layman’s terms?
the involvement of lay people in the inspection of public services
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1. Introduction

In 1997 the Scottish Consumer Council (SCC) published its first paper on the use of lay people in the inspection of public services. Within the context of the Citizen’s Charter, the report examined the main public services in Scotland that are subject to inspection: police, prisons, fire services, long-stay NHS institutions, education and social work.

In the preface to the 1997 report, the SCC welcomed the introduction of lay people into inspection and external review:

*The inclusion of lay people in the inspection process has provided a new avenue to ensure that the interests of the general public are reflected in the shaping and monitoring of a range of public services.*

The use of lay people can be seen as one of many initiatives to develop public involvement in public services, and as an aid to accountability and representation. As a consumer organisation we believe that, where consumers are limited in their ability to choose the services provided, other effective means for their views to be represented must be developed. It is for this reason that we welcome lay involvement in inspection and external review of public services and through this report hope to develop policy in this field.

Seven years on, the SCC has revisited this issue to discover what, if anything, has changed in lay involvement in the intervening years. The modernising government agenda developed by New Labour following their election in 1997 has placed service users at the forefront of policy development. Other subsequent developments such as Best Value have also impacted on inspection and external review practices. A recent report by the Office of Public Service Reform at Westminster has highlighted the importance of inspection in providing assurance to the public and safeguarding both service users and service providers. These developments are discussed in more detail in Chapter 2 of this report.

Throughout this report we have used the term ‘lay’ to describe the involvement of non-professionals in inspections, for example ‘lay’ in education refers to people who have not been trained as teachers or lecturers; in relation to constabulary, ‘lay’ means not trained in the police. Other ways of using the word lay exist, for example, ‘lay’ can be seen as referring to volunteers or service users. We are aware, and later discuss, the difficulties associated with using the word ‘lay’ but the term has been used throughout this report as it is the term most commonly used by inspectorates and external review bodies to describe the involvement of members of the public in the inspection process. Similarly, those working or volunteering with inspectorates or external review bodies from outwith the profession are described as ‘lay people’, though bodies refer to them variously as lay people, lay reviewers and lay inspectors. We have referred to staff members and inspectors who are trained in the services under review as ‘professional’, we do not mean this to suggest that lay people are not professionals in other areas, only that they are not trained in the profession of those working in the services.
1.1 The scope of this report

In the seven years since the publication of SCC’s policy paper there has been a marked growth in the inspection and regulation of public services, for example, the extension of HM Inspectorate of Education powers to inspect the education functions of local authorities and the establishment of new regulatory bodies (the Scottish Commission for the Regulation of Care, NHS Quality Improvement Scotland and Communities Scotland). It is within this context SCC felt it was timely to assess progress made on the recommendations in the initial report and to establish the extent of involvement of lay people in existing and developing regulatory frameworks across the public sector.

The study focused on four of the original regulation agencies:
- HM Inspectorate of Education;
- HM Prisons Inspectorate;
- HM Fire Service Inspectorate for Scotland;
- HM Inspectorate of Constabulary.

And included new inspection and external review bodies:
- NHS Quality Improvement Scotland (NHS QIS);
- Communities Scotland, as the regulator of local authority housing provision and registered social landlords; and
- The Scottish Commission for the Regulation of Care (Care Commission).

Though the focus of this project is on these seven agencies, we are aware that other public sector inspectorates and external review bodies exist (for example, Audit Scotland). It was not possible to include all such agencies, however, the recommendations may be of interest across the public sector.

The Social Work Services Inspectorate (SWSI), which had been involved in the 1997 report, were unable to take part in this project due to organisational changes between 1998 and 2004. During this time, the inspection work of SWSI was greatly reduced as the Care Commission and Scottish Social Services Council were set up. SWSI was responsible for the creation of the National Care Standards, during which lay people were involved in the development of the Standards. Only one inspection took place from 1998 – 2003, focusing on Child Protection. Lay people from SWSI were not involved in this inspection as it was the first of its kind to bring together the Social Work Services Inspectorate with HM Inspectorate of Education, HM Inspectorate of Constabulary, Scottish Executive Health Department, Justice Department and Education Department and the Scottish Children’s Reporter Administration. As the first inspection of its kind, it was felt that the complexities would not allow for lay involvement at that time. The SWSI remains fully supportive of lay involvement in inspections and it remains a core objective of their Charter. During 2005, SWSI will move away from the Scottish Executive Education Department, where it is currently housed, and become an Executive Agency with more independence and a wider role. They plan to advertise for lay people and develop this initiative further once established as an Executive Agency.
The aims of the project were to:
- Update how lay involvement operates in the schemes covered in the previous study and identify and involve new lay involvement schemes (Chapter 3).
- Provide an overview of the issues from individuals’ perspectives of lay involvement (Chapter 3 – 7).
- Assess the extent to which SCC’s recommendations have been acted upon by existing inspectorates and external review bodies (Chapter 8).
- Identify any areas in the public sector where further lay involvement should be considered (Chapter 8).
- Propose SCC policy setting out principles for guiding lay involvement processes (Chapters 9 and 10).

1.2 Methods

The project consisted of two distinct phases. In the initial phase each of the inspectorates or external review body was contacted to request general information about the use of lay involvement.

In the second stage of the project semi-structured interviews were held to gain perspectives from people involved in different capacities in lay processes. To gain a range of views interviews were carried out with both lay people and professional staff within the inspectorate.

The diversity in how current lay involvement operates across the organisations impacted on the interview process. For example, in HM Inspectorate of Education two staff members were interviewed, one who is involved in organising lay involvement and one professional inspector. Where there was only one lay person, they were interviewed, however, where there were a larger number of lay people, a small sample were interviewed. The total number of interviews conducted was 29 (see table 1).

Table 1: Interviewees

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Staff members</th>
<th>Lay people</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>HM Inspectorate of Education</td>
<td>2</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>HM Prisons Inspectorate</td>
<td>1</td>
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<tr>
<td>HM Fire Service Inspectorate for Scotland</td>
<td>1</td>
<td>N/A</td>
<td>1</td>
</tr>
<tr>
<td>Communities Scotland</td>
<td>1</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>HM Inspectorate of Constabulary</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>NHS Quality Improvement Scotland</td>
<td>1</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Care Commission</td>
<td>2</td>
<td>N/A</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>20</strong></td>
<td><strong>29</strong></td>
</tr>
</tbody>
</table>
2. The Policy and Research Developments

2.1 The use of lay people in inspections – the position in 1997

In 1997 SCC research found a mixture of methods of lay involvement in inspections. These were categorised into four groups:

- inspectorates/external review bodies which use a single lay inspector;
- inspectorates/external review bodies which use a pool of lay people;
- inspectorates/external review bodies which recruit lay people on an ad hoc basis; and
- inspectorates/external review bodies which do not use lay people.

The report argued that the use of only one lay inspector would not be able to provide a good balance of age, social class, gender and ethnicity and encouraged inspecting agencies to use a number of lay people.

There was considerable variability in the type of training given to lay people, in some cases no training was given at all, while in others there was a comprehensive training programme. There were similar differences in whether or not lay people were recruited for a fixed term, the overall number of lay people involved and the existence of remuneration (over and above travel and subsistence which all agencies paid). In relation to pay, the research found that some inspectorates and external review bodies argued that paying lay people would in some way prejudice their independence. The experiences at that time suggested that this would not be the case.

The report made a number of recommendations to each of the inspectorates or external review bodies involved in the project. Progress made on these recommendations is discussed in Chapter 8 of this report.

2.2 The regulatory state

Regulation and inspection of public services has seen a growth period since 1997. The creation of choice for consumers of public services, and increasing use of arms length service providers rather than state run services, has led to the development of increasing numbers of regulatory bodies.

Recent additions to the regulation of Scottish public services include the Scottish Commission for the Regulation of Care and NHS Quality Improvement Scotland. Similarly, the remit of existing regulatory bodies, such as HM Inspector of Education has been extended.
The House of Lords Select Committee on the Constitution offers the following, wide
definition of regulation as:

A means of achieving defined goals, by adopting rules directed at shaping
conduct or controlling behaviour in some way, and then putting machinery
in place to enforce those rules. (House of Lords Select Committee on the
Constitution, 2004)

This wide definition of regulation can be broken down into three different aspects:
• the setting of objectives and standards for regulation;
• the monitoring or services against these standards and objectives, and
• the enforcement of judgments on standards (Davies et al, 2002).

The second aspect involves the inspection of services. While public involvement in setting
standards and encouraging service user involvement in setting the agenda for change has
developed, less attention has been paid to the involvement of the public in the monitoring
of standards.

2.3 From the Citizen’s Charter to Modernising Government

Lay involvement in the inspection of public services has its roots in the Citizen’s Charter.
Published in 1991, the Citizen’s Charter included a range of policies to strengthen the role
of the consumer within public services. In relation to inspections, the position of the then
Conservative government could not have been clearer:

The Citizen’s Charter will therefore begin to open up inspectorates to the
outside world. It will make them much more responsive to public concerns.
To this end, we will appoint lay people to more inspectorates to work closely
with professional colleagues. The lay member’s job will be to ensure that the
judgment of what represents good practice is not left just to the professionals
– professional views will be balanced by the sound common sense of other
members of the public. New insights can also be brought to inspection from the
experience of those whose professional lives have taken them into other fields.
(HMSO, 1991)

Inspections, therefore, were seen by the government of the time as one of a range of methods
which make services accountable to those who use them.

The New Labour government of 1997 introduced an agenda to modernise government
to focus on the needs of consumers and citizens rather than the needs of service providers.
The aim was to ensure that public policy reflects the views and expectations of citizens.

The late 1990s also saw the creation of ‘Best Value’ as a driving force behind its policy for
the public services, which drew some elements from the Citizen’s Charter, in particular,
responsiveness to consumers. Best Value was introduced on a voluntary basis in Scotland.
in 1998 following the Programme for Government. Best Value became a statutory duty on local government and other public service providers following the Local Government in Scotland Act 2003.

In Best Value guidance published to support the Local Government in Scotland Act 2003, local authorities were encouraged to see responsiveness as a key concept of Best Value and to involve customers, citizens and other stakeholders in:

- identifying needs and setting objectives, priorities and targets;
- considering options for the delivery of services; and
- reviewing services and past performance and setting out improvements to be made in the future. (Scottish Executive, 2002)

While the focus of Best Value to date has been on local authorities, the duty of Best Value has been extended across the public sector, placing a duty on the Scottish Executive, Executive Agencies and Non-Departmental Public Bodies to seek best value. Therefore, inspectorates and external review bodies are also to be encouraged to become more responsive to consumers.

2.4 Scottish Executive Charter for Inspectorates

In 2000, the Scottish Executive published a Charter for Inspectorates, though during the course of this research it was not mentioned by Inspectorates and is only available through deleted files on the Scottish Executive website suggesting it is no longer a key document for inspectorates or external review bodies.

The Charter outlines the Scottish Executive’s position on inspections and clearly states:

*Inspection services are provided by groups and individuals who have a high degree of professional expertise and extensive experience in those aspects of public services to be inspected.* (Scottish Executive, 2000)

The principles of inspection laid down by the Charter are:

- Independence;
- Openness and communication;
- Impartial judgment and respect for evidence;
- Continuous improvement; and
- Complaints procedures.

Within the key objective to encourage openness within public services, the Scottish Executive highlights its commitment to lay involvement:

*They [inspectorates] will encourage, where appropriate, the involvement of lay people in inspection processes to represent the views and concerns of the general public and, where appropriate, users of services.* (Scottish Executive, 2000)
Inspectorates were required by the Charter to produce a more detailed charter applying the principles to their own roles and responsibilities. The Social Work Services Inspectorate Charter and HM Inspectorate of Education Charter both include a commitment to the use of lay people in their inspections.

2.5 Inspecting for Improvement

While the Scottish Executive has not issued a further statement on the role of inspection of public services, the UK government has recently considered this in detail. In 2003, the Prime Minister’s Office of Public Services Reform (OPSR) published a report on Inspecting for Improvement shortly followed by a statement from the government on their Policy on Inspection of Public Services. The statement covers all UK government departments, though the original report by the OPSR clearly stated that it had not considered arrangements in Scotland in depth and only referred to them for comparative purposes.

The OPSR report highlights the importance of inspection for accountability of public services, stating that:

Accountability for public expenditure, as well as efficiency in delivery, is seen as critical to securing public confidence and support in public services. (Office of Public Services Reform, 2003a)

In the drive to accountability, the OPSR argues that a better model of inspection is evolving. Figure 1 shows the traditional model of inspection as described by the OPSR, which does not show a clear link between customers and inspection.

Figure 1: Traditional mode of inspection

In contrast to this, a different model of inspection is being developed which sees inspection and external review as integrated throughout policy and service delivery. Figure 2 shows this new model, with clear links between the inspection of services and customers.
The government’s response to this report includes a statement of support for the 10 principles of inspection outlined by the OPSR. These are:

- **Purpose of improvement**: inspectors should contribute to the improvement of the service being inspected.
- **Focus on outcomes**: considering service delivery to the end users of the service.
- **A user perspective**: there should be a clear focus on the experience of those for whom the service is being provided.
- **Proportionate to risk**: inspectors should modify the extent of future inspection according to the quality of performance by the service provider.
- **Self-assessment**: inspectors should encourage rigorous self-assessment by managers.
- **Impartial evidence**: inspectors should ensure evidence is be validated and credible.
- **Criteria**: inspectors should disclose the criteria they use to form judgements.
- **Openness**: inspectors should be open about their processes and willing to take complaints seriously.
- **Value for money**: inspectors should have regard to value for money, including their own.
- **Continuous learning**: inspectors should continually learn from experience, including sharing best practice. (*Office of Public Services Reform, 2003b*)

While the involvement of lay people in inspections is not explicitly covered in either the OPSR report or the government’s response, it can be seen as one of a number of techniques to develop openness, a focus on outcomes, and a user perspective.
3. The Structure and Funding of Inspectorates and External Review Bodies

This chapter describes the key elements of each organisation involved in this policy review. Information for this chapter came from the background research and information publicly available, such as annual reports.

3.1 HM Inspectorate of Education

The first HM Inspector of Schools was appointed in 1840. HM Inspectorate of Education (HMIe) is now a Scottish Executive agency, responsible for inspecting a wide variety of education services. HMIe inspects primary schools, secondary schools, special schools, further education colleges, community learning and development, pre-school education, residential educational provision, initial teaching education and the educational functions of local authorities.

HMIe received £8.2 million funding from the Scottish Executive in 2002-03, £44,000 of which was spent on lay involvement. For 2003-04, HMIe has received £9.5 million, with an increased amount of £46,000 allocated to lay involvement.

HMIe is staffed by HM Senior Chief Inspector of Education, five Chief Inspectors and 85 Inspectors making a total of 91 Inspectors, all with a professional background in education. There are approximately 162 other administrative and support staff with a further 300 Associate Assessors seconded from schools for their specialist working knowledge.

There are approximately 100 lay people involved in HMIe inspections who are engaged as volunteers but paid expenses.

In school inspections there can be one or more HM Inspectors and one or more lay people, depending on the size of the school, and possibly also associate assessors. In an inspection of a further education college there may be as many as 14 people on an inspection team.
3.2 HM Inspectorate of Constabulary

Established in 1858, HM Inspectorate of Constabulary (HMIC) inspects the eight Scottish Police Forces; the Scottish Drug Enforcement Agency; the Scottish Criminal Record Office; and the Scottish Police College.

HM Inspectorate of Constabulary is funded directly by the Scottish Executive (expenditure in 2002-03 was £956,918). It is staffed by HM Chief Inspector of Constabulary, HM Lay Inspector, one Assistant Inspector, Staff Officers (who are seconded Superintendents), and research and administrative staff seconded from the Scottish Executive on an ad hoc basis.

The Lay Inspector is appointed by Royal Warrant on a part-time basis for a fixed period of three years and receives an annual salary of £17,500 plus travelling expenses.

HM Inspectorate of Constabulary also use ad hoc lay people during thematic reviews, for example, during the thematic review of race relations. HMIC may also involve lay people who have particular areas of expertise. Due to the nature of their involvement it was not possible to include these lay people in the research which forms the basis of this report.

All Scottish Police Forces and police organisations are subject to a full Primary Inspection every five years, which takes approximately six months to complete. HMIC also conducts Review Inspections of each Force every 18 months (lasting two months) to ascertain how well it has progressed against the recommendations made on the previous occasion plus checking some of the current issues associated with the Force. Thematic Inspections across all police organisations are also carried out (though less frequently), concentrating on specific issues such as community engagement.

3.3 HM Inspectorate of Prisons

Established in 1981, HM Inspectorate of Prisons (HMIP) is funded directly by the Scottish Executive (approximately £293, 600). HMIP inspects the 16 Scottish penal establishments, with each Scottish prison subject to a full inspection every three and a half to four years. The inspections take a ‘user perspective’ and cover the prisons, physical conditions, quality of prisoner regimes, morale of staff and prisoners, facilities and amenities available to staff and prisoners, questions of safety and decency, and the establishment’s contribution to preventing re-offending.

HMIP is led by Her Majesty’s Chief Inspector who is a lay person, in that they have never worked in the prison service. One member of staff suggested that HM Inspectorate of Prisons could be seen as a lay inspectorate, as it is headed by a lay inspector supported by professional staff. The position of Chief Inspector is a full-time salaried position. In addition, the staff includes a Deputy Chief Inspector, an Inspector and an administrative assistant. Both the Deputy Chief Inspector and the Inspector are seconded from the Scottish Prison Service; the administrative assistant is seconded from the Scottish Executive.
All inspectorate staff are involved in a full prison inspection. HMIP also work closely with the other inspectorates and external review bodies and therefore there may also be two people from HM Inspectorate of Education inspecting education; an inspector from the Social Work Services Inspectorate inspecting social work and addiction issues; an inspector from NHS Quality Improvement Scotland and one or two people from the Scottish Prison Service who have been selected and trained by the Chief Inspector for that specific inspection. Each inspection varies depending on the prison and specific circumstances but an inspection usually lasts about ten days.

In a Follow-up Inspection, the team will look at the recommendations from the previous year’s report, any new developments in the prison and matters which the prison raises in its own self-assessment. Thematic inspections are not as common; they are initiated when the Scottish Executive Justice Minister asks HMIP to inspect a certain issue, for example, the importance of visits in Scottish prisons.

### 3.4 NHS Quality Improvement Scotland

Established in 2003 as a Special Health Board, NHS Quality Improvement Scotland (NHS QIS) aims to integrate and co-ordinate clinical effectiveness and quality improvement. It brings together five previous organisations: the Clinical Resource and Audit Group; the Clinical Standards Board for Scotland; the Health Technology Board for Scotland; the Nursing and Midwifery Practice Development Unit; and the Scottish Health Advisory Service. The Clinical Standards Board originated the concept of lay involvement and used lay reviewers in the creation of the clinical standards and review visits.

NHS QIS inspects NHS services against published sets of standards, looking at specific topic areas, for example, cardiovascular disease. Each Trust/NHS Board has been reviewed on average six times a year on different topics. NHS QIS is funded directly by the Scottish Executive at a cost of approximately £10m in 2002-03, of this £110,900 is allocated to lay involvement.

NHS services complete a self-assessment and then are visited by a review team. The review team consists of six to eight health care professionals, two lay reviewers and supporting staff. The two lay reviewers are involved as volunteers to project their view as members of the public. There are currently 122 lay reviewers. In addition to their role on visits, lay reviewers are also involved in a number of other areas of the work of NHS QIS, including work in drafting the clinical standards that form the basis of reviews.

### 3.5 The Scottish Commission for the Regulation of Care

The Scottish Commission for the Regulation of Care (Care Commission) was established in 2002 under the Regulation of Care (Scotland) Act 2001 to regulate and inspect Scottish care services. The Care Commission is currently being funded by a mix of Scottish Executive funding and by charging care service providers a fee for registration and inspection. Over time it is expected that the Care Commission will become completely self-financing through fees.
The Care Commission employs approximately 500 people, 350 of whom are involved in registration and inspection activities with a further 150 providing administrative, technical and specialist support.

The Care Commission is required to inspect all registered care services including:
- Support services;
- Care Home Services;
- School Care Accommodation Services;
- Independent Health Care Services;
- Day Care of Children;
- Housing Support Services;
- Adoption Services;
- Fostering and Family Placement Services; and
- Adult Placement Services.

The total funding available to the Care Commission in 2003/04 was £24m. Funds of £75,000 were allocated to start a pilot project in 2003/2004 of lay involvement and a similar allocation has been awarded for 2004/2005.

During the pilot phase an inspection team potentially consists of one or two Care Commission Officers (CCOs) and one lay assessor. The inspection will examine the care service from the point of view of the person using the service, taking into account the National Care Standards and other relevant legislation. All inspections will examine how the care services safeguard the principles, privacy, choice, safety, equality and diversity and help people realise their potential.

The Care Commission is currently developing its pilot project on involving lay assessors. At present the lay assessors are expected to:
- talk to users, their carers, and relatives to find out their views on what it is like to use the service;
- talk to available managers and staff about how well they feel their service meets the needs and expectations of their service users and how well it matches up to the National Care Standards; and
- use the responses, factual information and observation to evaluate the service from the user’s point of view.

As no lay assessors were in place during the data-gathering phase of this research their views could not be included in this report and references to the Care Commission centre on the aims of their involvement rather than from experiences.
3.6 HM Fire Service Inspectorate

Established in 1948, HM Fire Service Inspectorate (HMFSI) inspects the performance of the eight Scottish Fire Brigades to ascertain how they are discharging their statutory duties and functions. Funded by the Scottish Executive, HMFSI received £630,000 for 2004/2005. Following the Fire Service dispute in 2003, which included national strike action, HMFSI is in the process of modernisation. It is the intention of Scottish Ministers that fire authorities will move away from the traditional approach to standards of fire cover which use centrally set recommended standards based on the potential for property fires, to a flexible, locally determined risk managed approach which is intended to achieve outcomes that improve community safety.

There are two different types of inspection. The Principal Inspection lasts four or five days and takes place bi-annually. The Performance Management Inspection, which occurs bi-annually one year after the principal inspection, looks at how they have begun to address recommendations made in the principal inspection. There are also triennial inspections of the Scottish Fire Training School and the Isle of Man Training and Rescue Service.

Until recently, HMFSI employed a lay inspector who had never worked in the fire service. The post looked particularly at fire safety education, awareness and training, mainly through talking to key stakeholders and the public. There is currently no lay involvement in the inspectorate due to budgetary pressures. As they do not have a statutory duty to inspect the issues which the lay inspector was covering, the inspectorate was unable to prioritise this post.

There is currently one vacancy in HMFSI which is normally filled by a fire officer on secondment from personnel and human resources. The Chief Inspector has made recommendations to Scottish Ministers that this post be changed to cover diversity and culture which are now recognised as a major issues in the service. It is recommended that a non-firefighter fill the post; a person who has a proven track record on issues related to culture, diversity and organisational change.

3.7 Communities Scotland

Communities Scotland was established as a Scottish Executive agency in 2001, absorbing Scottish Homes which previously carried out similar functions. Communities Scotland aims to work with others to improve the quality of life for people in Scotland by regenerating disadvantaged communities and helping deliver better housing. The Regulation and Inspection division is the largest division and inspects all Registered Social Landlords (RSLs) and the housing function of local authorities.

Inspections look at an organisation, its service quality, its ability to improve and test its achievement of performance standards. Both RSLs and local authorities complete a submission about their performance and how they are structured before an inspection takes place. This enables inspectors to decide on what aspects to concentrate. It aims to inspect every organisation at least once every five years. Inspections typically last about three weeks.
Forty staff are employed within the Inspection division; there is a management team consisting of five Inspection Managers and the majority of the remaining staff are all inspectors. Approximately 20 tenants are involved in the work of the Regulation and Inspection division through the Tenant’s Regulation Advisory Group, part of a larger participation structure within the Regulation and Inspection division. The costs of running this group over 2003/04 was £8,000.

For the inspection of RSLs, depending on their size and nature, the make-up of teams will vary. For the largest RSLs, the team may comprise an inspection manager, an inspector and an inspection officer. For new, specialist or complex RSLs, the team is likely to include a business analyst in addition to the inspectors. For the smallest RSLs the team may comprise a sole inspector with input from the business analyst. For most local authorities, the team will comprise an inspection manager, a number of inspectors and an inspection officer.

Communities Scotland has only recently introduced lay involvement in inspections through the introduction of the pilot ‘Tenants Talking to Tenants’ project. This involves tenant volunteers collecting information from the tenants of the landlord being inspected through group interviews. The lay involvement does not happen within the core inspection activities, instead taking place prior to the inspection visit with results fed back to the professional inspectors. This project is currently in a pilot phase though discussions are currently taking place on the future development of tenant involvement in inspections.

In 2002/3 the Scottish Executive allocated a budget of £337m to Communities Scotland; however, Regulation and Inspection is only one aspect of their work. The expenditure for the nine month pilot of the ‘Tenants Talking to Tenants’ project was £21,319 in 2003/04.

3.8 Key findings: similarities and differences

There are several key differences between the inspecting agencies that affect the discussion and recommendations within this report.

Funding

From the figures available it is clear that the funding of the agencies differs dramatically, from the £8.2 million available to HM Inspectorate of Education to just under £300,000 available to HM Inspectorate of Prisons. Communities Scotland funding is substantially larger than that of all the other bodies, at £337 million. However, Regulation and Inspection is only one of many divisions and Communities Scotland fulfils a number of functions.
Table 2: Funding available to Inspectorates and External Review Bodies (2002/03)

<table>
<thead>
<tr>
<th></th>
<th>Total Funds</th>
<th>Funds allocated to Lay involvement</th>
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</thead>
<tbody>
<tr>
<td>HM Inspectorate of Education</td>
<td>£8.2m</td>
<td>£44,000</td>
</tr>
<tr>
<td>NHS QIS</td>
<td>£10m (Standards and Review division = 2.6m)</td>
<td>£110,900¹</td>
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<td>HM Inspectorate of Constabulary</td>
<td>£956,918</td>
<td>£17,500²</td>
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<td>HM Fire Service Inspectorate</td>
<td>£630,000</td>
<td>£0</td>
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<td>Care Commission</td>
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<td>HM Inspectorate of Prisons</td>
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<tr>
<td>Communities Scotland</td>
<td>£337m⁴</td>
<td>£21,319⁵</td>
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</tbody>
</table>

1 This figure is for 2003/04.
2 This figure is for the salary allocated to the Lay Inspector, total costs of lay involvement may be higher.
3 This figure is for the salary of the Chief Inspector of Prisons, as advertised in 2002; total costs of lay involvement may be higher.
4 This figure is for the total Communities Scotland budget; Regulation and Inspection is only one aspect of their work. No figures for the cost of Regulation and Inspection were available.
5 This figure is for the 9 months of the pilot project carried out in 2003/04 and does not involve staff costs to Communities Scotland, only direct expenditure.

The Scottish Executive funds all of the organisations except the Care Commission in full. The Care Commission is partially funded by the Scottish Executive and partially funded by charging care service providers a fee for registration and inspection.

Staffing

The funds available to agencies have profound impacts on the staff and resources available to carry out their duties. HM Inspectorate of Education, for example, has a staff of 300, compared to the four available to HM Inspectorate of Prisons.

Number of services to be inspected

In line with the differences in funding and staffing, inspectorates and external review bodies differ in the number of services to be inspected and therefore in their workload. For example, there are over 3000 schools in Scotland (not including the nurseries, further education colleges and other services HM Inspectorate of Education are responsible for inspecting) in contrast, HM Inspectorate of Constabulary inspect eight Police Forces and three other agencies. This impacts on the workload and funding of each inspectorate.
Stage of Development
Two of the inspectorates and external review bodies covered in this chapter (the Care Commission and Communities Scotland) are currently piloting lay involvement. NHS Quality Improvement Scotland have incorporated lay involvement in reviews since 2003, and prior to that lay people were involved in the Clinical Standard Board since 2000. This contrasts with HM Inspectorates of Education, Prisons and Constabulary who have well-established mechanisms for lay involvement.
4. Types of Lay Involvement

This chapter discusses the types of lay involvement used, the definition of lay used by agencies, the skills and attributes of lay people and the socio-economic representation of lay people. The findings reported in this chapter are drawn from interviews with both lay people and those working in inspectorates and external review bodies.

4.1 Models of lay involvement

Two of the key differences between the seven agencies involved in this research relates to the number of lay people involved in inspections, and therefore to the type of lay involvement in inspections.

**Inspectorates which use a single lay inspector**

HM Inspectorate of Prisons is the only inspectorate or external review body to involve a single lay inspector in their activities. The Chief Inspector of Prisons (a salaried staff member) is himself a lay person, this has been the case since 1981. He is appointed on the basis of Royal Warrant for a four-year term and takes the lead in all inspections. The Chief Inspector of Prisons is autonomous and has direct control over resources and setting priorities. While there is only a single lay person involved, they are at the highest level of the Inspectorate.

**Inspectorates using volunteer lay people**

This was the most common method used for involving lay people. HM Inspectorate of Education, the Care Commission, NHS QIS and Communities Scotland all use a number of volunteer lay people within their inspections. This varies from six in the Communities Scotland pilot to over 100 in the other three agencies.

HM Inspectorate of Education was the first to use this method in Scotland, following a pilot in 1993/94. In each of the other agencies using this model (the Care Commission, NHS QIS and Communities Scotland) it has been a relatively new development following the creation of either entirely new agencies (the Care Commission) or the reinvention of older agencies with extended remits (Communities Scotland, NHS QIS). The lay involvement schemes within the Care Commission and Communities Scotland are pilot projects while NHS QIS is a permanent fixture within the review teams.

**Inspectorates using a lay inspector and volunteer lay people**

Since 1997 the use of lay people within HM Inspectorate of Constabulary has developed. HM Inspectorate of Constabulary has employed a lay inspector since 1993. They are appointed by Royal Warrant on a fixed term of three years.
In addition to this, HM Inspectorate of Constabulary now also involves lay people in its thematic reviews, where appropriate. For example, lay people and key stakeholders from Black and minority ethnic communities were involved in the review of race relations carried out in 2000. In other cases, lay people with specific areas of expertise, such as Information Technology, have been involved in the inspection and review process.

**Inspectorates not using lay people**

HM Fire Service Inspectorate is the only agency involved in this research which is not currently involving lay people in its inspections, though until recently there had been an employed lay inspector.

The lay inspector in the fire service was introduced in 1994 as a result of the Citizen’s Charter. The post looked particularly at fire safety education, awareness and training, mainly through talking to key stakeholders and the public. The post was discontinued in 2003 following budgetary pressure.

**4.2 Definitions of ‘lay’ used by inspectorates and external review bodies**

The most common definition of lay used by inspectorates and external review bodies is those not trained in the profession or employed in the service being inspected. Both HM Inspectorates of Prisons and Constabulary, where police and prisons officers can be clearly identified as ‘professional’, use this conception of lay. The concept is also used within HM Inspectorate of Education in relation to individuals who have not been teachers at any point in their career.

NHS Quality Improvement Scotland defines ‘lay’ as those who have not worked within NHS Scotland in the last five years; however, they were nonetheless more knowledgeable and involved in health services than would be expected from the general public. All but one of those we interviewed from NHS QIS had a level of background involvement in NHS: one had been a non-executive board member on a local NHS Trust; one was a former radiographer; one had been on a local health council; and one was a former general manager of a hospital. The remaining interviewee had been a service user during her husband’s illness and had become involved through a cancer charity.

Communities Scotland is the only body which excludes those who have not been direct service users (i.e. tenants) from lay review. All members of the group have been actively involved in tenant participation for at least five years, for example as members of local tenant’s groups. This means that, unlike the other bodies which will not take professionals from the service to be inspected or reviewed, one member of the Communities Scotland ‘Tenants Talking to Tenants’ project is a former housing professional.

The ‘user’ perspective is also highlighted in the Care Commission’s pilot project, describing lay people as both community members and those who have direct experience either as a care user or carer.
4.3 The use of the word ‘lay’

A number of those interviewed in this review noted discomfort at using the word lay with one describing it as ‘hideous’. Others were concerned that lay was not well understood by those using services or involved in inspections:

Well I don’t like the word. Cause I keep saying, ‘well what is lay?’ Does it mean I’m stupid? Saying you’re a member of the public really is better than saying ‘lay’. (HM Inspectorate of Education, Lay Person)

There was a sense that it was also a negative title, rather than a positive one, focusing on what lay people are not (i.e. professionally trained) rather than what they are. It is also seen to have unhelpful connotations to the religious use of the word.

In general therefore, we can see throughout the inspectorates and external review bodies a level of discomfort surrounding the use of the word lay. Where it is used, for example in HM Inspectorate of Education, it is due to the absence of a different, better phrase. Though they were prompted for other suggestions, the interviewees similarly rejected all those given such as ‘independent’ or ‘public interest’.

4.4 Skills and attributes required to be a lay person

All interviewees were asked about the skills required to be a lay person. The majority of responses from both staff and lay people centre on communication skills. This included comments such as being a good listener, or being approachable.

Overall there was little difference between staff responses and those from lay people. However, analysing written materials was mentioned twice by staff but not by individual lay people. Lay people also highlighted the importance of confidence, not viewed as an important skill by most members of staff:

That’s not something you can give to people but they have to be confident enough to feel that they are important there because a lot of people, you know lay reviewers, would say, I’d never ask a question. (NHS QIS, Lay Person)

Overall, the skills attributes mentioned were transferable skills, not requiring specialist knowledge of the field, though this was mentioned by a small minority.

4.5 Socio-economic representation of lay people

All inspectorates and external review bodies discussed particular issues gaining a representative selection of lay people across age, social class, gender, ethnicity, disability and geography.
HM Inspectorate of Constabulary and HM Inspectorate of Prisons both employ a salaried lay person and therefore recruit for particular skills in addition to being ‘lay’. It is therefore not possible for them to gain a representation from a range of users, though HM Inspectorate of Constabulary has attempted to rectify this by using ad hoc lay people during its thematic reviews.

Those using pools of volunteer lay people also expressed concerns about representation from different social groups. While few voiced concerns over the gender representation of lay people, the interviewees noted poor representation from young people and from minority ethnic communities.

We have a limited evidence base in relation to representation of minority ethnic communities as none of our interviewees came from these communities. The staff within HM Inspectorate of Education and NHS QIS were keen to stress that they had tried to recruit lay people from minority ethnic communities but without much success:

*We only have three [lay people] from an ethnic minority background. We’ve tried going out to the local community to try to recruit through our lifelong learning to try and get people from a wider range but they just don’t come forward.* (HM Inspectorate of Education, Staff Member)

In relation to age, a particular issue is attracting people who are in employment, as noted by NHS QIS:

*Because reviews take place during the working week and it’s a big time commitment, therefore it’s easier to recruit people who are not in employment for whatever reason or have retired. We have an older pool of people... average age is around 50s-60s.* (NHS QIS, Staff Member)

This response suggests that one of the barriers to widening socio-economic representation is the timing and organisation of inspections themselves. Those in employment may be more able to volunteer if inspection visits were more flexible, for example in the evenings and weekend rather than during the working day. While this may not be possible in some cases, for example in school inspections, flexibility may be possible for the review of other services which may have extended hours.

Lay people gave several suggestions for increasing socio-economic representation. The most common suggestion was to widen advertising, for example using radio to raise awareness rather than relying on broadsheet newspapers; this is discussed further in the next chapter. A number of interviewees noted that young people could be attracted to volunteering in this way during their final years at school or during university.
4.6 Key findings

- Inspectorates and external review bodies used different methods of involving lay people. Agencies either used one salaried member of staff or a number of volunteers. Only one body, HM Inspectorate of Constabulary, combined these methods.
- Inspectorates and review bodies generally defined ‘lay’ as not being trained or working in the service being inspected, though the Care Commission and Communities Scotland placed emphasis on being a service user.
- There was some discomfort with the use of the word ‘lay’ though it was felt that there was no obvious alternative.
- Skills and attributes are consistent across inspectorates and external review bodies, including listening and communication skills, report writing and some understanding of the services to be inspected.
- Representation of people from Black and minority ethnic communities and young people was low in all inspectorates and external review bodies though some of those using lay volunteers have attempted to improve representation.
5. Perceived Benefits of Involving Lay People

There were a number of benefits from the involvement of lay people. These were identified by both staff and lay people and in most cases cut across all inspectorates and external review bodies. This chapter highlights these benefits, though due to the small number of interviews we have not ranked them in order of importance.

5.1 Providing a user perspective

Many respondents highlighted the importance of lay involvement to provide a user perspective. This was variously described as a perspective from parents, tenants, patients and carers, depending on the inspectorate or external review body. Where this benefit was mentioned, interviewees generally related it to providing a user perspective, as opposed to a professional perspective:

“They [lay reviewers] can make them see a different view completely, it’s fascinating when you see them, it’s so simple sometimes, they haven’t thought about how the patient would feel about it, what’s important to a patient, not necessarily what they think, that comes out again and again, that you have to make them think about the person rather than the patient. (NHS QIS, Staff Member)"

5.2 External review

A common phrase was ‘bringing another set of eyes’ to the inspection. For example one staff member within HM Inspectorate of Constabulary stated that:

“The main purpose for me is to ensure that we capture the objective viewpoint of someone who is not steeped in the issues of policing. I think that’s always a refreshing counter-point. (HM Inspectorate of Constabulary, Staff Member)"

5.3 Inclusion of other areas of expertise

For some, the involvement of those from outside the profession was to provide the team with other areas of expertise:

“I think the purpose of the lay inspector is to bring people who have got knowledge from outwith education into the workings of the inspectorate. I bring the level of management skills that I needed to use in my day-to-day work into the inspection process. (HM Inspectorate of Education, Lay Person)"
5.4 Making those involved in inspections comfortable

Another commonly cited benefit to including lay people within the inspection process was the ability to make both the staff and clients of services more comfortable. There was recognition throughout the interviews that professional inspectorate staff may make members of the public and staff members apprehensive. Lay people, as a non-threatening entity may be better placed to elicit their views. For the ‘Tenants Talking to Tenants’ project within Communities Scotland, this was particularly important. They felt that, as tenants themselves, they would be able to find out the views of service users:

Tenants Talking to Tenants can only be a good thing because what they’re talking about we can empathise with, we’ve experienced these things. They’re likely to open up to you rather than dealing with officialdom all the time.

(Communities Scotland, Lay Person).

5.5 Freeing up professional inspectors’ time

While only one interviewee mentioned it as the sole benefit of lay involvement, the notion of using lay people to free up time for professional inspectors was mentioned in a small number of interviews. All of these interviewees came from HM Inspectorate of Education, and interviewees from other inspectorates and external review bodies did not discuss this benefit. As one interviewee explains:

I think the first one [benefit] is allowing the professionals to concentrate on the professional issues and not on the peripherals.

(HM Inspectorate of Education, Lay Person)

5.6 Transparency and openness

Including lay people within inspection agencies was seen as a way to increase the transparency and openness of the process. One lay person referred to this explicitly stating:

We are witness to the fact that there’s nothing to hide.

(NHS QIS, Lay Person)

Staff within the Care Commission attributed this to a larger governmental policy of public involvement:

It had been a policy intention, it was held by Ministers in support of increasing the transparency of the regulatory model, enhancing the values of the regulatory model, which came down from UK government really about public involvement in the public sector.

(Care Commission, Staff Member)
This was also mentioned by staff within HM Inspectorate of Prisons and HM Inspectorate of Constabulary.

5.7 Key findings

- Perceived benefits to involving lay people in inspectorates and external review bodies are the inclusion of different views; other areas of expertise; making people comfortable; freeing up professional time; and creating openness and transparency.
- The benefits mentioned cut across all inspectorates and external review bodies, though lay people from HM Inspectorate of Education were the only ones to mention freeing up inspectors’ time as an explicit benefit to their involvement.
6. The Processes of Involving Lay People

This chapter looks closely at the ways and means of involving lay people in inspections or service reviews. It looks in particular at selection and recruitment, training and support, expenses and remuneration.

6.1 Selection and recruitment of lay people

Each of the inspectorates and external review bodies employed different methods of recruiting and selecting lay people which can be categorised as traditional employment methods and informal methods.

Traditional employment methods

Both HM Inspectorate of Constabulary and HM Inspectorate of Prisons, which have salaried lay people of staff, use traditional employment methods including advertising in national newspapers and formal interview procedures.

HM Inspectorate of Education also uses formal applications procedures, all of the interviewees had applied following a newspaper advert. They are then interviewed by a panel and a further selection process occurs during a two-day training event. The staff at HM Inspectorate of Education are clear that the formal system was not always in place, with previous recruitment taking place using networks of school boards. The increased formality has allowed them to be more selective in the lay people that they recruit:

Initially we took on board most applicants, now we reject up to a third of applicants for one reason or another, for example, poor interpersonal skills.

(HM Inspectorate of Education, Staff Member)

Informal networking

Communities Scotland the process of recruitment is less formal, relying on networks and local groups. While this has been successful, it also means that those involved have more direct experience of the service provided. Within Communities Scotland, the individuals were selected through their involvement with tenants’ organisations though it should be noted that there were only six individuals involved, largely as the ‘Tenants Talking to Tenants’ project is only a pilot at present.

Mixed approaches

Both the Care Commission and NHS QIS have extensive recruitment processes, combining both the formal recruitment process and the informal use of networks. The Care Commission used a variety of different methods including recruiting through different organisations, voluntary bodies, networks and through local authorities. In addition, they put recruitment information out in pilot areas through libraries, GP surgeries, local radio stations and local media. This combined method provided them with the first cohort of around 24 lay people for the inspections. NHS QIS use local networks:
We tend to use opportunities for other involvement activities, if we’re going out to groups or networks or just working in partnership with voluntary organisations or community groups, to tell people about events and opportunities. (NHS QIS, Staff Member)

However, they also advertise in newspapers and display a permanent invitation to apply on their website.

None of the lay people interviewed had any concerns over the applications process, with most indicating that it was accessible and friendly.

6.2 The use of fixed terms for lay people

Both NHS QIS and HM Inspectorate of Education had an open-ended length of time a lay person could be involved in the organisation. The remaining four agencies that use lay people had fixed a limit on the length of time they could be involved.

Both Communities Scotland and the Care Commission currently have fixed terms due to the pilot nature of the lay involvement projects, while HM Inspectorate of Constabulary and HM Inspectorate of Prisons have clearly opted for fixed terms.

Among staff within HM Inspectorate of Prisons and HM Inspectorate of Constabulary the key reason given for fixed terms is a concern that lay people will become professionalised by their involvement in the organisation and that after a period of time they will no longer be ‘lay’ and may become quasi professional. This was seen as a threat to the independence of lay people and therefore seen to limit their ability to carry out their role.

Options to renew

Although none of the agencies currently used a fixed term with an option to renew, this was popular among the lay people interviewed. This was seen to be the ‘best of both worlds’ whereby individuals could opt out after a given period of time and inspectorates and external review bodies could remove individuals who were ‘past their sell-by date’ while those who still felt able to offer something to the organisation could continue:

At the end of say a three-year period, you could be told ‘no, thank you very much but I think that’s the end of it’ or ‘we’d like to offer you a further extension’. So I think it should be on that basis. (HM Inspectorate of Education, Lay Person)

A further advantage to that system would be the inclusion of formal feedback to lay reviewers, something that many noted was lacking. This is discussed further in the next section of this chapter.
6.3 Training and support

Formal training courses
NHS QIS, HM Inspectorate of Education and the Care Commission had created two-day training courses for new lay people. Lay people within HM Inspectorate of Education receive introductory training which lasts for two days; it focuses on the role of a lay person as opposed to the role of the Inspector, looks at anonymous case studies and gives new lay people a chance to speak to experienced lay people. In addition, an extensive handbook is received detailing the role of the lay person and what new lay people can expect. The first inspection is also treated as a training exercise whereby new lay people ‘shadow’ an experienced lay person. The training provided by HM Inspectorate of Education was generally well received, with the only complaint made being that it could have been more comprehensive. Lay people working with HM Inspectorate of Education were also generally pleased with the ongoing training they were receiving to keep them up to date with developments in the field.

The NHS QIS formal two-day induction training concentrated on communication skills, diversity issues, assertiveness, and analysing information. Some within NHS QIS felt that the training was too general, focusing on communication skills and listening skills rather than providing them with information on the structure of the NHS.

Though the Care Commission is in the initial phases of setting up lay inspection it is planned that there will be several stages of training; a preliminary information session will provide volunteers with more information about the position to enable them to decide whether to proceed with an application. Training will also be used as part of the selection process. A two-day compulsory training course will help develop specific skills and provide additional information that will be useful during inspections. In addition, there will be continuing training, organised according to emerging need and delivered locally.

Within the Communities Scotland ‘Tenants Talking to Tenants’ project, training is provided through a service level agreement with a specialist agency. The training focused on interview skills and note-taking. There was a suggestion that more information on types of housing would have been helpful.

Some lay people made reference to having to ‘learn on their feet’, due to the complex nature of the services being inspected:

A lot of the training had to be done on the ground, we were meeting various groups of tenants, the groups might have been from different areas and there were different styles of houses, there wasn’t any abstract training you could have done to cover all areas. (Communities Scotland, Lay Person)

Within HM Inspectorate of Constabulary the lay inspector receives a day-long induction where there are opportunities to meet senior police personnel. They have full access to all parliamentary records and any other records or files needed and receives assistance from officers regarding information about the police.
Only HM Inspectorate of Prisons provides no formal training, though as a member of the civil service administratively, the Chief Inspector of Prisons is able to create their own training programme and participates in the civil service performance management appraisal system.

**Support from professional staff**
Communities Scotland outsourced the support for the team of lay reviewers in the ‘Tenants Talking To Tenants’ project. The objective of this was to ensure that the lay people were not too closely connected to Communities Scotland as they were keen to retain their independence and credibility.

Similarly, within the Care Commission, local voluntary organisations within the pilot areas have been contracted through Service Level Agreements to carry out the supporting role to enable the supporting organisation to provide an arbitration role as well as support. All other inspectorates provided support internally through their own staff and structures.

NHS QIS and HM Inspectorate of Education have designated members of staff who support and manage lay people. In addition, inspection teams support the lay people. Within HM Inspectorate of Education, the main support person would change with each inspection, with the Managing Inspector for each taking the lead in supporting the lay person. The Managing Inspectors provide lay people with background reports and are in contact with them constantly throughout the inspection visit. While the majority of lay people within HM Inspectorate of Education were happy with this level of support, one did suggest that the level of support is variable and dependent on the member of staff involved.

Where the lay people are employed as members of staff (HM Inspectorates of Prisons and Constabulary) they work closely with staff within the inspectorate. The Lay Inspector of Constabulary has a specific remit and also provides support to the Chief Inspector of Constabulary. The Chief Inspector of Prisons receives any technical or professional support he requires from the professional members of staff such as the Deputy Chief Inspector of Prisons. In addition to the staff working within HM Inspectorate of Prisons, the Chief Inspector has regular contact with the Scottish Executive Justice Department and the Scottish Prison Service.

**Peer support networks**
Communities Scotland and the Care Commission had set up a system of peer support within their lay involvement projects, with lay people organised in small groups. Within the pilot ‘Tenants Talking to Tenants’ project the six lay people worked closely on the inspections:

> Because you are working in a team even if you do get a little despondent the other members pick you up, you always know you can go to another member to discuss a thing. (Communities Scotland, Lay Person)

A similar approach has been adopted by the Care Commission whereby the local voluntary organisations will bring the lay people together occasionally to discuss issues.
For the other volunteer lay people (HM Inspectorate of Education and NHS QIS) peer support networks were not developed, though within both agencies, the lay people expressed a desire for such support.

A further issue was the lack of any social events to provide lay people with the chance to meet up informally:

“There doesn’t seem to be any [social events] which is a pity. I meet the same people year in year out at the training course but I haven’t met anyone socially.”

(HM Inspectorate of Education, Lay Person)

**Feedback to lay people**

A common concern among lay people is that they rarely receive feedback on their performance. While the lay inspector within HM Inspectorate of Prisons is provided with feedback through normal management systems, this does not appear to occur within HM Inspectorate of Constabulary where there is no formal appraisal system, though this has been raised by HMIC as an issue with the Scottish Executive.

Within the inspectorates and external review bodies that use volunteer lay people, feedback is rare:

“You never get a thing back saying ‘you’re rubbish, don’t come back’ or ‘you’re great, stay on’.”

(HM Inspectorate of Education, Lay Person)

In one case from HM Inspectorate of Education, a lay person had become concerned that he was no longer ‘on the books’ due to a negative experience with a professional inspector, having not received any feedback or further information he assumed he was no longer required. This experience led the interviewee to feel disappointed and let down by the inspectorate. Staff within HM Inspectorate of Education reported that they had introduced a feedback system whereby the Managing Inspector would have to provide verbal feedback to the lay person and then provide a written report to the lay member, copied to the member of staff responsible for overseeing lay involvement.

**6.4 Expenses and remuneration of lay people**

Due to the differences in types of lay involvement, one of the key areas of difference is whether or not the lay people are paid for their time and other costs involved. There are several facets of this, including payment of expenses for travel and subsistence, payment for other costs such as childcare and the existence of salaries for some lay people.

**Payment of expenses**

All inspectorates and external review bodies arrange for the payment of expenses for travel and subsistence to lay people. Few mentioned any problems in this system, however for a small number of individuals across inspectorates and external review bodies, the amounts involved and length of time taken to reimburse them had led to some problems.
Payment for childcare, loss of earnings

NHS QIS, the Care Commission and Communities Scotland pay additional expenses for childcare and for costs incurred for care of other dependents. NHS QIS also have a payment, albeit limited, for loss of earnings, though this does not seem to be used often.

HM Inspectorate of Education is therefore the only organisation using volunteers that does not have payment for childcare. Only two of our interviewees from HM Inspectorate of Education were women with children but both made reference to problems with childcare expenses:

*The only thing I have a quibble with is that they won’t pay for childcare… There are times when I won’t accept an inspection because I weigh out how much my expenses are going to be and if the expenses I receive were going to leave me out of pocket by the time I’ve paid for childminding and petrol, then I’m not prepared to do it. I’ll do it if I break even, I’m not in it to make money, but I won’t do it at a loss to myself.* (HM Inspectorate of Education, Lay Person)

The situation of another HM Inspectorate of Education lay person shows how she is currently balancing inspections with her husband’s job, as there is no childcare support:

*Because I have a disabled son, childcare is often much more expensive. I can’t just ask a friend to come round to watch him for me because he’s quite demanding…At the moment my husband manages to get away in time to meet the children at school but if he had work commitments of his own then obviously childcare would be an issue.* (HM Inspectorate of Education, Lay Person)

Neither of the lay people employed by HM Inspectorates of Constabulary or Prisons were paid childcare expenses or loss of earning as they received a salary.

Remuneration

There was a wide divergence of views on the issue of payment. Some felt that lay people should be paid a salary for what they do; others felt that this would compromise their independence. Both HM Inspectorate of Constabulary and HM Inspectorate of Prisons (who currently have salaried employees) felt strongly that lay people should be paid:

*I think so, yes. I don’t think there’s any doubt about that. I suppose there is a risk that you’re taking away that complete objectivity by paying for it, but I think that’s a pretty small risk and I think it’s only fair. I know that the current Lay Inspector and the previous Lay Inspectors I’ve had experience with have certainly contributed the worth of the pay that they’ve received and much more.* (HM Inspectorate of Constabulary, Staff Member)

Within the inspectorates and external review bodies that have volunteer lay people, there was a more complex picture of opinions. Only two lay people, both from HM Inspectorate of Education, felt that they should be paid a salary for the work they carry out:
I do get frustrated that we are not paid... I see so many quangos and other institutions with part-time jobs offering £5-6k per year, where we do a very committed job for nothing. (HM Inspectorate of Education, Lay Person)

However, in general the lay people did not want to be paid for the work they carried out, seeing it as a volunteering position:

I’m not actually of the view that we should get paid... I think people volunteer and I think if you’re not volunteering it changes the nature of things. (NHS QIS, Lay Person)

Of all the lay people, those from Communities Scotland were most concerned about payment. While Communities Scotland itself has considered paying the individuals involved on a sessional basis, the lay people felt that this would jeopardise their credibility with other tenants:

Tenants need to see some sort of independence in there for it to be legitimate for them. (Communities Scotland, Lay Person)

However, despite this concern over independence, the tenants did suggest a small daily payment of between £15 and £50 should be paid to ensure all expenses were met:

I think if you are away for two days something like £50 would be ok, it’s not a lot of money, equally it’s something that you feel you’ve earned, you’ve done something... if I’m away the kids always go out and get pizza or something, I am out of pocket at the end of the day. (NHS QIS, Lay Person)

Such a payment ensures that lay people incur no financial penalties through their involvement in inspection and external review activities.

The tenants involved in Communities Scotland stressed that inspectorates and external review agencies would have to ensure that this did not interfere with the benefits received by some lay people.

6.5 Key findings

• In relation to selection procedures, those for lay employees follow traditional application processes, for pools of volunteers it differs between strict processes and more informal methods.
• There remains variation in whether or not lay people are selected for a fixed term, and variation among lay people and staff as to whether this is beneficial. Most favour a limited term with the possibility of an extension.
• Training and support varied from very little, in the case of one employed lay person, to a designated officer available for training and support. Some respondents felt that they would have liked more training.
• Though the majority of lay people would have welcomed the creation of peer support networks, there were few opportunities provided for lay people to meet one another and provide peer support.

• Some inspectorates and external review bodies paid a salary to lay people while others view lay people as volunteers. Some felt that lay people should be paid a market wage for what they do, others felt that this would compromise their independence. There was general consensus that a small daily rate (£15-£50) should be payable, though consideration would be required in individual cases where this would affect benefits.

• There was almost universal agreement that agencies should cover the cost of care for children or other dependents.

• There were some problems with agencies requiring individuals to pay their own expenses for travel and accommodation, without providing expenses in advance, leaving some people out of pocket by considerable amounts for over one month.
7. The Role of Lay People in Inspections

This chapter outlines the role of lay people in inspections, including the attitudes of professionals to lay involvement, the amount of preparation time taken by lay people, the tasks carried out by lay people during inspections, the input of lay people to the inspection report and finally the use of evaluation. As with previous chapters, key differences between inspectorates and external review bodies will be highlighted and key findings are noted at the end of the chapter.

7.1 Lay people as members of the inspection or review team

The majority of interviewees felt that they were included as part of the ‘inspection team’ and that their contribution was respected.

Within HM Inspectorate of Education, while the majority of lay people did feel included within inspection teams, a small number suggested that the level of involvement depends on the attitude of the professional inspection staff:

> Sometimes you get the feeling that some of the HMIe inspectors find us a wee bit of a nuisance, but there’s a sort of level of tolerance…by and large I think we are accepted in some cases, and in other cases tolerated. (HM Inspectorate of Education, Lay Person)

Some lay people referred to the need for professional staff to be trained on the role of lay people within inspections.

The tenants involved in Communities Scotland inspections see themselves as removed from the formal inspection team and process. As a member of staff explains:

> Our tenants were feeding back to us that they didn’t actually want to be seen as part of the inspection process because they felt that that would make them more removed from the tenant on the street and they wanted to retain their independence and this scheme was drawn up so that …tenants from other landlords who had the skills to interview and who understood the inspection process could go and get that information and feed it back to inspectors. (Communities Scotland, Staff Member)

The tenants involved in this project therefore did not see it as appropriate for them to be considered members of the ‘inspection team’ in the same way as NHS QIS or HM Inspectorate of Education operated.
7.2 Professional attitudes to lay involvement

Where volunteer lay people were used, both inspectorate staff and lay people discussed reactions to their involvement from professional staff, such as teachers and doctors, within the organisations being inspected. For HM Inspectorate of Education, there was a suggestion that this had taken time to, ‘bed down’ with lay people feeling marginalised during the creation of the schemes.

Within the Care Commission, which is in the process of setting up lay inspection, there were concerns over how professional staff reacted to lay involvement, with one member of staff referring to mixed reactions among the professional staff.

7.3 Tasks within the inspection

Amount of preparation time

In all cases lay people were given information in advance of inspection or review visits, however the amount of preparation time required varied. Lay people involved in NHS QIS inspections felt that the amount of information provided to them prior to inspections was excessive, with one lay person stating that it can take 15 hours to read through the evidence prior to an inspection:

_The amount of paperwork we get is unreal at times to go with an inspection. They try to send it out a number of weeks in advance of the inspection but some of the inspections can take you over a week to study the papers before you go._

_(NHS QIS, Lay Person)_

This is contrasted with HM Inspectorate of Education which estimates half a day for preparation before the inspection visit, though the lay people interviewed felt it took around a day in total. Similarly, the tenants from Communities Scotland estimated a day for preparation.

Tasks in the inspection

During inspections the lay people in NHS QIS reviews were asked to carry out the same tasks as professional reviewers while all the other agencies involved in this research have clearly defined roles for the jobs carried out by lay people. Within NHS QIS review visits, interviews with staff are usually carried out in pairs, with one lay reviewer and one professional reviewer, such as a nurse or clinician. During the course of the visit each lay reviewer will be paired with a number of different professionals.

Each of the inspectorates and external review bodies which allocate defined tasks to lay people argue that this is due to the technical expertise required from professional staff to inspect some areas. Within HM Inspectorate of Prisons, the Chief Inspector, who is a lay person, directs the work of the professional staff. He notes:
There are several technical parts of running a prison, which it is much better that somebody who knows about prisons inspects i.e. security, discipline – it’s better that somebody has a lot of experience of that. I concentrate on meeting with prisoner groups, visiting committees, trade union reps and spend time looking at two or three issues of central importance. (HM Inspectorate of Prisons, Lay Person)

Similarly within HM Inspectorate of Constabulary, the lay person concentrates on areas of clear public interest such as complaints mechanisms; care and custody; and relationships between the policy and local authorities or community safety organisations.

Within Communities Scotland, the lay people are involved solely to gather the views of service users through interviews with tenants. They are not otherwise involved in the inspection process, with the full inspection taking place after the discussions with tenants. This service-user perspective is also apparent within HM Inspectorate of Education where lay people are responsible for collating views of parents and pupils and feeding these into the inspection process.

In HM Inspectorate of Education inspections, there is a strict division between professional inspectors who inspect the curriculum and lay people who are responsible for inspecting other areas of the school:

I see myself looking at various quality indicators — ethos; equality and fairness; climate and relationships. Also the school’s partnership with the school board and the parents and the local community. It’s a fairly wide role, which changes from school to school. Nothing academic. (HM Inspectorate of Education, Lay Person)

Within NHS QIS, where lay people carry out similar functions to professional inspectors, the service-user perspective is reduced due to problems surrounding patient confidentiality:

That was one thing that we always struggled with… because of confidentiality you weren’t allowed to talk to patients, now they might be able to produce records but they would be anonymised. (NHS QIS, Lay Person)

7.4 Input to the inspection report

Inspectorates vary in relation to the extent to which lay people are involved and in writing up the inspection reports.

Involvement in writing final report

The Chief Inspector of Prisons leads the discussion on the conclusions of the inspection, writes the preamble to the report and sometimes uses this to reference larger policy issues, while the main body of the report is written by other members of the inspectorate staff. The Lay Inspector of Constabulary has as much involvement in the final inspection report as required and can feedback through meetings or commenting on drafts. The current Lay Inspector has never had comments refused and reported that their views are reflected adequately in both the report and the outcome.
Involvement through written reports
Lay people within HM Inspectorate of Education inspection teams are expected to write up their findings and submit these to the Managing Inspector, though there are also opportunities for them to submit findings orally during discussions while on the visit. Some HM Inspectorate of Education lay people commented that they were having to record their views ‘on the hoof’ and would prefer being able to spend a few days after the inspection thinking about their experiences before writing a final formal report. Lay people are also invited to comment on the draft report.

Involvement through feedback
Within those using a pool of volunteers there is less involvement in the formal writing up process. In Community Scotland’s ‘Tenants Talking To Tenants’ project the lay people conduct the meetings and interviews with tenants of the landlord being inspected, using audio recordings as the basis of both written and oral feedback. The report itself is drafted by the support worker, with these findings used as part of a wide range of evidence gathered in the inspections. This is the only input they have to the report-writing process, with Community Scotland inspectors using their findings as background to the full inspection visit.

In NHS QIS, both the professional and lay reviewers feed back their views to the NHS QIS staff. The interviewees described being able to feed information to inspectors through either computer systems while on inspection visits, site notebooks or through post-visit questionnaires. They are not involved formally in the writing up, which is carried out by NHS QIS staff, but they are given a copy of a draft report which they can comment on. None of the interviewees expressed a desire to be more involved in this stage or a concern that their views were not being incorporated.

7.5 Evaluation of the inspection
The newer lay involvement projects, within Communities Scotland, NHS QIS and the Care Commission, have established, or are in the process of establishing, formal evaluation structures. The Care Commission is carrying out the evaluation of recruitment, selection and induction training internally. They have also contracted an external consultancy to evaluate the project as a whole. Communities Scotland is also carrying out internal evaluation while NHS QIS has decided to contract out the evaluation. No reports are yet available on these evaluations.

The education inspectorate included a short questionnaire for lay people following inspections to monitor their satisfaction and identify any training gaps that need to be filled for the past three years. Questionnaires are collated and the information gained is used to put together the programme for the annual lay member ‘recall’ training day.

Neither HM Inspectorate of Prisons nor HM Inspectorate of Constabulary have built-in evaluation systems to the impact of their lay members of staff.
7.6 Key findings

- The majority of lay people describe themselves as part of the inspection team, while those from the Communities Scotland ‘Tenants Talking to Tenants’ project felt that they should be independent from the inspection team. Within HM Inspectorate of Prisons, the lay person leads the team.
- Though some lay people felt that there was an issue in relation to professional attitudes to lay people, this related to new schemes and tended to dissipate over time.
- During inspections some lay people are asked to carry out exactly the same tasks as professional inspectors while others have clearly defined roles, centring on the views of service users.
- There are differences in involvement in writing up: the employed lay people take full responsibility for the whole report, while some volunteers submit written responses and others feedback orally throughout the course of the inspection. Most respondents felt their views were taken into account in the final report.
- While some inspectorates and external review agencies had structures in place for the evaluation of their lay involvement projects, HM Inspectorates of Prisons and Constabulary did not.
8. The Implementation of SCC Recommendations

The 1997 SCC report on lay involvement made recommendations to the inspecting organisations. This chapter reviews these recommendations in the light of developments since 1997. The recommendations in bold within the text boxes highlight the recommendations which have not yet been acted upon.

8.1 HM Inspector of Education

<table>
<thead>
<tr>
<th>Recommendations from the 1997 report:</th>
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<tr>
<td>1. In its training programme for lay people, HM Inspector of Schools [now Education] should ensure that potential lay people are not swamped with too much technical or professional information about the school curriculum.</td>
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<tr>
<td>2. We recommend that they should drop the requirement that lay people should be aged 30 or over, so as to involve some younger people with a more immediate experience of school education, who might be given a particular remit to work with groups of children.</td>
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<tr>
<td>3. <strong>We recommend that they should pay all lay people of inspection teams a daily allowance.</strong> This would have the effect of making it possible for a wider range of people to take part in inspections, and provide a measure of recognition to those who may give up substantial amounts of time to an inspection.</td>
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<td>4. Payment of travel and other expenses should be made in advance if requested, or paid by the inspectorate at the time they are incurred.</td>
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<tr>
<td>5. We recommend that they ensure that inspection reports are written in clear English and without the use of technical or professional jargon so that the meaning of reports is clear to parents.</td>
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HM Inspectorate of Education has reviewed and updated its training system since 1997. All lay people reported being happy with the level of information given in the training.

They have dropped the minimum age of 30 for lay people; however, this does not appear to have in itself attracted younger people. Part of the reason for this may be that younger people, in particular young women who may be interested in participating, are unable to claim childcare expenses.

HM Inspectorate of Education did not implement the recommendations on paying lay people of the inspection team a daily allowance or paying expenses in advance of inspection visits.
8.2 HM Inspectorate of Constabulary

Recommendations from the 1997 SCC report:
1. We recommend that HM Inspectorate of Constabulary should appoint additional lay people to take part in inspections with a well-defined remit.
2. We recommend that HM Inspectorate of Constabulary develop a training programme for its Lay Inspector which should encompass the nature of inspections, the value of lay involvement and the practical skills needed in carrying out inspections.
3. We recommend that the Secretary of State should institute an independent review of the current procedure for the review of complaints against members of the police force.
4. We recommend that HM Inspectorate of Constabulary implement a system for evaluating the contribution of the Lay Inspector to inspection.

HM Inspectorate of Constabulary have implemented three of the four recommendations made by the Scottish Consumer Council in 1997.

While HM Inspectorate of Constabulary continues to have only one salaried lay person, they have taken steps to include members of the public in their thematic reviews and use ad hoc lay people for their expertise in areas such as Information Technology.

Both the Lay Inspector and the members of staff involved in this project stress that the professional staff ensured that the Lay Inspector was well supported and received ongoing training from them. However, there remains no mechanism for the evaluation of the contribution of the Lay Inspector.

The 1997 report argued that the dual role of the lay person, as both being involved in inspections and handling complaints against the police, was placing too great a burden on the Lay Inspector. Similarly, this confuses the role of a lay person, with the current Lay Inspector being hired for knowledge of complaints systems rather than for attributes required within inspections. Since 1997, the Scottish Executive has consulted on the area of police complaints and has outlined its commitment to creating a new independent police complaints body by 2007.
8.3 HM Inspectorate of Fire Service

Recommendations from the 1997 SCC report:
1. We recommend that HM Inspectorate of Fire Service should advertise publicly for the position of Lay Inspector of Fire Service.
2. We recommend that HM Inspectorate of Fire Service should appoint additional lay people to take part in inspections either on an occasional basis or on a more regular basis, with a well defined remit.
3. We recommend that HM Inspectorate of Fire Service should provide a training programme for any lay people involved in inspections, covering the nature of the service being inspected, the importance and role of lay involvement, and practical skills needed for the job.
4. We recommend that HM Inspectorate of Fire Service should evaluate the contribution made to inspections by the Lay Inspector on a regular basis.
5. We recommend that the Secretary of State should review the funding of the Fire Service Inspectorate with a view to ensuring that funding is adequate to carrying out these inspections.

None of the SCC recommendations were implemented by HM Inspectorate of Fire Service, though this may be due to changes within the Fire Service generally and the inspectorate in particular. Since 1997 the position of Lay Inspector has been removed.

There are possibilities that new legislation on Fire Service expected in 2005 will provide opportunities to modernise the service and include a statutory duty for the fire service to carry out fire safety duties and public education. This would also provide an opportunity to review the funding of the HM Inspectorate of Fire Service to ensure that they can afford the creation of a lay involvement project suitable to their needs.

8.4 HM Inspectorate of Prisons

Recommendations from the 1997 SCC report:
1. HM Inspectorate of Prisons should advertise for lay people of inspection teams.
2. HM Inspectorate of Prisons should provide a training programme for any lay people involved in inspections, covering the nature of the service being inspected, the importance and role of lay involvement, and practical skills needed for the job.
3. HM Inspectorate of Prisons should consider further the involvement of former prisoners in inspections, possibly as a way of facilitating discussions with prisoners.
4. We recommend that the Secretary of State should review the funding of the prisons inspectorate with a view to ensuring that funding is adequate for carrying out these inspections.

HM Inspectorate of Prisons has not implemented the recommendations of the SCC. They continue to use only one lay person, the Chief Inspector. Though there were suggestions of using lay people on an ad hoc basis in the 1997 report, no mention was made of this within the discussions with HM Inspectorate of Prisons during 2004. The 2004-05 Business Plan for HM Inspectorate of Prisons contains targets to identify and use additional Lay Inspectors.
8.5 Scottish Health Advisory Service (incorporated into NHS QIS)

Recommendations from the 1997 SCC report:
1. We recommend that the Scottish Health Advisory Service should assess the contribution which lay people can make to inspections and define what their role and remit in an inspection will be.
2. We recommend that Scottish Health Advisory Service should pay its lay people a daily allowance for doing this work.

Since 1997, considerable changes have taken place in the regulation and inspection of health services, heralded by the creation of NHS QIS. This new organisation has included lay reviewers within both the creation of its clinical standards and the inspection of services to ensure standards are being met. While lay reviewers are not currently paid, there are payments for both childcare, carers costs and loss of earning, which makes NHS QIS the most generous of all inspectorates and external review bodies using ‘volunteer’ lay people.

8.6 Local Authorities (relating to the remit of the Care Commission)

Recommendations for the 1997 SCC report:
1. We recommend that local authority inspections of residential care homes should involve lay people.

The previous report also highlighted areas where lay involvement in inspections could be developed in future.

The creation of the Scottish Commission for the Regulation of Care brought the regulation and inspection of care services under one national organisation. They are currently in the process of developing lay inspection processes. SCC welcomes this development.

8.7 Social Work Services Inspectorate

Recommendations from the 1997 SCC report:
• We recommend that SWSI proceeds with its published intention to advertise and appoint a panel of lay people to take part in its inspections.
• We recommend that the SWSI should open up its recruitment of lay people to a much wider field that that used at present, by advertising in the press.
• The SWSI should develop a training programme for lay people covering the nature of social work inspections, the importance of lay involvement and the practical skills needed.
• We recommend that the SWSI should clearly specify in its training and in its briefing for particular inspections what the remit of lay people will be.
• We recommend that SWSI should pay all lay people of inspection teams a daily allowance.
• SWSI should ensure that payment of expenses and other allowances can be made in advance if requested, or at the time at which they are incurred.
• The SWSI should implements a system for evaluating the contribution of lay people to its inspectorates.
As discussed in chapter 1, the Social Work Services Inspectorate was not involved in this research due to organisational changes occurring since 1998. The Social Work Services Inspectorate will the move next year to an Executive Agency and redevelop its lay involvement scheme. Therefore we would like to take this opportunity to reiterate the recommendations of the 1997 report.

8.8 Audit Scotland

Audit Scotland was not included within this review; however, SCC argues that the findings and general recommendations apply to Audit Scotland as an external review body. In addition to the auditing functions of the body, they have also recently carried out investigations of:

- levels of cleanliness in hospitals;
- the system for dealing with young offenders;
- the management of hospital waiting lists; and
- a review of overspend in a Scottish local authority.

Each of these areas has clear implications for the provision of public services and, though we have not been able to include them in this review, we believe that the investigations would benefit from a lay perspective. The Accounts Commission, which directs the work of Audit Scotland, consists of between six and twelve members appointed by the Scottish Executive. While at present members are professionals from a range of backgrounds, the opportunity exists to involve ‘lay’ people in this dimension of the Accounts Commission’s work.

8.9 Discussion

While some inspectorates and external review bodies, including the new agencies of the Care Commission, NHS QIS, HM Inspectorates of Constabulary and Education and Communities Scotland, have embraced the use of lay people within inspections, it is disappointing to note that little has changed within the ‘uniformed’ inspectorates of Prisons and the Fire Service. While recognising that in the case of the Fire Service the negative developments have been to a large extent outwith its control, the Scottish Executive should review the funding of each of these inspectorates to ensure that they are able to include a lay perspective within inspections.
9. Policy Implications

The Scottish Consumer Council welcomes the fact that the majority of inspectorates and external review bodies have developed policies to include lay people in their work. In this section, we wish to discuss some of the key issues in more detail before making recommendations on good practice in the involvement of lay people in the public sector.

9.1 Models of lay involvement

Inspectorates and external review bodies vary considerably in the models they use to involve lay people, from the use of only one employed lay person to large pools of lay volunteers.

Though salaried lay people provide a valuable contribution to the inspections within HM Inspectorates of Prisons and Constabulary, they cannot provide a view across different sections of the Scottish population. HM Inspectorate of Constabulary have sought to rectify this through the use of ad hoc lay people within thematic reviews, particularly in the review of race relations where there was a strong need to involve members of Black and minority ethnic communities. From the information provided, HM Inspectorate of Prisons has not taken similar steps.

Inspectorates and external review bodies must be clear that, while salaried lay inspectors are an important part of the inspection team, they do not provide the range of views and experience available to those agencies using volunteers.

9.2 Representation and barriers to involvement

Within the inspectorates and external review bodies which use pools of lay volunteers, there is poor representation from specific sections of society, such as young people and people from Black and minority ethnic communities. In relation to Black and minority ethnic communities, other studies have shown that the concept of volunteering does not exist in the same way as for the mainstream population, though there are indications that this is changing within younger generations (Volunteer Development Scotland, 2004).

It is likely that the difficulties in recruiting volunteers from these groups is a result of recruitment methods. Currently, inspectorates and external review bodies use either traditional ‘employment’ methods or informal networks, with only the Care Commission mixing the two. While both methods can be successful in recruiting lay volunteers, they impact on the type of people who volunteer.
In relation to recruiting volunteers from Black and minority ethnic communities, Volunteer Development Scotland’s report (2004) highlights:

- The need for agencies to have specific training for Black and minority ethnic volunteers, for example they suggest training be provided in languages other than English.
- The need for members of staff within agencies to be provided with training on equality issues.
- The need for stronger links between agencies who wish to recruit a diverse range of volunteers and the Black and minority ethnic community (Volunteer Development Scotland, 2004).

The last suggestion highlighted here is of particular importance as most organisations find that word of mouth is the best method of recruiting volunteers. Similarly, the use of referral by other voluntary and statutory organisations was found to be effective in recruiting people from Black and minority ethnic communities. (Pankaj, 2002) Inspectorates and external review bodies should develop links with these organisations with the aim of increasing representation.

The second group who appeared under-represented as volunteer lay people were younger people. This is unsurprising as most inspectorates and external review bodies expected lay people to be available during the working day though few paid for loss of earnings (NHS QIS is the notable exception to this). The over-representation of older people in HM Inspectorate of Education may also be due to the lack of childcare payments. If inspectorates and external review bodies wish to redress this balance they may have to alter their processes, for example offering work to lay people in the evenings and weekends. As many of the services inspected are open during these times this would be possible, though may have organisational implications. Similarly, a more pro-active recruitment campaign would be necessary, for example targeting college and university students through education establishments or unemployed people through the job centre.

### 9.3 Payment

Payment of lay people was one of the most contentious issues found during this review. While the ‘uniformed’ inspectorates of Constabulary, Prisons and Fire Service paid a salary (or had paid in the case of the Fire Service), the inspectorates and external review bodies covering health, education and social care used unpaid volunteers.

The 1997 report highlighted the role of gender in the role of lay inspectors, with traditionally male inspectorates of constabulary, prisons and fire services using the title of ‘inspector’ rather than ‘lay person’. In addition to this finding, the current research found a stark difference between the uniformed, male-dominated services who pay lay people a salary and the health, education and social care bodies who use lay volunteers. It is unlikely that this difference is a coincidence, rather it reflects the organisational climate of the inspectorates and external review bodies and the climate of the services that they inspect.
While the majority of volunteer lay people we spoke to were happy not to be paid a salary, there was a positive response to the notion of a small daily rate as recognition of time volunteered. For others, this was seen as a threat to their independence, however a small payment of £15-50 per day is unlikely to lead to this outcome, and the threat of lost independence is not borne out by the experience of paid staff in HM Inspectorate of Constabulary and Prisons. Care would have to be taken where volunteers were on benefits, however, to ensure that the amount payable did not affect the volunteers’ benefits entitlement. As Volunteer Development Scotland notes:

*The Benefits Office may assume that volunteers are being paid for their voluntary work if they consider that it would be reasonable to expect payment (called ‘notional earnings’). (Volunteer Development Scotland, Undated)*

It is unclear, given discrepancies between inspectorates and external review bodies on the issue of payment for lay people, whether or not this work could be viewed as ‘notional earnings’. Inspectorates and external review bodies should consult the Benefit Office if any of their volunteers are in receipt of benefit to ensure proper procedures are followed.

### 9.4 Expenses

A number of lay people highlighted problems with the expenses system, in particular the large amount of money which was occasionally being claimed back and delays in processing claims. Given that no additional costs are involved, it seems reasonable that organisations consider arranging travel in advance, as requested or organising travel from the agency (for example, for car hire, train travel or flights). Other out of pocket expenses should not be subject to undue delay in payment.

HM Inspectorate of Education was the only agency using volunteers that did not pay for childcare. There was no suggestion that the costs of childcare were placing a burden on other inspectorates’ and external review bodies’ budgets, HM Inspectorate of Education policy on this issue should be updated in line with other inspectorates and external review bodies.

### 9.5 Training and support

The majority of lay people were happy with the level of initial training received; however, there were some concerns that it did not cover in-depth the policy background and key developments in the field. This was echoed by the desire for more ongoing training in all inspectorates using volunteer lay people. For HM Inspectorates of Constabulary and Prisons, colleagues provided ongoing training informally.

While most lay people felt well supported, there were calls from some volunteer lay people for more opportunities for peer support. In Communities Scotland, where the tenants worked together as a team, the benefit of having others to discuss ideas with was clear. Inspectorates and external review bodies using volunteer lay people should develop systems for peer support among their volunteers.
Of more concern was the lack of formal feedback experienced by lay people, which may explain why some felt that a fixed term with renewal may be helpful as an opportunity to receive feedback. However, the majority of those interviewed mentioned a desire for more feedback from the professional inspectors following their involvement in a particular inspection team. The Care Commission plan to provide feedback to lay people through local coordinators. Formal mechanisms for this have been developed by HM Inspectorate of Education and should be employed by all inspectorates and external review bodies.

9.6 Role within the inspectorate/external review body

There is a wide divergence in the position of lay people in the inspection team: from HM Inspectorate of Prisons where the Chief Inspector is a lay person, to Communities Scotland where the tenants involved are very much removed from the formal inspection process.

Similarly, there were differences in the role carried out by lay people, from focusing solely on a service-user perspective (Communities Scotland) to carrying out the same tasks as professional inspectors (NHS QIS). In the case of NHS QIS, the time required to enable lay people to carry out the same tasks as inspectors meant that they were spending considerably more time preparing than volunteer lay people involved in other inspectorates and external review bodies.

Lay people should be seen as full members of the inspection process; however, this does not mean carrying out the same tasks as professional inspectors. Within HM Inspectorate of Education, for example, the lay people (known as ‘lay members’ of the inspection team) carry out a specific task in inspections, focusing on the service user perspective; however, they are seen as active and full members of the inspection team. Inspectorates and external review bodies need to clarify why they are involving lay people and ensure that the tasks allocated match that aim.

In some cases, lay people felt that professional inspectors did not welcome their involvement. We found that only one of the organisations involved in this review provided training for professional inspectors or reviewers on the role of lay people within inspections. The Care Commission had both a training day as preparation for professional inspectors and a joint day to bring together staff and lay assessors. Given concerns raised in Chapter 7 over difficulties in the relationship between lay people and professional members of inspection and review teams, training for professional staff, and joint training between lay and professional staff may be helpful.

9.7 Conclusion

Since 1997, there has been a marked increase in the recognition of the need to involve the public in government and the provision of public services. Best Value places a duty on public bodies to involve consumers and there has been a plethora of initiatives across the public sector to facilitate this. Patient Focus and Public Involvement within the NHS, for example, ‘recognises that it is no longer good enough to simply do things to people; a
modern healthcare service must do things with the people it serves. (NHS Scotland, 2003)

As discussed in chapter 5, there are many benefits to involving lay people in public services, including improving openness and transparency.

Despite this we found repeated concerns over the funding of public involvement in inspections, most notably from HM Inspectorate of Fire Service who recently discontinued its lay inspector post. The Scottish Executive, as funder of the inspectorate and external review bodies, should ensure that adequate funds are provided to continue and develop public involvement in inspections.

The Scottish Executive has remained silent on the issue of public involvement in inspections since the publication of its Charter on Inspection in 2000. It is of interest to note that none of our interviewees made reference to this Charter and it is not available on the Scottish Executive website. In the light of the report on public involvement in inspections by the Office of Public Sector Reform at Westminster, the Scottish Executive should consider a similar review in Scotland and reiterate its commitment to public involvement in inspections.
10. Recommendations for The Involvement of Lay People in Public Services

10.1 Recommendations to the Scottish Executive

The SCC is concerned at the lack of national guidance on the involvement of lay people in inspection and external review bodies. The issues highlighted in this report show the complexity surrounding issues of lay involvement but at present there is a lack of clarity in the aims and objectives and great disparity in practice. The review conducted by the Office of Public Sector Reform at Westminster has provided clear guidance to English and UK-wide inspectorates but does not extend its remit to Scottish inspectorates and external review bodies. We believe this to be a significant gap in policy.

We therefore recommend that:

1. The Scottish Executive carry out a full review of the use of lay people in inspections, to address the following questions:
   - What are the policy aims of lay involvement?
   - What are the best models used to involve lay people?
   - What is the role of lay people in inspection and external review?
   - How can we achieve socio-economic representation?
   - How should lay people be recruited?
   - What standards of training and support should be provided?
   - What are the implications of lay involvement in terms of insurance and other organisational issues?
   - Should lay people be paid for the role they carry out?

2. The Scottish Executive review should provide clear guidance to all inspectorates and external review bodies on the involvement of lay people in their work.

3. The Scottish Executive should ensure that inspectorates and external review bodies are sufficiently funded to undertake initiatives to involve lay people.

10.2 Recommendations to inspection and external review bodies

In the absence of a full Scottish Executive review and in the light of the findings of this report, the SCC would like to make the following recommendations to inspection and external review bodies:
1. Inspectorates and external review bodies must be clear about the aims of involving lay people in their work. These aims should be explicitly stated in the agencies Charter or similar document and in all recruitment and training materials for lay people.

2. Inspectorates and external review bodies should clarify their definitions of lay people to avoid confusion among staff, inspected bodies and the public.

3. Inspectorates and external review bodies should not rely on only one lay person, and should develop a pool of lay people to provide a range of views.

4. Inspectorates and external review bodies should aim to involve a socially representative pool of lay people and therefore use a wide variety of methods to recruit lay people.

5. Where lay people are contracted for a fixed period of time, options for renewal should be available.

6. Inspectorates should arrange for expenses to be payable in advance and should take responsibility for travel arrangements that require long-distance train or plane journeys.

7. Where lay people are not being paid a salary, the inspectorate or external review body should pay for the costs of childcare, care of other dependents and any loss of earnings incurred due to involvement in inspections.

8. Where lay people are not being paid a salary, the inspectorate or external review body should pay a small daily rate in recognition of the work carried out.

9. Initial training should cover the nature of the service being inspected, the importance and role of lay involvement, and practical skills needed for the job.

10. Ongoing training should also be provided to keep lay people up to date with developments in the field.

11. Inspectorate and external review bodies should develop structures and opportunities for peer support.

12. Inspectorates and external review bodies should provide clear feedback to lay people on their performance.

13. Professional staff within the inspecting agencies should be trained to ensure they understand the aims of lay involvement.

14. Lay people should be given a clear remit during inspections and should not be used as an extra pair of hands or given the same tasks as professional inspectors.

15. Lay people should be given the opportunity to comment on draft inspection or review reports; to provide a lay perspective; and to ensure that their views are being heard.

16. Lay people should be given time to consider their findings before submitting reports and should be able to submit their findings in whatever format best suits their skills.

17. Inspectorates and external review bodies should ensure that their lay involvement projects are evaluated on a regular basis and that the evaluations themselves are public documents available to all lay people and available to the public on inspectorate websites.
11. References


Office of Public Services Reform (2003a) *Inspecting for Improvement: Developing a customer focused approach* London: OPSR


