with one of SEPA's activities. SEPA published an annual report on participation requests during the 2017-2018 year[69]. Apart from this formal process, SEPA encourages the public to contact their local offices to discuss outcomes and improvements, and how they might be able to help.

Asset Transfer Requests

Communities can reach out to SEPA for an asset transfer request if they can make the case for a better use of one of SEPA's assets. The Scottish Government provides guidance on this process, and SEPA published an asset transfer request annual report for 2017-2018[70].

Consultations

The SEPA consultation platform[71] welcomes stakeholder involvement in its policy development activities. Open consultations at the time of drafting this report include: SEPA's WEEE (Waste Electrical and Electronic Equipment)

[68] https://www.sepa.org.uk/about-us/working-with-you/community-empowerment-act/#plan
[69] Accessed here
[70] Accessed here
[71] Accessed here.

Charging Scheme Consultation. Examining the WEEE Charging Scheme shows how the consultation scheme works in practice:

- SEPA lays out the consultation document explaining the proposed changes to the scheme - i.e. rate changes to operators within the sector;
- SEPA provides a draft version of the policy document;
- it provides a consultation form containing two questions to be answered by the stakeholder and submitted to SEPA; and
- at the end of the open consultation period, SEPA reviews the consultation responses and posts a 'We Asked, You Said, We Did' summary highlighting the policy in question, what types of responses SEPA received from stakeholders, and how SEPA used those responses to inform policy. More detailed summaries of responses and consultation outcome reports are typically available.

SEPA's open consultation process represents an opportunity for people to directly engage with the agency and influence what they do and how they work. In practice, the extent of involvement from individual members of the public seems limited, however their views may be well represented by community groups and local councils who are frequent respondents.

24 hour pollution hotline

Anyone can call this hotline to report an environmental event. Reports can also be submitted via a web application. An example of how complaints through this channel have influenced SEPA actions is highlighted below.

Responding to over 600 complaints coming through the 24 hour pollution hotline about days of unplanned flaring at the ExxonMobil chemical plant at Mossmorran in Fife, SEPA launched a formal regulatory investigation into the operation.

From SEPA CEO, Terry A'Hearn, "*The unprecedented number of complaints we have received is a clear message and it's one that we have heard powerfully and clearly. I want to thank everyone who has taken the time to help us understand the impacts of this flaring, and I encourage people to continue to report to us."*[72]

Public Media (Print, Online and Social Channels of Engagement)

SEPA's website provides a wide range of publications and other resources, including but not limited to, those that provide evidence on how the agency is held to account:

- Corporate Plan;
- Annual Report and Accounts;
- Annual Operating Plan;
- Sector Plans;
- Enforcement Reports;
- Quarterly Corporate Performance Reports;
- Procurement Annual Reports; and
- access to information – SEPA has adopted the Model Publication Scheme, produced by the Scottish Information Commissioner.
- complaints handling procedure;
- SEPA's dedicated media website – media.sepa.org.uk, providing;
    - Media releases, statements, media team contact details and media library.

[72] "SEPA launches formal regulatory investigation into ExxonMobil Chemical Limited Easter 2019 unplanned flaring as complaints exceed 600." 25 April 2019. Accessed online.

- Various reports and position papers including:
    - SEPA's Social Impact Pledge, equality mainstreaming and outcome report, Promoting and increasing sustainable growth, and Board Reports.

Summary

SEPA is Scotland's environmental regulator – protecting the health and well-being of the public and promoting and enforcing good environmental practices and innovation to support a healthy sustainable economy. SEPA has well-established channels that provide opportunities for people to input into the agency. A focus on communities and focussing on those who are the most impacted by environmental damage is a key driver of SEPA's regulatory actions going forward.

In terms of the Public Participation Spectrum, HIS and the Scottish Health Council has a good spread of activities that span all levels of engagement:

- Inform – e.g. annual reports, online media centre, social media (Twitter, Facebook), YouTube videos, etc;
- Consult – e.g. open consultations;
- Involve – e.g. participation requests, environmental emergency hotline;
- Collaborate – e.g. participation requests, community planning partnerships; and
- Empower – e.g. local drop-ins, community planning partnerships.

Of note is SEPA's efforts to make environmental data transparent and readily available to the public. SEPA continually revises and adds to its data publication page and can be contacted if an individual cannot find the data they are looking for.

https://www.sepa.org.uk/environment/environmental-data/

6.2 Summary Analysis

Table: 5.1: Summary Analysis across the Five Scrutiny Bodies

	SHR	HIS	Education Scotland	HMIPS	SEPA
Annual Reports or Annual Reviews	✔	✔	✔	✔	✔
Annual Accounts	✔	✔	✔	Annual Report contains summary financial information	Annual Report contains summary financial information
Corporate and/or Operational Plan	✔	✔	✔		✔
Financial Plan		✔			
Operating Frameworks (or similar) e.g. Relationship and Working with Scottish Government/Ministers	✔	✔	✔		✔
Involvement Strategy (or similar)	✔	✔			
Regulatory Framework/Standards and Guidance	✔	✔	✔	✔	✔
Videos, including about Scrutiny Role/Work	✔	✔			✔
Monitoring Information/Reports (or similar) e.g. self-evaluation evidence	✔		✔	✔	✔

Table: 5.1: Summary Analysis across the Five Scrutiny Bodies (Cont'd)

	SHR	HIS	Education Scotland	HMIPS	SEPA
Planned Programme of Inspection/Engagement Plans (or similar)	✔		✔	✔	
Full Inspection Reports		✔	✔	✔	
Summary Inspection Reports			✔		
Follow Up Inspection Reports		✔		✔	
Inspection Action Plans		✔			
Thematic/National Reports	✔		✔	✔	
Reports on Statutory Intervention	✔				
Recommended Practice Reports or Improvement Resources/Hubs (or similar)	✔	✔	✔		✔
Consultations (commissioned by the regulator and/or their organisation's response to external consultations) or calls for evidence (or similar)	✔	✔	✔	✔	✔
Consultation Reports	✔	✔	✔		✔

Table: 5.1: Summary Analysis across the Five Scrutiny Bodies (Cont'd)

	SHR	HIS	Education Scotland	HMIPS	SEPA
Freedom of Information - Access to Information, Publication Scheme	✔	✔	✔	✔	✔
Complaints Handling Procedure Guidance	✔	✔	✔	✔	✔
Social Media	✔	✔	✔	✔	✔
Press/News Releases/Feeds		✔	✔	✔	✔
Newsletters and/or e-bulletins	✔	✔	✔		
Speeches, Presentations and/or Blogs	✔	✔			
Input from people as part of self-evaluation process that feeds into Inspection	✔	✔	✔		✔
Volunteers involved in Monitoring and/or Inspection Process	✔	✔		✔	
Citizen Juries and/or Panels (or other similar Panels)	✔	✔			

Some key messages arising from this Section include:

22. All scrutiny bodies have mechanisms in place to involve and engage people in their scrutiny work. The nature and extent of approaches is, however, varied. The regulatory bodies related to housing and health (and to a certain extent education) appear to have the greatest level of engagement, and perhaps reflect the extent to which these public services are embedded within local communities.

23. Some, but not all of the regulatory bodies, have an Involvement and Engagement Strategy (or similar). Such a strategy might be considered an example of good practice, as these documents set out explicit organisational objectives and priorities around how regulatory bodies will actively look to involve and engage the public, and commitments to publicly report and evidence progress. These strategies typically highlight the importance of having different ways for the public to become involved, and recognise that some people might want lighter touch engagement, while for others a deeper level of involvement might be desired. It is therefore important to ensure that anyone who wants to be involved are fully able to participate, and that any barriers to participation are removed.

24. Over the years regulatory bodies have sought to ensure that greater levels of information and data are in the public domain. With regards to the Public Participation Spectrum, this largely falls under “Inform”. This is in recognition that openness, transparency and accountability of public services is crucial in building and maintaining public trust and confidence in those services. Access to information typically spans traditional methods (e.g. publications, leaflets, newsletters, e-bulletins, etc), and a growth in the use of other methods to engage a broader audience (e.g. blogs, podcasts, social media, videos, live streamed events). Given differences in people’s preferences for receiving and digesting information, there will always be a need for a blended approach to information provision.

25. An Inform or education or awareness raising piece is important for delivery of activity under OGP Commitment 4 because previous research (albeit somewhat outdated) has found, the public have limited awareness of scrutiny organisations and processes, and are familiar with some but not all external scrutiny bodies. While “inform” does not provide any opportunity for public participation, it does

serve a useful purpose in terms of improving access to accountability. It does this by:

- providing people with the information they need – e.g. to understand the accountability framework; and
- allowing people to then make their own mind up about if and how they might become involved.

26. All regulatory bodies "Consult" the public (and others) in some shape or form. There are some good examples of meaningful consultative approaches to, for example, the refinement of regulatory approaches and frameworks. Some bodies also undertake their own consultations on a particular subject matter or issue – and good practice is to publish the consultation findings/analysis. The importance of regulators closing the feedback loop is critical. Others promote or publicise other organisations' or agencies' consultations (including publishing their own organisations consultation response to an external consultation).

27. As highlighted above, among the case study examples the SHR and HIS (including Scottish Health Council) appear to have the most extensive mechanisms for involving and engaging people in their work – which align to later stages of the Public Participation Spectrum (Involve, Collaborate, Empower). For example, both have "panels" of service users which ensures regular two-way dialogue/contact between service providers and users. They have a number of benefits (note there are both pros and cons), including providing early indication of emerging concerns and difficulties, sounding out new ideas or proposals, etc. While they can be resource intensive to set up, once established panels are typically an inexpensive method of gathering a high response rate than some other methods. It is good practice to produce and publish Consultation Reports (i.e. key findings, how feedback has/will been used, what actions have/will be taken. Both SHR and HIS publish panel reports on their websites.

28. A good example of Involve, Collaborate and Empower is the identification, training, and use of members of the public in the monitoring and inspection process. This is a mechanism that has been used to good effect by SHR and HMIPS (it is also used in a health and care setting e.g. Care Inspectorate). In the case of SHR, Volunteer Tenant Advisors play an important role as they bring a tenant perspective to its scrutiny of landlords' services. As a service user themselves, they will be empathetic when they speak directly with other tenants on their views of landlord services, and can use their own shared experiences.

29. There are wider good examples of regulatory bodies (e.g. SHR) involving members of the public in the review of draft publications, promotional materials, and website content to ensure that materials in the public domain are accessible and user-friendly.

30. From a review of the regulatory body websites, there does not appear to be any evaluation evidence around the effectiveness and/or impact of different methods of public involvement and engagement. However, remote tools will be most cost effective and have the potential to achieve a greater "reach". That being said, this should not be at the expense of more in-depth mechanisms (e.g. face-to-face engagement, etc) that allows for deeper levels of public engagement and participation (and influence).

31. Regulatory bodies have various duties placed on them – some report directly to the Scottish Parliament others report directly to the Scottish Government (this includes attendance at relevant committee meetings). All have a common set of mechanisms in place that aim that as organisations they are held to account. This includes publishing a wide range of information spanning Corporate Plans to Annual Reports and Accounts, and on Freedom of Information and access to information to Complaints Handling.

Part 2: Civic Society and Engagement Strategy

Final Report for The Scottish Government

Contents

1. Introduction

This report presents the findings of a research study to provide a Baseline Evidence Review and Analysis of the Current Landscape of the Accountability of Public Services in Scotland. The research was commissioned by the Scottish Government's Consumer and Competition Policy Unit, on behalf of Scottish Ministers.

This report focusses on Part 2 of the research - the citizen's journey: evidence review. It has been developed to help inform discussions of the Collaborative Working Group that has been established to support delivery against Commitment 4 of Scotland's Open Government Partnership (OGP) National Action Plan 2018/2020.

Research into the scrutiny bodies and regulators perspective: a review of the public service accountability landscape (Part 1) is the subject of a separate report.

1.1 Context

Scotland joined the OGP in 2016, and the Scottish Government and the Scottish Civil Society Network jointly developed the nation's first Action Plan (2017/18)[1].

Scotland's current National Action Plan 2018/2020[2] reaffirms the Scottish Government and Scottish Civil Society Network[3] commitment to valuing openness, accountability, transparency and public participation.

[1] Open Government Partnership Scottish National Action Plan 2016-2017, December 2016. Accessed here.
[2] Open Government Partnership Scottish National Action Plan 2018-2020, January 2019. Accessed here.
[3] Scottish Civil Society Network has 100+ members. Network information can be found on the SCVO website.

The five commitments for 2018-2020 are: (1) Providing financial and performance transparency, (2) Providing a framework to support overall change in Scottish Government to improve the way people take part in open policy-making and delivering services, (3) Improving how we share information, (4) Improving the accountability of public services - a citizen's journey, and (5) Transparency and involvement as the UK leaves the European Union.

1.2 Research Objectives

The overall aim of the study was to undertake research into the citizen's journey: evidence review and to provide recommendations for taking forward an engagement strategy focused on exploring people's perspective and understanding of the accountability framework in place for public services.

The research was primarily desk-based, and its outputs were discussed with members of the Collaborative Working Group (i.e. the original signatories) at a workshop on the 2nd April 2019, and feedback has been incorporated into relevant sections of the report.

1.3 Report Structure

The remainder of the report has been structured as follows:

- **Section 2** provides an overview of civic society in Scotland, and identifies community anchor organisations (and others) that might be able to support the delivery of an engagement strategy focused on understanding people's experience of the accountability framework for public services in Scotland; and
- **Section 3** provides our recommendations for taking forward a public engagement strategy.

Further detail has been provided separately (Microsoft Excel format), including identification of key national and local civic society players that might be able to support public engagement activity[4].

[4] Note: civic society spreadsheet is not meant to be a comprehensive list of civic society organisations in Scotland.

2. Civic Society

This Section provides an overview of civic society in Scotland.

Setting Scottish civic society in a broad context is important to help the Scottish Government and partners identify civic society organisations of most relevance and/or of use to supporting implementation of a public engagement strategy.

More specifically, partners are interested in identifying key organisations that could help explore peoples' perspective and understanding of the current accountability framework for public services in Scotland.

2.1 What is Civic Society

Firstly, it is important to define what is understood by the term "civic society", as it is a term that has been growing in use.

Put simply, civic society is sometimes referred to as the third sector.

According to the World Bank, civic society *"refers to a wide array of organisations: community groups, non-governmental organisations (NGOs), labour unions, indigenous groups, charitable organisations, faith-based organisations, professional associations, and foundations"*[5].

[5] World Economic Forum article, Who and what is 'civic society?, April 2018. Accessed here.

The World Health Organisation states that civic society *"refers to the space for collective action around shared interests, purposes and values, generally distinct from government and commercial for-profit actors. Civic society includes charities, development NGOs, community groups, women's organisations, faith-based organisations, professional associations, trade unions, social movements, coalitions and advocacy groups"*[6].

Civic society is also commonly defined as *"all organisations that exist between government, individuals, and businesses"*[7].

The UK Government defines civic society as *"individuals and organisations when they act with the primary purpose of creating social value, independent of state control. By social value we mean enriched lives and a fairer society for all"*[8].

2.2 The Importance of Civic Society

Civic society in Scotland (and beyond) plays an important and diverse role in society

– it is hugely influential, and has the power to influence the actions of policy makers and businesses. Civic society is made up of a diverse range of organisations, groups and associations.

[6] World Health Organisation. Website accessed here.
[7] https://data.ncvo.org.uk/a/almanac18
[8] HM Government, Civic Society Strategy: Building A Future That Works for Everyone, August 2018. Accessed here

Civic society spans the voluntary sector, cooperatives, Registered Social Landlords (RSLs), sports clubs and supporters trusts, independent schools, religious bodies/faith organisations, quangos (e.g. Scottish Funding Council, Scottish Enterprise), colleges and universities, leisure trusts, trade unions, and unincorporated groups and associations. Among other things, civic society has an important role to play in public sector reform and accountability agendas. Its varied roles span, for example:

- holding institutions/organisations to account and promoting transparency;
- raising awareness of societal issues, concerns and challenges;
- delivering public services;
- encouraging public engagement;
- bringing expert knowledge, experience and insights to help shape local and national policy and strategy; and
- giving power and a voice to those who are marginalized and seldom heard.

Civic society delivers great value to communities the length and breadth of Scotland. Many are firmly embedded in the local communities they serve, including within Scotland's most deprived neighbourhoods. Many reach out into communities to reach and support those that are isolated or vulnerable in some way. Such organisations build strong relationships and trust with local communities – they are part of the community, and can be agile and responsive to local needs and opportunities.

3. Considerations for Engagement Strategy

This final Section presents some key considerations and recommendations for taking forward a public engagement strategy focused on exploring people's perspective, and understanding of the accountability framework in place for public services in Scotland.

3.1 What is the Purpose of the Public Engagement

There are many reasons why organisations engage with people/the public, and this covers five levels of the Public Participation Spectrum (as referred to by Involve)[9], **Table 3.1**. The following approach should be considered by partners:

- the first phase of public engagement (e.g. exploring challenges in accessing accountability) should take the form of "inform", "consult", and "involve"; and
- following initial identification and prioritisation of challenges to be addressed, partners should look to scope draft solutions for consultation with people. Partners should "collaborate" with people (and wider scrutiny/regulatory bodies and public service providers) to refine/shape these solutions further, including consideration of alternatives.

The focus of the advice in this report on public engagement approaches is principally to inform the first phase of this process.

[9] Involve, Public Participation Spectrum. Accessed online

Points raised by partners that attended the Signatories Workshop included:

- it will be important to go out to consultation with a "*blank sheet*" – people will not engage if they think a decision has already been made;
- it will be important not to pre-empt the publics' views – but at the same time expectations will need to be managed; and
- it will be crucial to bring people along with partners on the journey – it should not only be about asking for their views, there will be a need to "*close the feedback loop*" (i.e. report back on how their feedback has been used, what actions have/are being taken, etc).

Table 3.1: Levels of Public Engagement

	Inform	Consult	Involve	Collaborate	Empower
Public Participation Goal	To provide the public with balanced and objective information to assist them in	To obtain public feedback on analysis, alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns	To partner with the public in each aspect of the decision, including the development of	To place final decision making in the hands of the public
Promise to the Public	We will keep you informed	We will keep you informed, listen and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed, and provide feedback on how public input influenced this decision	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible	We will implement what you decide

Source: Involve, Public Participation Spectrum

An “inform” piece is important because previous research (albeit somewhat outdated) has found, the public have limited awareness of scrutiny organisations and processes, and are familiar with some but not all external scrutiny bodies. While “inform” does not provide any opportunity for public participation, it does serve a useful purpose in terms of:

- providing people with the information they need to understand the accountability framework; and
- allowing people to then make their own mind up about if and how they might become involved.

This "inform", or education piece, may actually be seen as part of initial work to actually improve access to accountability. This reflects discussions held with signatories and the wider partners to Commitment 4 - it has been acknowledged that one of the key tangible delivery mechanisms and outputs of this work may include raising awareness amongst people of their rights and understanding of the accountability framework for public services in Scotland.

Remote tools will be most cost effective and are likely to achieve a greater “reach” than in-person tools, however, it should be noted that it is difficult to evaluate their effectiveness and impact, **Table 3.2**.

Table 3.2: Some Examples of Tools to Inform People

In-Person Tools	Remote Tools
Public meetings Briefings Exhibitions Telephone Debates and talks	Websites E-bulletins and e-newsletters Printed media (factsheets, Press and media Social media

In line with the principles of the OGP - to be open and transparent,

and to collaborate in delivery between State and civic society partners - the Commitment 4 engagement strategy should focus on creating ongoing opportunities for people living in Scotland to be directly involved in the shaping of solutions that will be piloted.

It will be important to involve people from the outset and on an ongoing basis. This level of public engagement will provide multiple opportunities to:

- gather the views, experiences, opinions, and ideas of people;
- consider their input; and
- importantly provide feedback on how their input has/will be used.

Table 3.3: Some Examples of Tools to Consult and Involve People

Surveys and questionnaires Feedback forms Focus groups Workshops Steering groups	Ballots/voting/opinion polls Advisory panels Citizen panels Citizen juries

There has already been engagement activity undertaken to develop Scotland's second OGP Action Plan[10], which provides a good example of what engagement activity could look like in practice. This included a programme of public discussion events, attendance at existing scheduled events/conferences, hosting informal events, and an online crowdsourcing of ideas. The outputs from all conversations were brought together at a final event to further refine the ideas into specific commitments and to prioritise the key themes for discussion with Scottish Government policy teams for agreement and inclusion in the OGP Action Plan.

[10] Scotland's Open Government Action Plan, Report of public discussion events and engagement, Accessed online

Partners could also consider use of social media channels e.g.

Twitter. Partners that attended the Signatories Workshop considered it important to "*look at different ways to start a conversation".*

3.2 Key Civic Society Players and Influencers

Engagement with key civic society players and influencers will be crucial in order to support planning and delivery of a large-scale Scotland wide public engagement process.

The overall aim of the public engagement process will be to explore people's understanding of the terms "*public services*" and "*accountability*", as well as to explore key challenges in accessing accountability of public services, and how these challenges can be best overcome.

As highlighted in **Section 2**, Civic society is vast. In further exploring peoples' perspectives and understanding of the accountability framework for public services it will not be feasible nor practical to engage with all civic society organisations in Scotland.

It will be crucial that the Scottish Government and partners hone in specifically on those civic society organisations who might be of most relevance and/or of most use to supporting delivery of locally based public engagement activities.

In this regard, Community Anchor Organisations (among others) are likely to be important:

"An examination of the characteristics of strong and independent communities shows that they possess the ability to unite - and `hold together` - usually around some local organisation which they own. For some reason - in certain areas - the local community sector, the fragmented array of small voluntary groups, invest authority in a local umbrella vehicle to champion their collective interests"[11].

The role of community anchors has gained much attention in Scotland over the last decade or so – from the role they play in building local resilience, to the design and delivery of local services, to locally-led regeneration. The Community Empowerment (Scotland) Act 2015 further emphasises the important role that such organisations play in the community empowerment process.

Recent research published by What Works Scotland (2018)[12] uses the term community anchor for community organisations that hold three broad aspirations:

- community-led or controlled: robust local community governance and community networks/connections; and financial self-sufficiency for core work sustained through community ownership;

11 Scottish Community Alliance reference – Community Anchor Organisations. Accessed online.

12 What Works Scotland, Transforming communities? Exploring the roles of community anchor organisations in public service reform, local democracy, community resilience and social change, May 2018. Accessed here.

a. holistic, multi-purpose or "inherently complex": concerned for local economy and social capital; local services and partnerships; local environment and sustainable development; community sector development; local leadership and advocacy; and

b. responsive and committed to local community and context: responding to that context whether urban, rural, remote and experiences of poverty, deprivation and inequality, and committed for the long-term.

The same research acknowledges that the following organisations are well-placed to take on the role of community anchor organisations (**note**: albeit not all aspire or should take on this role).

It is these organisations, however, that might be of most value to the Scottish Government and partners in facilitating further public engagement:

1. Community Development Trusts (CDTs) – there are around 270 development trusts in Scotland[13], with particular clusters around the central belt; and

2. Housing Associations – there are around 160 RSLs in Scotland[14], some of which are housing co-operatives. Housing associations are likely to be of particular relevance given their strong presence in local communities. Further, all have existing mechanisms to involve and engage tenants and other customers in their work. A couple of examples are provided on the page below.

13 See Development Trust Association Scotland Member network. Accessed online
14 Scottish Housing Regulator, Directory of Social Landlords – accessed here

Argyll Community Housing Association Ltd

Argyll Community Housing Association Ltd has a range of ways in which its tenants and other customers can get involved and participate in its decision making processes. It has an Tenant Participation Strategy, and the main engagement mechanisms include:

- **Tenants Consultation Register** - tenants who have indicated that they would like to take part in surveys or consultations about its services and policies.
- **Registered Tenant Organisations (RTOs)** – RTOs are more commonly known as Tenant & Resident Associations. ACHA provides funding to groups and can help organisers set up new groups locally.
- **Argyll Tenant Panel** - the Panel meets every second month in Mid Argyll and discusses issues which affect their local areas. It is made up of representatives from its RTOs and Tenant Consultation Register members.
- **Your Voice (Tenant Scrutiny Group)** – a participation forum which tests its policies and procedures to make sure they are fit for purpose. The Your Voice group make formal recommendations to the Board of Management.

Glasgow Housing Association Ltd

Glasgow Housing Association Ltd has a range of ways in which its tenants and others customers can get involved and have their say. This includes consultations, tenant conferences, tenant satisfaction surveys, and community events. Wider mechanisms include:

- **Scrutiny Panel –** this looks at how GHA and other parts of the Wheatley Group performs. It is made up of customers from across the Wheatley Group who scrutinise reports and meet with senior staff to review performance. The Panel meets around every two months.
- **Customer Inspectors** – the volunteer inspectors review services from a customer perspective. This includes visiting sites and interviewing customers. They focus on various aspects which are important to tenants (e.g. repairs, customer service and complaints).
- **RTOs** – tenants groups that can apply for grant funding and one-off costs. RTOs represent the interests of customers in local areas and meet six times per year.
- **Local Housing Committees** – GHA has 15 housing committees that work with area housing managers to identify local priorities for tenants, look at performance at a local level, and help inform Locality Plans and Area Plans.
- **Other Boards and Forums** – aimed at engaging particular target groups e.g. Youth Board, Polish Forum, African Housing Forums.

Other organisations that take on the community anchor role, include for example Community Councils. There are around 1,200 Community Councils in Scotland[15], and they play an important role in local democracy.

Community Councils are voluntary organisations that are set up by statute by the Local Authority and run by local residents to act on behalf of its area. They get involved in a wide range of activities, for example:

a. community projects and events;
b. sharing information e.g. community newsletters;
c. gathering the views of local residents;
d. undertaking local surveys; and
e. campaigning on local issues.

The What Works Scotland research also identified six community sector organisations as exemplars of strong community anchors, namely[16]:

f. Ardenglen Housing Association, East Castlemilk, Glasgow;
g. Glenboig Neighbourhood House, Glenboig North Lanarkshire;
h. Govanhill Housing Association and Community Development Trust, Glasgow;
i. Greener Kirkcaldy, Kirkcaldy, Fife;
j. Huntly and District Development Trust, Aberdeenshire; and
k. Stòras Uibhist (South Uist), Comhairle nan Eilean Siar (Western Isles).

15 See also Scottish Community Councils website.
16 What Works Scotland, Transforming communities? Exploring the roles of community anchor organisations in public service reform, local democracy, community resilience and social change, May 2018. Accessed here.

National (Local) Organisations

There are also a wide range of national (and local) third sector organisations that have strong connections to civic society organisations, and/or to people living in Scotland that access the advice, support and services provided by civic society organisations.

Table 3.3 provides some examples of key players. **Note**: this is not meant to be a comprehensive list. A separate Microsoft Excel spreadsheet has been provided that sets out some more information on organisation purpose, focus of activities, who organisations support/engage with, etc.

Table 3.3: Examples of Other Civic Society Organisations

• Age Scotland • BEMIS Scotland • CEMVO Scotland • Coalition for Racial Equality and Rights • Disability Agenda Scotland • Enable Scotland • Engender Equality Network • Fife Centre for Equalities • Inclusion Scotland • Involve • Local CVS – e.g. Glasgow Council for Voluntary Sector	• Regional Equality Councils • Scottish Association for Mental Health • Scottish Community Development Centre • Scottish Council for Voluntary Organisations (SCVO) • Scottish Independent Advocacy Alliance • Stonewall Scotland • Third Sector Interfaces • Voluntary Action Scotland • Young Scot

Some key characteristics across the organisations include:

a. they tend to have a mix of purposes and functions – spanning direct service delivery to people and/or community groups (e.g. information and advice); activity to understand the needs and interests of key target groups/sectors; capacity building; advocacy; signposting; research, policy and practice; influencing role with local and national government; lobbying; campaigning;

b. many are membership organisations – and so have a captive audience for engagement purposes. Members are a mix of individuals and organisations;

c. some have a specific focus on a particular target group (e.g. older people, disabled people, young people, ethnic minorities communities);

d. many manage or are involved in wider networks and partnership structures;

e. there are some examples of targeted activity to increase participation of civic society in relevant strategic, policy and/or governance activities in the public sector (and wider). A good example is the Coalition for Racial Equality and Rights (CRER) which is undertaking activity to increase the number of applications from ethnic minorities communities to regulated public body boards; and

f. there are also a range of ways these organisations seek to engage their members/people in their activities. This spans printed media, social media, research and insights, conferences, events, membership surveys, undertake consultations and/or promote wider consultations that impact on their target audience by engaging people to "*join the conversation*" (e.g. the recent consultation by the Scottish Government on Scottish Charity Law), publish policy responses and briefings, etc.

3.3 Collaborative Working Group

Membership of the Collaborative Working Group comprises a range of State and civic society partners who will support delivery against Commitment 4 over the next two years. The Group's current membership is outlined in **Table 3.4**. Civic society representation has expanded considerably since this research was commissioned.

Existing signatory organisations (including scrutiny and regulatory bodies), and members of the Collaborative Working Groups more generally, have existing strategies, plans and mechanisms in place to involve and engage people in different aspects of their work.

For example, the Care Inspectorate involves and engages people in its scrutiny work in a range of ways. Among other things, this includes printed media and social media at one end of the public participation spectrum, to the Involving People Group at the other. The Involving People Group is a national forum that brings together people who use care services and carers to consult and engage on the work of the Care Inspectorate to improve care and support services.

A sensible approach would therefore be to consider the various existing mechanisms for engagement across all Collaborative Working Group members. This would be with a view to identifying those that provide the best opportunity to gather depth and quality of feedback from people around, for example:

- what is understood to be the role of existing scrutiny bodies and regulators;
- what is considered to be a "successful" outcome in holding public services to account;
- who is using existing accountability mechanisms for public service provision in Scotland (and when and why);
- who is not using existing accountability mechanisms for public service provision in Scotland (any why);

- barriers and challenges faced in accessing the current accountability framework for public services in Scotland; and
- improvements people would like to see that may enhance their own capacity to seek accountability of public services and policy makers.

The Involving People Group (and other such existing mechanisms) could be a useful starting point. Civic society member organisations will also be able to provide good reach, for example into local communities and to isolated or vulnerable groups

Table 3.4: OGP Commitment 4 Collaborative Working Group Partners

State Actors	Civic Society Organisations, Business. Multilaterals.
Audit Scotland (signatory)	Association for Public Service
Care Inspectorate (signatory)	CEMVO Scotland
COSLA	Citizens Advice Scotland (signatory)
Scottish Government Consumer Policy (Government Commitment Lead)	Govan Community Project
Scottish Government Digital, Content Design & Strategy	Inclusion Scotland
Scottish Government Public Service Reform & Public Bodies	Individual Service Users (x2)
Scottish Information Commissioner (signatory)	Mydex CIC (Scotland OGP Steering Group Commitment Lead)
Scottish Public Services Ombudsman (signatory)	Scottish Independent Advocacy Alliance (Scotland OGP Steering Group Commitment Lead)
	Scottish Older People's Assembly
	Scottish Open Government
	Scottish Rural Action
	Scottish Youth Parliament
	Skye, Lochalsh & West Ross CPP
	See Me
	What Works Scotland

3.4 Scottish Civil Society Network

We recommend early engagement with members of the Scottish Civic Society Network, as the Network is a key signatory to the OGP Commitment 4, and acts as a collective voice to collaborate with and challenge government.

We understand that this Network has 100+ members (individuals and organisations), and can provide a “warm” lead for early engagement activity over the summer months. The Network, which is supported by SCVO, has a number of existing engagement mechanisms and opportunities which could potentially be tapped into, including:

- discussion groups;
- member email distribution list;
- online forum; and
- various subject and project based groups.

The Network could be a particularly useful early touchpoint before a wider programme of public engagement is undertaken.

Not only should this provide useful insights into members’ understanding and awareness of the accountability framework in place for public services, it will also provide an early opportunity to explore in more detail:

- other existing engagement mechanisms, networks and opportunities to engage people; and
- how partners could engage with the members of civic society organisations (or those who access their services).

3.5 Engagement with Other Regulatory Bodies

It will also be important for partners to involve wider scrutiny and regulatory bodies at an early stage. The research has identified that other scrutiny and regulatory bodies (i.e. those who are not currently OGP signatories), also have a broad mix of approaches to involving and engaging people.

A couple of examples worthy of further note include:

- Scottish Housing Regulator's (SHR) National Panel of Tenants and Service Users (around 500 members); and
- Healthcare Improvement Scotland, of which the Scottish Health Council is a member of – Citizen's Panel (1,300 members) and Citizens Jury.

Regular programmes of consultation and engagement with members of these public- based groups is undertaken throughout the year – surveys, in-depth interviews, etc.

As a starting point, it is recommended that the Scottish Government and partners engage with SHR and the Scottish Health Council to:

- tell them about the work of the OGP in Scotland, including activity on Commitment 4;
- find out more about their public engagement mechanisms across the Public Participation Spectrum; and
- explore the potential for the organisations to become involved and/or how they could help support public engagement activity.

This approach will help the Scottish Government and partners to expand engagement beyond Collaborative Working Group members, and engagement activity could be progressed on a sector by sector basis (e.g. housing, health, etc) rather than on an "all public services" basis.

Communication with other regulatory bodies will be crucial, and will need to be positioned carefully. Partners that attended the Signatories Workshop felt that all communication and messaging regarding Commitment 4 would need to be set within the wider context of the OGP, Part 1 and Part 2 of Commitment 4, and Scotland's other OGP Commitments.

Partners also recommended that communication should come under the auspices of the OGP (e.g. make use of the OGP email address, etc).

3.6 Achieving a Broader Reach

While it should be relatively straightforward to reach those people who have previously engaged in some way with scrutiny bodies and regulators of public services, the engagement strategy needs to achieve much deeper reach.

It will be equally important that the views of people with no or limited awareness and understanding of existing accountability mechanisms (or simply not using them) are sought through the engagement strategy, including those who might be considered marginalised, excluded, or seldom heard.

The research has sought to identify some key influencers across civic society, including those who provide direct support and advocate on behalf of under- represented groups (e.g. disabled people, ethnic minority communities). This includes housing associations, community councils, community development trusts, and other intermediary organisations (e.g. BEMIS Scotland, Age Scotland).

In order to reach out into communities and to isolated or vulnerable groups, it will be vital that the Scottish Government and partners make appropriate connections with key community anchor organisations and other intermediaries, including those who can bring expert knowledge

and expertise on the barriers to engaging with particular target groups and examples of good practice. This will be an important approach in order to gather the views, experiences, opinions and ideas of particular segments of society. As highlighted earlier, civic society members of the Collaborative Working Group will be a good starting point.

Language must be inclusive in all forms of communication.

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