THE USE OF
LAY PEOPLE IN THE INSPECTION OF
PUBLIC SERVICES

PREPARED BY LIZ MACDONALD
POLICY MANAGER

SCOTTISH CONSUMER COUNCIL
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CHAIRMAN'S PREFACE

There is no doubt that the Citizen's Charter has had a significant impact on the way public services are provided in this country. It has, for example, encouraged service providers to address the question of how they ensure that the services they provide really meet the needs of users of those services.

One area particularly mentioned by the Citizen's Charter was the inspection of public services. While many people, particularly parents, are aware of school inspections, most people in this country are probably very much less familiar with the other inspectorates, which play an extremely important role as watchdogs, working to ensure that a range of services, often involving large amounts of public expenditure, are provided efficiently and effectively. The Charter stated that an important goal for the inspectorates was to ensure that public services met the needs of the users of those services, and that in the inspection of public services the professional interests of those under inspection should be subject to challenge by the non-professional interest of an articulate "lay" voice, representing the wider interest of the general public. To this end, the Charter recommended that the inspectorates should all include lay members. 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.

Since it is now more than five years since the Citizen's Charter initiative began, we thought that this would be a good time to assess how far the various inspectorates in Scotland have responded to the Charter, and how they have used lay people in their inspection teams.

The report contains a wealth of information for all those who are interested in the developing role of inspection, whether as inspectors or inspected, as interested members of the public or as committed lay members of inspection teams. In particular, it allows a useful comparison of the systems that have developed across the various sectors and reveals considerable differences in the ways in which lay people are used. The report will be a helpful source of information to all those who are interested in the future development of lay inspection.

The present Lay Inspector of Constabulary, the Very Reverend Graham Forbes, is also a member of the Scottish Consumer Council. However, it must be stressed that the conclusions and recommendations are those of the SCC as a whole rather than those of individual members.

All the inspectorates covered in the report have had an opportunity to verify factual statements made in the report.

Deirdre Hutton
Chairman
THE USE OF LAY PEOPLE IN THE INSPECTION OF PUBLIC SERVICES

1 BACKGROUND

1.1 The Citizen’s Charter

In 1991 the government, in its Citizen’s Charter, devoted a section to the question of audit and inspection of public services, and proposed a series of innovations and developments which would strengthen audit and inspection services. These included increasing the publicity given to reports by the Audit Commission in England and Wales and its equivalent in Scotland, the Accounts Commission. Performance league tables would identify local authorities by name, and local authorities would be encouraged to respond publicly to any criticisms made by the Accounts Commission. Local authorities would be required to publish information showing the standard of service they were providing and at what cost.

In relation to the main inspectorates, the Charter stated that the central responsibility of inspections was to check that services were delivered in the most effective way and also that they “genuinely meet the needs of those whom they serve”. The Charter then made the case for a change in the balance of those involved in inspection.

[I]t is essential also that inspectors reflect the interests of the public receiving a service as well as the profession providing it. If an Inspectorate is too close to the profession it is supervising there is a risk that it will lose touch with the interests of the people who use the service. It may be captured by fashionable theories and lose the independence and objectivity that the public needs. .... 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 members to more inspectorates to work closely with professional colleagues. The lay member’s job will be to ensure that the judgement 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.

The Charter went on to highlight specific areas in which change would be made, for instance, the appointment of lay experts to the Inspectorate of Constabulary, and the introduction of lay people into school and social work services inspections.

The emphasis in the Charter was on whether or not a service was meeting the needs of those who use it. So, although issues such as cost effectiveness and value for money are relevant considerations for inspectorates, the Citizen’s Charter emphasised them more in relation to the audit functions carried out by the Audit and Accounts Commissions. If we think of inspection as being an aspect of the way a service is made accountable to its users, then the issue of financial accountability is of lesser significance for inspectorates. The accountability which inspectorates are

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1 The Citizen’s Charter: raising the standard, cm 1599, HMSO, London, 1991 p 40
2 ibid.
1 - Background

Concerned with is accountability to members of the public as consumers or users of the services, and as citizens.

There are two distinct issues arising from this: firstly, how do inspectorates find out whether a service is meeting the needs of its users, and to what extent is this furthered by the use of lay people in inspection teams; and secondly what kind of lay people can bring the qualities of independence and objectivity which will act as a counterweight to the prevailing professional views about service provision.

The implication from the Citizen's Charter is that lay people involved in inspection will not necessarily be service users themselves, but will be able to act as proxies for the public interest and will draw on their own professional expertise to bring an objective view to bear which is independent of the professional groups subject to inspection. The Citizen's Charter leaves unanswered what the most effective mechanisms might be for finding out from users themselves whether services meet their needs.

Since it is now more than five years since the Citizen's Charter initiative was started, the Scottish Consumer Council thought that it would be interesting to see how far the different inspectorates in Scotland have gone in the introduction of lay people into inspection teams, and how they have done this, with a view to assessing how far this has been successful, both in terms of balancing the professional view and in terms of its promotion of the user perspective on service provision.

1.2 Scope

This report looks at the main public services in Scotland which are subject to inspection, ie education, social work, police, prisons, fire services and long stay NHS services. The Scottish Health Advisory Service (SHAS) has been included although it would not normally describe itself as an Inspectorate. It is however involved in inspecting certain NHS services. Other bodies are involved in inspection-type activities, for example the Mental Welfare Commission, but are not within the scope of this report.

This report has not looked in any detail at the use of lay people in inspections of residential care homes by local authority inspection units. This is partly because of research already done in 1993, which looked at the way lay people operated within the advisory committees which work with inspection units. This research showed that the extent to which lay people have been able to be effective members of these committees varies considerably. The report concluded that

"User involvement has not in any way reached its potential, while there is a good deal of lip service and hypocrisy around, especially in the way some committees are being chaired and run."  "Users need to be able to see their growing importance and to develop skills and strengths to hold their own in the provider/regulator relationship, in order to make a real impact on service provision and standards of inspection."  

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1 R Brooke Ross, Users, Advisory Committees and Inspection Units, Centre for Inner City Studies, University of London, January 1993, page 2
1.3 Methodology

A literature review and desk research formed the first stage of the research. This was followed by discussions with staff within all the inspectorates covered in the report, either face to face or by telephone. The inspectorates identified lay members of inspection teams who would be willing to speak about their own experiences, and telephone interviews were held with these lay members. The research was carried out between October 1996 and February 1997.
2 INSPECTION IN CONTEXT

2.1 Inspection and its relationship to regulation

While this report focuses on one particular aspect of inspection, namely the use of lay people, it is important to be aware of the context in which inspections are taking place and what the significance is of involving lay people in that process.

Inspection is one aspect of the process of regulation of public service provision. Regulation can be defined broadly to include the setting, monitoring and enforcing of rules or standards by a range of methods including audit, standard setting, and inspection. A range of different organisations are involved: in Scotland, the Accounts Commission, the various inspectorates, and complaints handling bodies such as the Prison Complaints Commissioner. Alternatively, it can be defined more narrowly, and so distinguished from inspection, as involving the setting and enforcing of standards, with the monitoring of those standards being the role of inspection.4

Research currently being undertaken at the London School of Economics is looking at the whole area of regulation of public administration. It has described the current trend to deregulate in the private sector, but to do the opposite in the public sector, with a consequent “audit explosion” in the public sector. In 1994-95 inspectorates in the UK cost the taxpayer £130 million, while ombudsmen schemes cost a further £50 million.

There has been a general increase in resources devoted to internal regulation in the UK public sector over the last 20 years. ... However, some older forms of regulation have persisted despite prediction of their demise...although some traditional inspectorates are modernising their approach under pressure from newer rival bodies such as the Audit Commission.5

Another feature of regulation is that it has increased in formality and in its distance from the regulated body. That process was reinforced by the Citizen's Charter with its emphasis on the independence of inspectorates from other parts of government, and with the requirement that they should promote clear standards and publish their reports.

During the 1980s there was a move from direct service provision by central and local government, to the regulation of provision by others, and the creation of new regulatory agencies. For example, direct service provision of benefits, or of health services is now the responsibility of bodies which are at arms length to government. A similar process has happened in relation to local authority services as a result of compulsory competitive tendering. This process poses problems in relation to accountability.6

Of the service areas considered in this report, most are provided either by local authorities or by joint boards containing representatives of local councils. The exception is the Scottish

4 see for example, Department of Health, Moving Forward: a consultation document on the regulation and inspection of social services, Department of Health, London, 1995
5 Christopher Hood and Oliver James, Regulation Inside British Government: The Inner Face of the Regulatory State?, ESRC, LSE, 1996 p18
6 see for instance Harden, The Contracting State, Open University Press, Buckingham, 1992
Prisons Service (SPS) which is now an executive agency. The Chief Inspector of Prisons thinks that now that it is an executive agency the SPS may think that independent inspection is less important, as it is now able to conduct its own audits, for example, of security. However, the Chief Inspector thinks that because it is concerned with its own promotion, it is in fact more important now that it should be subject to independent inspection, as it is more difficult for it to view itself objectively.

The Accounts Commission, which plays an important part in the regulation of public services provided both by local authorities and the NHS, was established in 1983. Its original role was to audit the accounts of local authorities and to detect fraud, illegality, corruption, unreasonableness or wilful misconduct. More recently its role has been extended to include looking at "economy, efficiency and effectiveness". It is responsible for the development of performance indicators for the police and fire services. There is thus an increasing convergence between the remit of the Accounts Commission and some of the inspectorates.

2.2 Inspection and its relationship to accountability

*Inspection can be seen as an instrument of accountability: as a way of making visible to the people what is being done by service providers, whether public or private. ... But the interest in inspection can also be seen as part of the wider social revolution that has increasingly rejected provider paternalism and is creating a demand for more accountability to consumers.*

This raises the question of what, but also, who inspections are for. A traditional view of inspection was that "it is broadly speaking true that inspectorates have always been established, and in many cases are still maintained in order to provide some assurance for the taxpayer that his money is being properly spent". While, as already discussed, the question of fiscal accountability is now increasingly seen as the province of the Accounts Commission, the inspectorates are also inevitably involved in the question of whether resources are being properly and effectively used. The answers to these questions provide a measure of accountability to members of the public as tax payers and as citizens.

Inspections also provide information to those who fund services, both central and local government about the quality of services being provided, and about the extent to which government policies are being effective in practice. Inspectorates advise ministers, who are politically accountable to parliament. Inspectorates vary in the extent to which they consider it to be within their remit to make policy recommendations to government. On the one hand, the privatised education Inspectorate in England, OFSTED, has argued that its role extends simply to considering how far a school is meeting the criteria set by the government. On the other hand the prisons inspectorates in both England and in Scotland see their role as being much more far reaching and extending to giving policy recommendations to government.

2.3 Inspection and independence

The Citizen's Charter speaks of the "independence and objectivity which the public needs" in the context of inspection. What the Charter appears to be emphasising is that there should be

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an element from outwith the profession or service under inspection, which is not imbued with
the culture and attitudes of that area of service provision. The Charter does not provide any
guidance about how to achieve this independence. How do you achieve the best balance
between professionals and lay people in an inspection team? Should inspectorates form part
of the government or be separate independent bodies?

In relation to prison inspections, the Citizen's Charter says that

The Government will ensure that the Prisons Inspectorate remains strong and
independent in the future.

The government has attempted to achieve this by appointing a Chief Inspector of Prisons in
both Scotland and in England who has no background in the prison service. This degree of
independence is not always comfortable for the government. The recent report on the
Cornton Vale prison in Stirling was critical of the government's policy in relation to the
provision of adequate bail hostels and policy on drug misuse.

The report...is believed to have incensed the Government. ...Private reaction from
inside the Scottish Office has indicated that Mr Forsyth would prefer the Inspectorate
to concentrate on ensuring that Government policy on prisons is enforced rather than
providing the impartial and independent outlook envisaged by statute.9

The former Chief Inspector of Prisons in England, Judge Stephen Tumim, said in his annual
report for 1994-95,

There is an important and not wholly resolved issue of how far Inspectors should go
incommending policy solutions to Ministers, but without such freedom to comment it
is difficult to see how Inspectors could properly perform their duties.

It is not always clear how to achieve independence. For example it may not be ideal to
appoint someone who knows absolutely nothing about the service under inspection. As Judge
Stephen Tumim has said

Ignorance, impartiality and independence were seen largely as synonymous in the
context of the English judiciary.

9 The Herald, 8 November 1996
3 INSPECTION IN PRACTICE

3.1 Structure of inspectorates and inspection teams

HM INSPECTORS OF SCHOOLS

HM Inspectors of Schools is headed by HM Senior Chief Inspector of Schools who is senior professional adviser on education to the Secretary of State. He and a Deputy Senior Chief Inspector supervise eight Chief Inspectors each of whom has responsibility for a division. There are a further 75 inspectors.

The inspection programme
There is a programme of school inspections with a representative sample from both the state and the independent sector being inspected every year. HM Inspectors also inspect further education colleges and community education provision. They provide reports on important aspects of education, and co-ordinate national developments in education. HM Inspectors of Schools provide an independent audit of the overall quality of education, standards of attainment, the effectiveness of individual institutions, arrangements for assuring quality and value for money.

In every inspection there is a Reporting Officer who is a professional inspector. He or she manages a lay member and works closely with him or her. In a school inspection there will also be one or more other HMIs, and possibly associate assessors. In a college there could be as many as 14 people involved including the lay member, HMIs and associate assessors.

The use of associate assessors is a fairly recent initiative, and must be distinguished from the use of lay members. Associate assessors are leading practitioners such as headteachers, principal teachers or heads of department in colleges, who are brought in to help with evaluation, because they have a good working knowledge of their field. They go back to their own school, college or community education service with a better understanding of the process of inspection, and the evaluation tools used in inspections. The Inspectorate hopes that they will help in pushing forward the quality initiative in Scottish schools, which involves schools, colleges and community education services in continuous self-assessment based on the principles used in inspections. There are now 50 associate assessors available for school inspections.

HM INSPECTORATE OF PRISONS FOR SCOTLAND

In the prisons Inspectorate, HM Chief Inspector of Prisons is himself a lay person, in the sense that he has never served in the prison service. In addition to the Chief Inspector, there are two professional inspectors, seconded from the Scottish Prison Service, who fill the posts of Deputy Chief Inspector and Inspector. A staff officer seconded from the Scottish Office completes the team. There is also secretarial support.

The Chief Inspector holds his appointment on a Royal Warrant from the Queen. He is appointed for a 4 year renewable term, on a part time basis, which is currently 4 days a week. The Inspectorate is based in a Scottish Office building, separate from the Scottish Prisons Service.
In an inspection team, the Chief Inspector can appoint other people to look at particular aspects of a prison, such as education or drugs. In addition there may be a guest inspector from another prison establishment, who will be there to learn about the inspection process from the Inspectorate’s point of view, and to look at a whole prison from the perspective of someone who has never done that before. The Chief Inspector hopes that this will raise awareness within the prison service about the inspection process and about the criteria which the Inspectorate is particularly interested in. This appears to be very much a parallel to what is happening in the Schools’ Inspectorate, but interestingly the Chief Inspector did not seem to be aware of that development.

In a forthcoming inspection the Deputy Chief Inspector of Prisons in England and Wales will be a member of the inspection team. Again the Chief Inspector believes that this will be of mutual benefit to both inspectorates, and he hopes to do the same with the Northern Ireland Prison Service in a later inspection.

The present Chief Inspector attaches great importance to opening up and widening the inspection team in this way.

The inspection programme
Scotland’s 22 penal establishments each receive a full formal inspection on a cyclical basis, every 3-4 years. These last between one and two weeks. The Inspectorate examines all aspects of the establishment from the point of view of “humanity, propriety and efficiency, while having proper regard to security, discipline and control”.

Full inspections are followed up by one day visits in subsequent years. Short reports on these visits would be sent to the governor and to the Chief Executive of the SPS. There are also occasional studies on a theme common to all or several penal establishments, for example, social work services within a prison or chaplaincy services. These are also published.

The Inspectorate also inspects legalised police cells, which are used to hold prisoners awaiting trial locally in isolated areas or, following conviction, pending transfer to a main prison. A report is sent to the Secretary of State and to Chief Constables.

HM INSPECTORATE OF FIRE SERVICES

HM Inspectorate of Fire Services (HMIFS) is another small Inspectorate, independent of the Fire Service, and situated in part of the Scottish Office. The staff consists of the Chief Inspector, an Inspector, a Senior Assistant Inspector, two Assistant Inspectors, and a Lay Inspector, as well as administrative support staff. The two Assistant Inspectors deal with fire safety in Crown premises, eg Holyrood Palace, and additionally carry out fire safety inspections of all prisons in Scotland over a two year cycle. They are both former Fire Safety Officers. The Chief Inspector, the Inspector and the Senior Assistant Inspector are former employees of the fire service with many years’ service. The Chief Inspector and the Inspector are appointed by the Crown on the recommendation of the Secretary of State for Scotland. The Senior Assistant and Assistant Inspectors are appointed by the Secretary of State. There are no seconded posts.
The inspection programme
There are eight fire brigades in Scotland and these are all inspected every year. A full inspection one year is followed by an intermediate inspection in the following year. There are triennial inspections of the Scottish Fire Training School at Gullane and the Isle of Man Fire and Rescue Service. In addition the Inspectorate may produce reports on particular issues. As an example, the Lay Inspector is currently working towards producing a report on equal opportunities within the Fire Service in Scotland, which has a particularly poor record. All four inspectors (professional and lay) take part in all inspections.

The remit is to look at the efficiency, effectiveness and standards of the Fire Service in Scotland, and the ways in which it provides a service to the public. Its states its aim as being

*to promote high quality of service and value for money objectives which take full account of public expectations, accord with the principles set out in the Citizen’s Charter and inspire public confidence.*

SOCIAL WORK SERVICES INSPECTORATE

The Social Work Services Inspectorate (SWSI) is part of the Scottish Office Home and Health Department. The Chief Inspector of Social Work answers directly to the Secretary of State for Scotland and is a member of the Senior Civil Service. The Chief Inspector is also the Secretary of State’s Chief Social Work Adviser. There are four Assistant Chief Inspectors and 11 Inspectors. In addition there is a member of staff seconded from a local authority. All these professional inspectors are former managers or academics in the social work field.

The Chief Inspector provides advice on the quality of social work services and the need for them. He reports on inspections to the Secretary of State, who publishes the reports. The Inspectorate also provides professional advice to the SWSG and to ministers. It works with the SWSG to monitor and assess what government policies are achieving, and in assessing its efficiency and effectiveness.

The inspection programme
The different types of inspections are national thematic inspections, local service inspections, statutory inspections of secure accommodation for children and adoption societies, and investigations of other matters as considered necessary.

In an inspection team there will typically be two professional inspectors, someone providing administrative support, a lay member, and a researcher or consultant, sometimes from the Scottish Office Central Research Unit, or sometimes from the private sector. For example, an accountant from Price Waterhouse was involved in the recent inspection in Angus, Dundee and Perth & Kinross, focusing on the costs of residential care.

SCOTTISH HEALTH ADVISORY SERVICE

The Scottish Health Advisory Service (SHAS) is a watchdog body which reviews, with staff, services for people with learning difficulties, mentally ill people including those with dementia, younger physically disabled people, and specialist services for older people. SHAS only visits services which are funded by health authorities, as opposed to social work authorities. SHAS has four senior staff and two support staff. The Director is a psychiatrist with management
training and experience, while the three associate directors have experience at senior level in nursing, social work and general management.

Inspection teams rely heavily on the use of staff seconded from health or social work, and usually include a psychiatrist or geriatrician, a health services manager, a nursing manager and a social worker, as well as a member of staff from SHAS. These seconded members are drawn from a pool of 150 professionals. In addition consultants are sometimes added to an inspection team, for example to obtain the views of service users.

The Director is accountable directly to the Secretary of State rather than to the NHS Management Executive, but works closely with the Management Executive. The Director can go directly to the Scottish Office if there are any major concerns. In addition to a rolling programme of inspection it may be asked by the Secretary of State, the NHS Management Executive or by a health board to undertake an inspection. Inspections may occasionally be triggered by whistleblowing from within an NHS trust.

SHAS conducts around 15 inspections every year, with each institution being inspected every four years. Inspection visits last around a week.

**HM INSPECTORATE OF CONSTABULARY**

HM Inspectorate of Constabulary (HMIC) consists of HM Chief Inspector of Constabulary, HM Lay Inspector of Constabulary (part time), an Assistant Inspector, and four staff officers. The Assistant Inspector and the staff officers are all serving police officers on secondment to the Inspectorate for a three year period. A personal secretary and typist provide secretarial support. HMIC is independent of the police service and reports to the Secretary of State for Scotland. While it operates independently of the police service it does work closely with the Scottish Office Home Department.

The remit of the Inspectorate is to examine and improve the efficiency and standards of the police service in Scotland, and the way in which it provides a service to the public. Their aim is to promote high quality of service and value for money objectives which “take full account of public expectations and inspire public confidence”.

Inspectors have to keep themselves informed as to how complaints made against police officers are investigated and dealt with, and have the further power in certain circumstances to direct Chief Constables to reconsider complaints made by members of the public.

**The inspection programme**

Each police force in Scotland is inspected every three years. This is called a primary inspection. In a primary inspection the four staff officers visit the force, identify the areas on which the inspection should focus, and gather data. One of these staff officers is appointed as the lead staff officer. The Chief Inspector and the Lay Inspector are involved in all primary inspections along with the lead staff officer. Eighteen months later there is a review examining the progress made since the primary inspection, and focusing on the recommendations and comments made in the primary report. In the third year the Chief Inspector visits the force and reports briefly to the Secretary of State. Only exceptional matters are addressed in this review. Both the primary inspection and review reports are published.
In addition there are inspections of the three common services, ie the Scottish Criminal Record Office, the Scottish Police College and the Scottish Crime Squad every three years.

Thematic inspections are undertaken every year. Thematic inspections might be about issues such as misuse of drugs, community policing, training departments or the management of crime. Thematic and common service inspections are normally carried out by the Assistant Inspector.

3.2 Size and funding of the Inspectorate

This varies considerably, from HM Inspectors of Schools with about 85 professional inspectors, to the HM Inspector of Prisons, which has a staff of five. The size and funding of each Inspectorate have obvious implications for the time and resources which the Inspectorate can devote to the selection, training and support of lay members of inspection teams. HM Inspectors of Schools admits that the recruitment, training and support of lay members is a huge undertaking in terms of time and resources but one which is important if the lay members are to undertake their important task efficiently.

The Social Work Services Inspectorate has several functions in addition to inspection. It argues that with 16 inspectors (including the Chief Inspector and four Assistant Chief Inspectors) it is unrealistic to expect them to be able to organise training and support for a large pool of lay members, or to be able to involve them in enough inspections to avoid them forgetting what it is all about.

3.3 Number of lay people involved in inspections

One of the main differences between the different inspectorates is the number of people they involve as lay members of inspection teams. There are three approaches: inspectorates which have appointed a single person to bear the responsibility of providing the lay input in all inspections; those which have a number of lay people who are drawn on for particular inspections; and those which recruit people on an ad hoc basis, as required.

Inspectorates which use a single lay inspector

Inspections of police, fire services and prisons use a single lay person on a regular basis in their inspections. The longest established is in the prisons Inspectorate, which was reorganised in 1981 with a completely independent Chief Inspector of Prisons. Since it is the Chief Inspector who is the lay or independent presence, he very much sets the tone for inspections, and has considerably developed the way inspections are conducted and the kind of people who are involved in inspection.

In police inspections, a lay adviser was appointed in 1992 on a pilot basis, following the commitments made in the Citizen's Charter. He was appointed as Lay Inspector in 1993 and was in post until 1995. The present Lay Inspector was appointed in May 1995. The Lay Inspector holds his appointment on the basis of a Royal Warrant for a period of three years. It is normal practice to recruit an appropriate lay person to take part in a thematic inspection. This person would be called a lay adviser. The recruitment for this is done on an ad hoc basis.
The Fire Services Inspectorate started to use a Lay Inspector in October 1994, to comply with the Citizen's Charter and as a result of pressure to be seen to be in line with HM Inspectorate of Constabulary. Probably because of this pressure the model adopted is very similar to that used in police inspections. One person has been appointed as the Lay Inspector. He takes part in all inspections, within which he focuses on certain areas which are considered to be his particular responsibility. He was appointed initially for one year. This has been extended and he is now in his third year in post. He estimates that he is involved in around 30 days' work which take place between May and November.

Inspectorates which use a pool of lay members
Following the commitment to lay inspection made in the Citizen's Charter, it was announced in December 1992 that iTM Inspectors of Schools would start to use lay people in inspection teams. They conducted a pilot in 1993/4, and introduced a lay member in all inspection teams from 1994/5. The Parent's Charter reinforced that commitment. In their Code of Practice the Inspectorate commits itself to openness in inspections, and considers that involving lay people is a good way of demonstrating openness. They have around 100 lay members at any one time. There was an initial recruitment process in 1994 and a second major trawl in April 1996. Some people came forward in between these trawls asking to be put on the list. They took on an additional 33 people in 1996 and still have some on a waiting list.

Lay members undertake to be involved in between 2 and 5 inspections each year for a period of three to five years. Lay members are told to expect to spend no more than 45 days a year on inspections. The experience of one lay member was that this was almost double the time she had spent, which she estimated at about 5 days per inspection, although all the schools she had been involved in were primary schools.

Inspectorates which recruit lay people on an ad hoc basis
The Social Work Services Inspectorate started to use lay people in inspection teams in 1993, because of the commitments made in the Citizen's Charter. They have used at least one lay person in all inspections since then. The lead inspector in any particular inspection is called the inspection manager and is responsible for selecting lay people. Up till now this has been done by identifying appropriate agencies in the voluntary or public sector with a knowledge of or an interest in the service area being inspected and asking them to nominate someone. The SWSI either accepts that nomination or interviews nominees and selects the most suitable for that inspection. So far the SWSI has used about 15 lay people.

Normally one lay member is involved in an inspection, occasionally two, and in the case of the overall inspection of Orkney Islands Council Social Work Department in November 1995 four lay people were involved, on a pilot basis. Secure units, of which there are five in Scotland, are inspected on a rolling basis. Some of these are so small, for example with only two beds, that the time involved in recruiting and preparing a lay member are considered too great. SWSI has used young people who have been in care in these inspections, sometimes supported by a development worker.

Inspectorates which are not currently using lay people
The Scottish Health Advisory Service (SHAS) has recently considered creating a pool of potential lay members, and nominations were received from local health councils. A training event was held for these people. These potential lay members have not been used in any inspections, and although SHAS recognises that there may be a useful role for lay people,
particularly in relation to obtaining the views of users about services, it appears that this development is still under discussion.

3.4 Selection and recruitment of lay members

Education
HM Inspectors of Schools has used adverts and information leaflets about inspection and lay involvement along with forms for applicants to complete. After sifting through these forms they conduct interviews. What they are looking for at these interviews is an open mind and no political agenda or preconceived views. They are also looking for good interpersonal skills, an understanding of the pressures within the school situation, and a sensitivity about being in a school as a lay person. Candidates should also be committed to the idea of inspection. There is an age limit, with only those between the ages of 30 and 62 being considered.

Based on the most recent breakdown of members in 1994, there is an almost equal number of men and women, and slightly more than half are in paid employment. Half of the lay members (51 out of 102) are over the age of 50, while only 15 are under the age of 40. Of those who are working, there are more in managerial or professional jobs than in other categories, and there is no one who describes their work as "unskilled". A majority (68 out of 102) describe themselves as having done voluntary work in education (for example school board membership) or work with young people. There is no one with an ethnic minority background.

Social Work Services
The Social Work Services Inspectorate published a booklet Social Work Services Inspectorate: Purposes and responsibilities in 1996 which includes a description of what it does, and also a code of practice for lay members of inspection teams. It describes a process of selecting members to a panel, after advertising, which has so far not been followed. As stated above, recruitment continues on an ad hoc basis at present. The intention is to implement the procedure outlined in the booklet during 1997, with a selection panel containing representatives from COSLA, the Scottish Council for Voluntary Organisations (SCVO), the Scottish Consumer Council, and someone appointed as a result of consultation with independent sector social work service providers.

There was a debate within the SWSI about the type of people they wished to recruit as lay members. One argument, particularly held by those involved in the criminal justice side, was that the lay members must have a knowledge of the service. So, in the recent inspection on Social Enquiry Reports the two lay members were a former Chief Inspector of Prisons, and someone involved in Victim Support. The other argument was that no particular knowledge was needed, but that someone of sufficient intelligence, perception, and ability to work with other members of the team would be able to do this.

Apart from recruitment to a panel as described above, the SWSI considers that they will need to continue to recruit certain types of lay members by direct approach to relevant organisations. This is because the SWSI has often involved present or past users of services in inspection teams, for example, people with experience of mental illness or young people who have been in care.
Police
HM Inspector of Constabulary advertised in the Herald, the Scotsman and Scotland on Sunday for the current Lay Inspector. Applicants were sifted and then a board interviewed candidates. The board was made up of a senior Scottish Office official, the Chief Inspector and a former chairman of the Scottish Consumer Council. Lay advisers who take part in thematic inspections are appointed on an ad hoc basis, without advertising.

Fire Services
The Chief Inspector of Fire Services was responsible for identifying and approaching a lay person who he considered suitable to be a Lay Inspector, and the present Lay Inspector was selected partly because of his previous chairmanship of the Fire Services Examination Board. This meant that he had some awareness of the Fire Service. The Lay Inspector’s professional background is in education, having taught Electrical Engineering and ultimately becoming Principal of Stevenson College of Education before retiring in 1987. The Chief Inspector considered that this educational background would also be valuable in relation to community education issues.

Prisons
The position of Chief Inspector of Prisons was advertised. A short list was interviewed. The only criteria given were that applicants should hold a clean driving licence and have no previous involvement with the prison service.

3.5 Training

Education
HM Inspectors of Schools have a structured and well thought out training programme. Originally, training was done locally in three centres throughout the country. In 1996 a training event was held centrally in Bridge of Allan. This was a two day residential course. The training was organised and delivered by HMIs, but also involved lay members, education authority representatives and headteachers. The training was evaluated.

All lay members are given a substantial loose leaf binder containing information about the Scottish education system, the inspection process and about their role in it. This also contains factual material which may be of use to them, including the Parents’ Charter, information about the school curriculum and examples of material used in inspections, such as parent questionnaires, prompt sheets and report forms. It also contains information about claiming expenses for travel and subsistence.

Lay members found the training helpful. One lay member expressed a preference for training being done in a smaller group of around 10 people, rather than the larger national event held in 1996. Another member expressed praise for the way the Inspectorate conducts the training, commenting that he had “never met such a group of professional people”.

One lay member commented that it would have been a very useful part of the training to be able to shadow an existing lay member in a school to see what was actually involved. Another comment was that, for some older people, today’s schools may be quite an alien environment, and that actually getting a feel for what schools are like would have been useful. The first
inspection which a lay member does is considered to be part of his or her training, and this is intended, in part to counteract this difficulty.

A lay member who took part in training in 1995 commented that there was too much jargon, and too much detail about the curriculum.

After the most recent training event three people out of a total of 36 decided not to continue.

**Social Work Services**
In the Social Work Services Inspectorate there is preparation for a particular inspection, but no centralised or general training as such. This reflects the ad hoc nature of the recruitment at present. The preparation for the inspection is provided by the inspection manager. An exception to this was the training provided for the Orkney inspection, for which the Scottish Consumer Council (SCC) organised a day’s training with input from the SWSI and the SCC, as well as some general skills training on interviewing techniques. Feedback from the lay people involved indicated that they would have appreciated more training specifically on the role and concept of lay inspection. They felt that to some extent the value of lay representation was taken for granted.

One lay member spoke of the enormous amount of reading required before an inspection, and of learning about how assessments are done, about methodology, looking at local inspection reports and the action plans of local authorities.

**Fire Services**
The Lay Inspector of Fire Services did not receive any formal training. The Chief Inspector explained what was involved, and the format of inspections. He then did his first inspection on an experimental basis, effectively as part of his training. He was also given examples of reports in which the Lay Inspector in HM Inspectorate of Constabulary was involved, as a model.

In his first year, the Lay Inspector was sent reports of all the brigades prior to inspection. Because he visits all the brigades in Scotland every year it is no longer necessary to do this.

The Lay Inspector has made contact with his equivalent in England to compare what they do and how they do it. His role appears to have a different focus, concentrating on value for money and efficiency. This may reflect the fact that the Lay Inspector in England has a financial background.

**Prisons**
The Chief Inspector of Prisons received no training at all. A short handover from his predecessor was all that happened. He feels strongly that there should be at least two or three days of training, as the work is of considerable complexity and significance, particularly given the high profile of law and order issues.

**Police**
HM Inspectorate of Constabulary organise a day’s induction at which the Lay Inspector meets the Chief Inspector, and other staff officers. He is shown reports, and the role of the Lay Inspector in relation to complaints is emphasised.
The present Lay Inspector said that he was given one day's pre-service training. He also said that he was "appreciative of the way HMCIC constantly challenged him to view policing from his lay perspective". He said that it had taken the best part of a year to become completely familiar with the handling of complaints.

Scottish Health Advisory Service
The Scottish Health Advisory Service has held a training event for lay people but so far none of these has taken part in an inspection.

3.6 Role of lay people in inspections

The different inspectorates vary in the tasks which they give lay people to do. In some, lay people have a fairly limited role, mostly involving discussions with service users. In others the lay people have specific areas of responsibility within which they can do whatever they consider necessary. Some have a wide remit, and some have a specific involvement with complaints handling. This section will deal with these different levels of involvement under the headings:

- data collection;
- focus on particular areas;
- wide remit; and
- complaints handling.

Data collection

Social Work Services Inspectorate
In most inspections lay people have predominantly been involved in interviews with service users, although this varies considerably between different inspections. In the inspection of the Orkney Islands Council the four lay people involved conducted interviews with users and made site visits to places like residential homes and day centres. They had no contact with social work staff. Some lay members have had a wider involvement, for example reviewing materials such as case records and other policy papers. They sometimes work on their own, and sometimes with other members of the team. They can set their own agenda to some extent, adapting the discussion schedule and going off in other directions.

There has been a wide variation in the time spent on an inspection, from a major involvement at all stages, to simply facilitating a single discussion group. One lay member gave up between 15 and 20 working days to the inspection, while another estimated that the total amount of time he had given to the inspection was about 6 weeks, including several visits involving overnight stays.

In some inspections lay people who are themselves former or present service users have been used in a more limited role, to interview service users or to lead discussion groups. In secure unit inspections young people who have been in care have been used to lead group discussions. This has had variable success, with some of the young people being too inexperienced to do this successfully, and more successful when there has been support from someone like a development worker from Who Cares Scotland. In the inspection of day
services for people with a mental illness, people who had been mentally ill were used to interview service users.

The extent of the lay member’s involvement clearly has a direct relationship to the extent to which he or she feels able by the end of the inspection to make judgements about the service, or to be able to contribute to the conclusions and recommendations of the inspection team as a whole. One lay member said clearly that he felt able to make judgements about the services which were being inspected. Although this person was a former service user, and was there partly to facilitate interviews with users, he had an in depth involvement in the inspection and was able to make judgements about the services being inspected. In contrast, the four people involved in the Orkney inspection found it impossible on the basis of their involvement to either concur or not with the conclusions of the draft report which was prepared by the lead inspector. This was partly a reflection of the scale of the task (an entire social work department) and partly because of the limited involvement which the lay members had in the inspection.

- **Focus on particular areas**

**HM Inspectors of Schools**

Lay members follow a fairly uniform agenda, focusing on three main areas. These are:

- school - community links;
- school - parent links; and
- teacher - pupil links.

There is thus quite a strong focus on communication within a school and between the school and parents. They do not look at professional educational issues such as the competence of teachers or the attainment of pupils. They follow similar agendas in inspections of community education services, and in inspections of further education colleges they consider links with employers, and student participation. They do not take part in thematic inspections, e.g. the teaching of English in primary schools, because this is considered to involve professional judgements only.

The lay member, in his or her discussions with the reporting officer before the inspection, draws up an agenda which he or she will follow during the inspection. They also attend team meetings, and they will keep closely in touch with the reporting officer during the inspection. They will do some things on their own, and some things, for example interviewing the Chairman of the School Board, with the reporting officer.

They have no specific involvement with looking at the way in which complaints are handled, but if in meetings with parents, complaints were made, they would follow this up with the reporting officer.

**HM Inspectorate of Fire Services**

Each of the four inspectors involved in an inspection has their own area to cover, e.g training, management, or fire safety. The Lay Inspector focuses on areas which directly affect the public. In practice these have been community education, media relations, promotion of Citizen’s Charter Mark, reviewing complaints procedures, looking at complaints and commendations made, and interviewing people with experience of a fire. In addition the Lay
Inspector is working with one of the Senior Assistant Inspectors on equal opportunities within the fire services. He also looks at the education and training of fire service staff, and takes part in the inspection of the Scottish Fire Services School.

- **Wide remit**

**HM Inspector of Constabulary**

In primary inspections the Lay Inspector takes part in all the interviews with staff, the Police Board, the procurator fiscal, and community council members, and in visits to particular force divisions. The Lay Inspector can follow his own agenda. He takes a full part in interviews and can pursue any subject he feels strongly about, either in that meeting or privately after the meeting. He can ask to speak to anyone, and considers issues surrounding civil rights as very much part of his agenda. While his remit is not restricted, he takes particular interest in the police's care of victims and the care and custody of prisoners, as well as the way in which complaints are handled.

In addition there are certain things which fall within his remit, most importantly the way complaints are handled. The Lay Inspector also looks at community relations, and the relations between the police and the media. He may also look at other sensitive matters such as deportation procedures or use of firearms by police (Strathclyde 1993); offences against children, and relations with ethnic minorities (Tayside 1996). The staff officer will tend to refer any sensitive matter to the Lay Inspector.

The Lay Inspector is involved in discussions about the structure of the inspection and in the briefings by the four staff officers who did the data collection prior to the primary inspection.

**HM Inspectorate of Prisons**

Because it is the Chief Inspector who is the lay person, he has a very much wider remit than any of the other Lay Inspectors.

The various members of the team, which can vary in size from four to as many as nine in the case of a large prison, all have clearly defined areas of interest and responsibility during the inspection. For example, the Chief Inspector will very often look at the issues of suicide and drug use, and the junior member of the team will look at health and safety, and fire.

More than half the time in an inspection is spent on prisoners, less than half with staff and management, and the remainder with families of prisoners, although they are often reluctant to talk. There will also be a meeting with the visiting committee, an independent lay watchdog, whose members pay frequent visits to the prison and hear any complaints which may be made by prisoners, and report to the Secretary of State if they think it appropriate.

- **Complaints**

**HM Inspectorate of Constabulary**

In the area of complaints this Inspectorate is unique in having a direct role, and one which is an important part of the Lay Inspector’s work. Where members of the public are dissatisfied with the way a complaint has been handled they can refer it to the Inspectorate. In practice,
since the production of a leaflet about their complaints procedure, HMIC have been receiving complaints which have not gone through the proper procedures within the local police force.

There was considerable criticism of the proposals in 1993 which led to the complaints procedure being modified, giving HMIC a role in the review of the way in which complaints had been handled. The SCC argued that there was a need for greater independence from the police and HMIC, for example by creating an independent panel with strong lay representation. In practice, the responsibility for complaints handling has fallen largely on the Lay Inspector. This is a considerable and growing amount of work, in addition to the inspection programme.

The present Lay Inspector clearly relishes the challenge which this part of his remit poses. His consideration of complaints embraces both the complaints system (in a primary inspection) and complaints from individual members of the public who remain dissatisfied with a force’s handling of their complaints. He is given unrestricted access to all files relating to the complaint and can visit the force and interview officers involved in handling complaints (normally headed by the Deputy Chief Constable). Immediately prior to a primary inspection he will visit the force’s Complaints and Discipline Department and examine cases of his own choosing and others that HMIC staff officers feel merit his attention. He always scrutinises complaints alleging racism, complaints involving firearms, complaints where there have been delays, complaints where the complainer remains dissatisfied, and dip samples a number of other cases on a totally random basis. He also has a formal meeting with the Deputy Chief Constable.

**HM Inspectorate of Prisons**

Although the Inspectorate has no remit to look at complaints, it would always follow up any complaint made during an inspection, and would also look at the prison grievance procedure to ensure that complaints are being handled properly and processed timeously. In the recent inspection of Cornton Vale the question of complaints handling was raised in the report.

The Inspectorate has no formal links with the Prisons Complaints Commissioner, but they are located in the same building and so it is easy for them to keep in touch.

### 3.7 Input to the inspection report

**Education**

After the inspection the lay member prepares a written report which is sent to the reporting officer. Lay members see the draft report and generally attend the feedback session at the school or college which provides an opportunity for the school, college or community education service to offer more information or identify any inaccuracies in the report.

Lay members commented that they had an important role in ensuring that the published report was written in language which was accessible to parents and did not contain too many professional terms.

One lay member said that although sometimes she felt she was there in a back up role, there were occasions when she had been able to flag up something which had later become a central theme in the report.
Social Work Services
Lay members would normally write up the interviews and other activities they had been involved in, and this would be passed to the lead inspector for use in the preparation of the draft report. Lay members have an opportunity to comment on the draft report. It is becomingly increasingly common in social work inspections for lay members to write a separate section in the report containing their comments and recommendations.

Fire Services
The Lay Inspector writes his own section for each report which comments on the areas which he has looked at, and in which he makes recommendations for improvement. He is also involved in general discussions about the report.

Police
The lead staff officer prepares the draft report which goes to the Lay Inspector for comment. In addition the Lay Inspector always writes his own chapter in the report. In it he deals with the specific areas for which the Lay Inspector has a particular responsibility.

The Lay Inspector is quite clear that he has a substantial input into the report in all areas, and not just in his own section. He considers that he is taken seriously and by no means a less important member of the inspection team.

Prisons
There is no problem in this Inspectorate with ensuring that the lay input is effective. The Chief Inspector observed that as part of the process of raising public awareness and the openness of the inspection process, all inspection reports are now made available on the Internet.

3.8 Evaluation of the inspection

Only the schools Inspectorate obtains feedback from the body being inspected, asking for feedback from the staff and the headteacher. This includes some evaluation of the part played by the lay member of the team, asking how useful it was to have a lay member as part of the team, and for any views about how the role of the lay member could be made more useful.

In other inspectorates evaluation of the lay member’s role in the inspection would be done informally.

3.9 The Inspectorate’s perception of the value of lay people

HM Inspectors of Schools considers that lay members add an independent view and make the inspection process more open and transparent. There have been occasions when the presence of a lay person has helped greatly in a sensitive situation.

HM Inspectorate of Constabulary considers that the Lay Inspector brings an independent and objective view to the inspection. In addition he can articulate the public interest in the police service, and he can look at areas in which he may have a particular professional expertise. The first Lay Inspector was a journalist and so developed a particular interest in the relations between police forces and the media.
The Social Work Services Inspectorate says that lay members can add a “unique perspective”. They may be able to communicate more effectively with service users, and bring to light things which users would not have confided in professional inspectors. They may also bring a different perspective because of their own professional or other background. In addition, while anything which the SWSI says in a report has to be evidence based, the lay member can sometimes say something, based perhaps on insight or intuition rather than evidence, which illuminates a report. The general impression is that professional inspectors value the contribution of lay people.

The Chief Inspector of Fire Services states that the Lay Inspector brings breadth and a fresh look into inspections. He admits that professional staff can become “inured” to the service.

The Chief Inspector of Prisons clearly considers that the fact that he is himself a lay person is central to the independence and objectivity of the Inspectorate.

3.10 Remuneration of lay members

Inspectorates which use a number of lay people on a more or less regular basis appear to be bound by Scottish Office rules about only paying expenses and subsistence. Those which have followed the path of appointing a single Lay Inspector on a permanent part time basis tend to pay a salary or honorarium.

Education
Lay members are paid a daily subsistence rate and expenses. The Inspectorate says that official regulations do not allow for payments to be made in advance.

One lay member observed that lay members who are in work may get time off work to do this, and so are being paid by their employer. As a result those who are not working are at a disadvantage. One comment was that “the state is getting a lot from me for absolutely nothing”, and that the expenses and travel allowances are not very generous. Another lay member felt that although the allowances were acceptable, the Inspectorate should be willing to pay for any childcare costs incurred by a lay member as these very quickly ate into the allowances.

Another aspect of the payment of expenses is the time it takes to claim them. It was not unusual for this to take a month, which is quite inconvenient, especially for those who could not afford to be out of pocket for that length of time.

One lay member commented that being a lay member should not be something that only the better off can do.

Social Work Services
Travel and subsistence is paid to lay members. It has been possible in some circumstances to pay some money in advance to enable people to take part who would otherwise not be able to.

There was a clear opinion amongst lay members that the SWSI should be willing to pay lay members more than expenses. One commented that they would only be able to use people
who could afford to do the work on an expenses-only basis. Equally, if they wanted people with a professional background they should be willing to pay a professional rate for the work. She felt that “Mrs Housewife” would not be able to get to grips with the policy issues or the sensitivities of the situation. One lay member contrasted the expenses available to lay members of inspection teams with what happens in tribunal appeals, where it is possible to claim loss of earnings, which is a recognition that the task undertaken is considered to be of value.

As in schools’ inspections some lay members commented on the assumption that lay members could afford to wait for payment of their expenses. “It was assumed I was financially OK. I don’t think they should make that assumption.” Another said that she felt that “as a matter of principle expenses should have been dealt with by the Scottish Office”.

A lay member, from a user rather than a professional perspective, argued that it was important that users should not be exploited. If service providers, and inspectorates, want to adopt a user perspective, and pay more than lip service to this, then they should be prepared to recognise this financially.

In contrast young people who had become involved in inspections through Who Cares Scotland, and whose role was more limited, involving discussions with young people in care or in secure units, were happy to do the work on an expenses-only basis, as they were not incurring any costs either in terms of their time or loss of earnings.

Fire Services
The Lay Inspector is paid an honorarium of £1,500 per year, and claims expenses and subsistence allowances in line with the professional inspectors involved. He estimates that he is involved in around 30 days’ work which take place between May and November.

Prisons
The Chief Inspector is paid a part-time salary of £30,000 based on a notional four day week. The consultants who join an inspection to look at particular areas are paid consultancy fees, while other members of the team do not require to be paid, for example the guest inspector or a visiting inspector from outside Scotland.

Police
The Lay Inspector is paid a part-time salary in the region of £11,000 for 70 days work.
4. VARIATIONS BETWEEN THE SERVICES SUBJECT TO INSPECTION

There are some differences between the services being inspected which affect the way lay people have been used.

4.1 Personal experience of the service provided

This varies from education, which everyone has some experience of, even if they may have forgotten a lot of the detail, to prisons, where most people have no personal experience. In between there are social work services, fire services and the police. Varying proportions of the general public will have personal experience of these services, or will have relatives or friends who have used these services. Most people will accept and recognise the importance of these services being there.

In some areas, members of the public will hold strong views, even if they do not have any personal experience, for example in relation to the police.

There is probably more public ignorance about social work services than about any of the other service areas under inspection, about what kind of services there are and about who provides them.

4.2 The scale of the task

If the object of inspection is to draw some conclusions about the service being inspected and to form some judgements, the scale of the inspection has a direct effect on how “do-able” it is. For example it is probably easier to form judgements about how well a small primary school is communicating with its parents than about how well a social work department is faring across the whole range of services provided.

The inspection of residential homes by the independent inspection units attached to social work authorities is probably the most manageable of the aspects of social work services inspection. The way that this is being done in Scotland does not involve any lay people directly in the inspection process although lay people are involved in the advisory committees which local authorities have set up to work with their independent inspection units.

It may be easier for a lay person to get to grips with a single area of service provision, for example in a thematic inspection of home help services in Scotland, than to find a way of forming judgements about a police force the size of the Strathclyde force.

4.3 Extent of professionalisation

Certain service areas are characterised by a high proportion of professional staff, who consider that self-regulation by their professional body is all that is required by way of regulation. The main inspection body apart from the Accounts Commission operating in the health field in Scotland is the Scottish Health Advisory Service which has been in existence for about 25 years, and was called “Advisory” to deflect anxiety within the medical profession.
about “inspection”. The reason for creating the Scottish Health Advisory Service and its equivalent in England, the Health Advisory Service, was

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\text{to raise standards, to prevent a scandal and to inform the Secretary of State about conditions in the most deprived sections of the NHS and to monitor performance at the periphery: to give central government a searchlight, as it were, for illuminating the dark corners of the NHS.}^{10}
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As professionalisation becomes more generalised, service providers may establish a claim to define performance and judge conduct. To a lesser extent this may be an aspect of both schools and social work services inspections.

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\text{Professionalisation is the occupational monopolisation of the power to determine the language of discourse about how to judge conduct}^{11}.
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4.4 Male dominated services

It may be no coincidence that the areas which have opted to have one lay person undertake the task of lay inspection on a part-time but nonetheless quite time consuming basis, and in which the title of that person is Inspector rather than lay member, are the male dominated areas of the police, fire services and prisons. Perhaps it is considered that in these areas there is a need for a strong individual, probably but not necessarily male, bolstered by the rank of inspector, to give that person credibility.

However, the users of police and fire services are as likely to be women as men, and, to find out about the direct personal experience of users, it would be beneficial to involve a woman in inspection of these service areas. Similar arguments apply in the case of prisons: women whose partners, sons or fathers are in prison may have useful comments to make on these services, and may well find it easier to express these views to another woman. Similar arguments could be made about the ethnicity of lay inspectors.

In one social work inspection of day services for people with mental illness, the male lay member of the inspection team convinced the Inspectorate that a female lay member should also be used because of the difficulty of an otherwise all-male inspection team communicating effectively with female users, who were much more likely to trust and respond to another woman.

4.5 Varying definitions of “lay”

There is no consensus as to what is meant by lay in the context of inspections. There are various characteristics which indicate “layness”, and some inspectorates tend to emphasise one or other of these.

This section will look at the following aspects of “layness”:

- lay vs professional;

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4 Variations between the services subject to inspection

- lay member or consultant;
- independence and objectivity;
- layness and the general public perspective;
- the involvement of users; and
- professional capture.

Lay vs professional

The definition of "lay" in the context of all the inspectorates includes the requirement that the person should not have been employed in the service being inspected. So in school and college inspections a lay member must not have been a teacher or lecturer. In social work inspections a social worker or anyone employed by a social work agency is disqualified. Similarly, managers of social work services, whether they are voluntary board members or local authority members, are not regarded as lay. The definition of "lay" in the SWSI code of practice, however, does not fully spell this out, stating that lay members

are not professional inspectors or social workers. They are people who do not work in the agencies we are inspecting and they must not have any financial interest in the services.

Lay members or consultants

The Chief Inspector of Prisons refers to any member of his team who is not a former prison service employee as "lay". So a medical, education or social work professional working on a consultancy basis would on this definition be "lay". In contrast with this, the SWSI regularly involves people who are not former social workers, but does not consider them to be lay members of the inspection teams. These people might be researchers from the Central Research Unit of the Scottish Office, or consultants of other kinds. They are bringing a particular professional expertise to an inspection rather than being there as proxies for the general public, to take a detached and independent view.

It is not possible to clearly distinguish these two aspects: for example, in school inspections there is a feeling that any particular knowledge or expertise which a lay member has should be brought to bear on the inspection. Equally, even if people are brought into an inspection as generalist lay members, it will be inevitable to some extent that they will focus on areas in which they have some specialist knowledge. In a social work inspection, a lay member with a background in the Children’s Panel would be expected to take a particular interest in the working of the Children’s Panel.

The importance of independence

Lay members are valued in part because of their independence from the prevailing professional preconceptions and expectations of the professional members of an inspection team. But the different inspectorates differ in the extent to which they emphasise the importance of this. As mentioned above in section 2.3, it is most emphasised in relation to the prisons Inspectorate. In contrast the Social Work Services Inspectorate probably attaches less importance to independence than it does to bringing a user perspective.

However, whatever the philosophy of any particular Inspectorate, the importance of independence probably relates particularly to the personal characteristics of the lay member: no matter what their background, they should have the personal resources to hold their own in
the inspection team, providing a balance and counterweight to the professional members of the
team. In many of the different types of inspection there is only one lay member, so the lay
person is outnumbered as well as being deprived of the professional jargon and cultural
background shared by other members of the team.

The argument is sometimes made that not paying lay members to take part is a way of
ensuring that they remain independent of the Inspectorate. The SCC does not agree with this
argument, which is dealt with further in section 7.2.2 below.

- Layness and the general public perspective
If the lay member has to have no professional involvement with the service under inspection,
and has to be able to demonstrate an independent and objective mind, the final ingredient
would appear to be the ability to represent the interests of the wider public, whether as users
of that service, or as tax paying citizens.

“Lay” suggests something other than mere independence from the body inspected -
hinting that the wider public’s interest needs to be represented.¹²

This aspect of lay involvement in inspection can be seen most clearly in the case of police and
fire services. In both these inspectorates the Lay Inspector has a particular responsibility to
look at the relations between the service and the general public. In school inspections the role
of lay members is defined more narrowly, with the main focus being to represent the interests
of parents rather than the wider general public. The way the SWSI and the SHAS have
approached lay membership suggests a greater concern with the views of users of services
than the general public as such, although users form a sub-set of the general public.

- The involvement of users
Most of the inspectorates would aim to obtain the views of users of services as a central part
of the inspection process. The Lay Inspector of Fire Services tries to speak to as many people
as possible who have had contact with Fire Service staff. Similarly, the Prisons Inspectorate
spends a considerable amount of time talking to prisoners.

The SWSI has perhaps gone furthest down the road of explicitly involving users of services in
inspections, although obviously many lay members of school inspection teams will themselves
be parents. The SWSI has involved service users such as people with experience of mental
illness, adoption, or of being in care. However, the SWSI states that it does not regard users
as “strictly lay”, but regards them as stakeholders. This adds a further distinction which was
not mentioned by any of the other inspectorates, although in a similar way parents could be
seen as being stakeholders in the education system.

In school inspections the inspectorate gives a high priority to finding out about pupils’ or
students’ experiences, and professional inspectors and lay members will be involved in
interviews with them. Parents can also be seen as users of education services, and many of the
lay members will be parents, and will bring the parent’s perspective to their role in the
inspection process. The inspectorate has an age restriction of 30 on lay members of inspection
teams, which is curious as it seems to increase the distance of lay members from their own
direct experience as a pupil or student.


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• **Professional capture**

One of the concerns of inspectorates concerns how long a lay person can retain their independence and objectivity. HM Inspectors of Schools recognises that there is a danger of professional capture, and would not continue to use lay people after 5 years of service.

The present Lay Inspector of Constabulary does not see professional capture as being a danger, although he says that he is "alert to the possibility". He says that he is now "far better informed about policing practice, educated but not indoctrinated". He also states that the difference between him and a professional inspector is "diminishing" as he becomes more familiar with operational matters. He would nonetheless maintain that he retains a strong lay voice both in primary inspections and in the consideration of complaints against the police.

One previous Chief Inspector of Prisons served for nine months longer than a four year term, and there does not seem to be any concern that to renew a contract after the four year period would lead to "professional capture" of the Chief Inspector. In fact the present Chief Inspector would maintain that the opposite is more the case, with a progressive opening up of prison inspections under his leadership.

All the lay people spoken to who had been involved in social work inspections indicated that they would welcome the opportunity to be involved in another inspection. One had been told that this would be unlikely as she would no longer be considered a lay person. This seems to be an unduly strict definition of "lay", and is not the official policy of the SWSI. The arguments and experience of other inspectorates would seem to be strongly in favour of using lay people on a regular basis.

The Chief Inspector of Fire Services indicated that he thought there would be a danger of professional capture if the Lay Inspector served for more than four years.

• **A change of terminology**

Because of the confusions which exist about what "lay" means, the SCC considers that it would be helpful if all the inspectorates covered in this report adopted the term "public interest" member to describe the lay people whose task within the inspection is to represent the interests of the general public and users of the service.
5 VIEWS OF LAY PEOPLE ABOUT THEIR INVOLVEMENT

5.1 Why do people want to be lay members?

Education
One lay member said that it was something she could do which would exercise her brain but would fit around her life as a parent. It was something which would look good on her CV if she was looking for work in the future. As already mentioned lay members are quite likely to have been involved on school boards, and the experience of school inspection from that perspective may give them an interest in being more actively involved.

Social Work
Because lay members of social work inspection teams tended to be approached by the inspection manager out of the blue, and had not, like education lay members, made a conscious decision to apply to be a lay member, they tended to be less clear about what was involved or what their role in the inspection would be. One lay member spoke of being flattered to be asked and thought that this would be something different and interesting to be involved with. It was only after an initial meeting with the inspection manager and after reading other inspection reports that she began to have some feel for the remit and role of the lay member.

Another lay member spoke of his mixed reactions to being asked to take part in the inspection of day services for people with a mental illness. It was not long since he had been mentally ill himself and he was unsure about how he would cope with exposure to mental health services and service users. However, at the same time he was keen to have an input and felt strongly that only a former user of these services would have the insight and understanding to really reflect the views of users.

Another point of view was expressed by a lay member who was involved in an inspection of a secure unit. He was simply curious to see what it was like. This was a young man who was in care himself at that time. He was supported by a worker from Who Cares Scotland, and the combination of someone who would be trusted by the young people in the secure unit with a worker from Who Cares who was able to keep the conversation going and raise relevant issues seems to have worked well. The support worker also spoke of the two way information flow: it allowed the young man to see what a secure unit was like and possibly encouraged him to avoid ending up there himself.

Police
The present Lay Inspector knew the previous Lay Inspector and so had some knowledge of what was involved. He shares his predecessor’s view that this job is “brilliant fun”.

Fire Services
The Lay Inspector was asked by the Chief Inspector if he would consider doing this job, and he agreed out of interest. It fitted in with his other activities.
5 - Views of lay people about their involvement

Prisons
Clearly, to apply to become the Chief Inspector of Prisons requires considerably more commitment and sense of purpose than to take on a lay role in any of the other inspectorates, and is more akin to applying for a job.

5.2 Lay members' views of their role in the inspection

Education
One lay member described herself as a “noisy busybody picking up the ends which the HMIs might not see”. Another commented that when he first arrived at a school he would look at how easy it was to find the way from the gate to the school office - something which he thought it unlikely that professional inspectors would consider. It was agreed that parents, janitors or cleaners were often more likely to open up to someone who was also a parent, or who was clearly not a professional inspector. One lay member described how he would never wear a suit when inspecting a school. They also referred to situations where they could sometimes sense whether or not all was well within a school. One lay member referred to looking at a school with “fresh eyes”, as an outsider.

All the lay members commented that they were there to represent the parent’s point of view, and did not mention the child’s point of view.

Police
The Lay Inspector said that his approach was to challenge accepted wisdom and to ask “emperor’s clothes” type questions. He saw himself as a fairly well informed lay person whose parameters were not police parameters. He had no doubt that the police need a strong lay voice at the core of the Inspectorate.

Social Work
One lay member spoke about the importance of being able to relate to and empathise with the users of services. This person had felt so strongly about this that he had persuaded the Inspectorate of the need to involve a woman as a lay member into an otherwise male, middle aged inspection team. Another person spoke about the ability of lay members to tackle or raise more sensitive issues, and to tune in to the atmosphere in an institution. At the other end of the scale lay people could raise issues which might be quite significant in the lives of service users but not high in the priority of a professional inspector, for instance the choice of toiletries in a secure unit or fights over who got to the laundry basket first.

Another lay member spoke about trying to form impressions rather than looking for details, and describing experiences in users’ own words. Lay members who had not themselves been service users also spoke about the lay member’s role being to represent the consumer.

Fire Services
The present Lay Inspector of Fire Services was very clear that his role is to look at a fire brigade from the point of view of a member of the public. He also saw himself as trying to promote good practice in the brigade’s relations with the public, for instance by trying to encourage brigades to enter for the Citizen’s Charter Mark, or by encouraging more involvement by brigades in local schools.
5.3 What characteristics should a lay member have?

**Education**
One lay member emphasised the personal qualities of the lay member: tactfulness, a thick skin, the ability to draw people out, to listen and to look. One thought that it might sometimes help if a lay member was a parent, as this was a way of introducing him or herself in such a way as to relax other parents, but also recognised that other people might have other qualities to offer: for example, some lay members could look more closely at management issues. Other qualities which were mentioned included not having any preconceptions, an ability to put people at their ease, an appreciation of the sensitivity of what they are doing, being calm and not likely to be overwhelmed by large numbers of boisterous young people. One lay member also commented that it was better for a lay member not to be too flamboyant.

**Police**
The present Lay Inspector distinguished between the primary inspections which he said any “sane and sensible” person could do, and the complaints work, which he argued needed a criminal justice background.

**Social Work**
One lay member said that lay members should have a professional background in a relevant discipline such as health, housing or social services. Another was much more clear that lay members should be able to relate to service users and really explore their experience of the service under inspection.

The four people who took part in the Orkney inspection considered that personal qualities such as integrity, understanding, insight, adaptability, stamina and communication skills were important, and that some relevant experience or knowledge in the care field was also vital. One lay member mentioned “ability to communicate with people on sensitive issues, awareness of people’s feelings, and being able to respond to any given situation”. Another lay member emphasised the importance of lay members understanding the lay perspective in service provision.

5.4 Other comments by lay members

**Education**
One lay member commented that preparation for an inspection sometimes had to be done at the last moment. The reporting officer might only send the papers for an inspection the night before the inspection was due to start, which the lay member felt did not leave enough time for preparation. Another lay member commented that he had only had one bad experience in a school, and that was when he had not been properly briefed before the inspection. Another comment was that a briefing about a school was best done face to face rather than on paper. This had only happened on this lay member’s first inspection, and he would have preferred that model to have continued.

**Fire Services**
The introduction of a Lay Inspector was a novel departure for the Inspectorate, and the Lay Inspector said that brigades found it strange at first, but that they were “much more cheery
about it now”. He said that he felt his presence was very much valued by the other members of the Inspectorate.

His only dissatisfaction with his role is that he never feels he has enough time to do justice to the task. He spends two days with a brigade, and in addition to speaking to staff and visiting retained and volunteer fire stations in the evenings, he tries to speak to as many people with direct experience of the services provided by the brigade, both those who have received fire certificates and those with experience of a fire. In addition he would like to be able to spend more time visiting schools to see how the brigade is involved in education work. He considers that unless the remuneration for doing this job is improved the Lay Inspector will effectively be doing it as a “labour of love”. He said his impression was that the entire Inspectorate was run on a shoe string.

Police
The Lay Inspector commented on the huge volume of reading required for inspections.

Social Work Services
One lay member described being involved in an inspection as “a marvellous experience” which was both physically and mentally demanding, and after which he had felt shattered.

One lay member said that lay members were on a steep learning curve, and that a meaningful contribution could only be made on a subsequent inspection. Lay members were also clear that they did not want simply to be used to collect “interview fodder”. The view was expressed that the role of lay members would be strengthened by more comprehensive training and fuller knowledge of the aims and objectives of the inspection.

HM Prisons Inspectorate
The Chief Inspector considers that his job is a full time one and that to give him only part time status is not commensurate with the importance of the job he is doing, particularly in a political climate in which law and order has considerable priority. The budget for the entire Inspectorate is £178,000 per annum which the Chief Inspector considers is not quite enough to do the job properly.
POSSIBLE DEVELOPMENTS IN THE USE OF LAY PEOPLE

Prisons
The Chief Inspector said that he would like to be able to involve more lay people, but at present he would be unable to pay them and is concerned about ensuring that they would be covered by insurance if they were operating on a voluntary basis. He is also thinking about the possibility of involving former prisoners in inspections, which is something which has been done in England. He is also aware that he has not had anyone from an ethnic minority group in an inspection team.

The Chief Inspector considers that the Inspectorate ought to be completely independent of government in administrative terms. It should be housed in a separate building and funded at a level which would allow it to do justice to its remit, but he thinks that this would mean doubling its budget.

Social Work
Despite the stated intention of the SWSI to follow the proposals contained in the booklet published last year, there has so far not been any change to the way in which lay people are used from the present ad hoc arrangement. This has been in part because there was a feeling that there were not enough inspections to justify having a large pool of lay people, and that the kind of inspections carried out vary so much that training should relate specifically to the inspection in hand. This may to some extent be borne out by the experience of the Social Services Inspectorate in England, where they have recruited a panel of lay people, but have found that they use them only about once a year.

As stated above, it may have been the view of some professional inspectors at the SWSI that to use lay people more than once would lead to them becoming “professionalised”, although the inspectorate is now committed to using use lay members more than once, and that the people who had already taken part in inspections did effectively constitute a panel of lay members.

Police
Although the Lay Inspector has previously been involved only in primary inspections, he is now involved in review inspections as well.

Education
One possible development in this area is that greater use could be made of the particular professional skills that lay members bring to an inspection, although at present it appears that because of the scale of the inspection programme, it is possible to do this to only a limited extent.
CONCLUSIONS AND RECOMMENDATIONS

7.1 Beyond the Citizen’s Charter

In 1996 the Citizen’s Charter Unit published a report entitled *The Citizen’s Charter - Five Years On: a report to mark five years of the Charter programme*. This report does not mention inspection at all. There is a strong emphasis on performance indicators, performance league tables and on complaints procedures. The report touches on local charters, and, in the education field, on things like home-school links, but inspection is conspicuous by its absence.

It is unclear whether this represents a down-grading of the importance of inspection. However, inspection does remain very much on the political agenda. It was notable in the aftermath of the scandal surrounding the Ashworth Special Hospital in February 1997 that there were calls from politicians for an independent inspection body to inspect such institutions. Independent inspection is still seen as an important safeguard for the public. Curiously, these calls were made despite the fact that there already is an inspection body in this area, the Health Advisory Service, which had in fact inspected Ashworth not long before the scandal emerged. This perhaps emphasises the low public awareness of inspection and a worrying failure on the part of HAS to pick up on problems in the hospital.

In *Beyond the Citizen’s Charter: new directions for social rights* published by the Institute of Public Policy Research in 1996, Ian Bynoe has argued that one of the strengths of the Citizen’s Charter is its focus on increasing the responsiveness of public services to those who use them. In this context he argues the need to further develop the concept of lay involvement in inspection and complaints adjudication and

> to improve public accountability by making audit and inspection more effective ... and to ensure that services are responsive to users and to encourage greater public involvement in planning services and holding them accountable.\(^{13}\)

It has been argued that the role of inspectorates in regulation seems set to grow in scope and scale, and that it is therefore important for its growth to have shape and direction.

*The case for the government to develop, for the first time, an explicit policy for inspectorates rather than considering each in isolation, is all the stronger since their roles are in the process of expansion or change. ... If the across-the-board implications of these changes are not considered, the result will be to perpetuate the present non-policy - until the day comes, as it inevitably will, when the services concerned start protesting that they are over-regulated and over-inspected.*\(^{14}\)

Ian Bynoe has argued that a review is needed of all organisations currently responsible for audit and inspection and of the gaps in the system.

*The past development of audit and inspection bodies has not encouraged a rational or consistent approach since it has been piecemeal and haphazard leading to numerous separate bodies often with very similar aims but different ways of working, different*

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\(^{14}\) P Day and R Klein, *Inspecting the Inspectorates*. Joseph Rowntree Memorial Trust, 1990, p 60
profiles and different cultures. Although the Citizen’s Charter programme has highlighted the need for public reporting and the involvement of lay people in inspection, this has been an administrative measure prescribed for a diverse and highly variable group of organisations.\textsuperscript{13}

While this report does not deal with these general issues in relation to inspection, it does confirm these comments about the lack of any rational or consistent approach to inspection.

7.2 General principles

The use of lay people in inspections of public services was encouraged and advocated by the Citizen’s Charter. However, because of the variety of goals stated in the Citizen’s Charter, emphasising on the one hand the importance of independence and objectivity, while on the other, the importance of finding out whether services really meet users’ needs, it has been open to different inspectorates to develop the use of lay people in a variety of ways. In addition, the different inspectorates all have different cultures, reflecting to some extent the professional values of the service providers in the area which they inspect. These factors have meant that very markedly different structures and ways of using lay people have developed. While there is nothing inherently wrong with this, it may be that the inspectorates, while feeling that they have done what was required of them by the Citizen’s Charter, have in fact lost sight of why they are doing it, and should be prepared to reassess whether there are things which should change.

The Scottish Consumer Council considers that there are principles which can be laid down as relevant to the use of lay people in all the services subject to inspection. These fall into three main areas:

- recruitment and selection of lay members;
- the way lay people are involved in the inspection; and
- review and evaluation.

7.2.1 Recruitment and selection

In all cases recruitment and selection of lay members should be open to all and widely advertised. Advertisements should not be restricted to papers like the Scotsman and the Herald, but should also appear in papers with a wide circulation throughout Scotland, such as the Daily Record, or in the free newspapers distributed by local authorities. This is in line with the way in which Children’s Panels recruit members and which has achieved a good balance of members.

The process of selection should be consistent and transparent. All applicants should be informed about what the process of selection is, what personal qualities or practical experience are required and who will be on the selection panel. Selection panels should not consist only of professional inspectors, but should involve representatives of organisations with a broad understanding of the importance of independence and the user perspective. Inspectorates should avoid any processes or requirements which have the effect of limiting the range of

\textsuperscript{13} Ian Byne, footnote 13, p 102
possible applicants, for example, the use of forms which have a large space for academic qualifications. Similarly, interviews should be conducted in plain English and avoid the use of professional or technical jargon.

One goal of the recruitment process should be to identify a pool of lay members with a good balance of age, social class, gender and ethnicity. The SCC is concerned that inspectorates which use only one person as a lay inspector will not be able to achieve this kind of balance.

The kind of people who are selected as lay members should also have the personal qualities to stand their ground in relation to the other professional members of the inspection team. This question of balance is dealt with further in the next section.

### 7.2.2 The way people are used in inspections

The SCC is concerned that the use of lay people should not be a token gesture towards the requirements of the Citizen's Charter, but a well-integrated and meaningful part of the inspection process. There are various ways in which the inspectorates can strengthen the involvement of lay people.

- **Training and support**
  This report indicates that although inspectorates have all to varying extents used lay people, they vary considerably in the type of training they give to lay members. The SCC believes that a comprehensive programme of training should be available for all lay people involved in inspections. This should encompass the nature of the service to be inspected and the principles of lay inspection, as well as more general training in communication and interviewing skills. It would be useful to have contributions to this training not only from professionals, but also from people with expertise both in the practical skills which will be needed and from people with a clear vision of the importance of bringing a lay perspective into the inspection of public services. All the inspectorates should consider using the kind of material included in the Consumer Representative Training Pack prepared by the SCC.

- **Length of service**
  Almost all the lay people spoken to in the course of preparing this report agreed that the ability to make a useful contribution to an inspection is something which develops with experience. Those lay people who had only been involved in one inspection said that they had learned a lot by doing that inspection and would welcome the opportunity to do it again. It is also widely agreed that there should be a limit on how long someone can remain as a lay member before the possibility of professional capture arises.

  The SCC recommends that all inspectorates should involve lay people in inspections on a more or less regular basis over a period of not more than four or five years.

- **Number of lay people involved**
  Three inspectorates in Scotland have used one person as the Lay Inspector in all inspections. There is nothing to suggest that the use of a single Lay Inspector has not worked satisfactorily in both police and fire inspections, with the Lay Inspectors well integrated into the process of inspection, developing their role within a clear understanding of why they are there, and
having an important input into the final report. However there is evidence that there is too much for one person to do.

The SCC considers that for various reasons this is less than satisfactory, and that there are grounds for widening the pool of lay people involved in these inspectorates. If more than one person was involved in these inspections they could either share the inspection programme or share the load in all inspections. Various benefits would accrue from having more than one person involved: there would be the possibility for peer group support to develop between lay members; it would be a way of achieving a greater diversity of people involved; it would be a way of developing an ongoing expertise without the danger of professional capture; and it would be possible to minimise the difficulties of an inexperienced and untrained lay person joining a professional team. If, for example, HM Inspectorate of Constabulary had three people involved, with one being replaced every year, there would be an ongoing and developing expertise and knowledge base on which the least experienced member could draw.

These comments are less relevant to the Chief Inspector of Prisons, who is himself “lay”. But he should attempt to increase the use of public interest representatives in inspections.

- Remuneration
The variety of ways in which inspectorates have involved lay members is highlighted by the financial remuneration they receive. HM Inspectors of Schools and the SWSI have both followed the route of giving lay members only their expenses and subsistence at a daily rate. This is very much in the British tradition of becoming involved in public service for its own sake, and the fear that by introducing payment you would be attracting the wrong sort of person. However, it is very clear from the lay members of both school and social work inspections that despite taking on the role of lay member in the full knowledge that no payment would be involved, and despite getting considerable satisfaction from doing the job, there is a degree of resentment that the inspectorate is getting something for nothing, and a feeling that those who are not in paid employment are at a disadvantage. Not paying lay members also diminishes their status compared to professional members who are being paid.

The SCC does not believe that by paying a daily allowance a lay member’s independence would be prejudiced. This is borne out by the experience in the prisons, police and fire inspectorates. Equally, the General Medical Council pays its lay members a daily allowance. If the selection and training procedures are effective anyone applying to become a lay member for financial gain could be identified.

Even in those inspectorates using a single person and paying a salary or honorarium, there is wide variation in the amount paid. The Lay Inspector of Police is happy with his salary, although he does feel that the amount of work in which he is involved is more than the days he is paid for. The Lay Inspector of Fire Services is less happy that his honorarium is sufficient recognition of the amount of work he is involved in or would like to be involved in. On a pro rata basis the daily rate paid to the Lay Inspector of Police is in the region of £160, while the Lay Inspector of Fire Services receives only around £50 a day.

The Chief Inspector of Prisons believes that the importance of his job should be reflected in a full time salary and in a considerably bigger budget. So in all the service areas there is some degree of dissatisfaction with the financial recompense available.
The SCC recommends that all lay people involved in inspections should be paid a daily allowance. This is essential if lay members are not to be restricted to those who can afford to do it for nothing.

- Extent of involvement
The nature of involvement varies considerably, in terms both of what the lay members do in any one inspection, and also between inspections. In school inspections the pattern of involvement will be broadly similar in any school inspection, and the training and support which lay members receive is clearly focused on this. However in social work inspections the way lay people have been used has varied considerably.

The SCC recommends that lay members of inspection teams should have a very clear picture of what their remit will be both in general terms and in the particular context of any one inspection.

The SCC recommends that lay members of inspection teams should be called “public interest members” to reinforce their role within an inspection and to avoid the word “lay” whose meaning can be unclear.

- Getting the views of users
All the inspectorates covered in this report appear to be making efforts to find out the views of users of the services under inspection. The SWSI, for example, conducts surveys amongst users to find out their views, as well as having a commitment to interviewing users, and, where this is appropriate, using people who have been service users themselves. School inspections involve sending questionnaires to a sample of parents, which help to shape the content of the inspection. In addition because of the focus of lay members, they are likely to be involved in interviews and discussions with both parents and pupils. The Lay Inspector of both Fire Services and Police try to speak to service users and the Chief Inspector of Prisons speaks to a great many prisoners and their families.

The SCC recommends that inspectorates should not assume that by appointing lay members they are fulfilling the requirements of the Citizen's Charter to reflect the views of users, but should continue to think of ways to establish what users’ views are.

7.2.3 Evaluation and review

Apart from HM Inspectors of Schools, there is little evidence that the contribution of lay members is being evaluated on a regular basis. At present much of the evaluation is done informally. It is perhaps appropriate that, more than five years after the Citizen’s Charter, inspectorates should conduct an assessment of how far the way they have involved lay people in inspections has been a success in terms of increasing the objectivity and openness of inspections, and of establishing the views of service users.

There is little evidence that inspectorates are attempting to learn from the experience of other inspectorates.

We recommend that all inspectorates should evaluate the contribution of lay people in all inspections on a regular basis.
We recommend that inspectorates which do evaluate this contribution, should review any procedures they presently use for evaluating the contribution of lay people to inspections. The views of the lay people involved should be included.

We recommend that all inspectorates should review their experience of using lay people since they started using them with a view to developing or refining that use.

We recommend that all inspectorates should consider the practice and experience of other inspectorates, with a view to informing their policy and practice.

7.3 Openness

One of the things emphasised by the Citizen's Charter was opening up what was seen as the closed world of inspection, both by involving lay people in inspection, but also by making inspection reports widely available to members of the public. This principle of openness underlies many of the general principles and recommendations made above. The process of recruitment and selection should be open and transparent. The way lay people are used in inspection teams should be clearly and openly defined. The final reports of all inspections should be widely available to members of the public, especially those with a direct interest in the service under inspection. Reports should be written in plain English, be jargon-free and raise public awareness.

7.4 Recommendations to inspectorates

HM Inspectors of Schools
This inspectorate has made a considerable and impressive investment of resources into making a success of the use of lay people in inspections. It is in this context that the SCC wishes to make the following recommendations to HM Inspectors of Schools.

In its training programme for lay members, HM Inspectors of Schools should ensure that potential lay members are not swamped with too much technical or professional information about the school curriculum.

We recommend that they should drop the requirement that lay members 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 pupils.

We recommend that HM Inspectors of Schools should pay all lay members of inspection teams a daily allowance. 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.
Payment of travel and other expenses should be made in advance if requested, or paid by the inspectorate at the time they are incurred.

We recommend that HM Inspectors of Schools 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.

Social Work Services Inspectorate
The SWSI has followed an ad hoc approach to the recruitment and selection of lay members, and a fairly restricted view of suitable candidates. There has been an assumption that lay members must have some knowledge of social work services in a broad sense, and have some relevant connection with the social services field. As a result the people who have been lay members have tended to be nominated by organisations like Age Concern, Who Cares Scotland and other organisations in the independent sector. SWSI has used lay people in a very wide range of ways, and has, for example, used people with particular experience as service users, or former service users, to conduct interviews. If SWSI is to formalise and open up the way it recruits and selects members, it needs to give considerable thought to the kind of people they are seeking. An open process of advertisement would result in applications from a wider range of people than are currently used, with similar personal qualities to those sought in schools inspections, and who would make a valuable contribution to inspections.

While its recruitment and training procedures are less well developed than in the education inspectorate, and its philosophy about the extent and nature of lay involvement more fluid, the SWSI has been quite innovative in using different combinations of types of people, and in experimenting with the use of a larger pool of lay members in Orkney. The fact that this did not work particularly well should not discourage the SWSI from refining the way in which a larger group could be used in an inspection, provided that the role of each member is well defined.

We recommend that the SWSI should open up its recruitment of lay members to a much wider field than that used at present, by advertising in the press.

The Scottish Consumer Council is disappointed that the SWSI has not, so far, met the commitments made in its booklet about inspection published in 1996 to establish a panel of lay members following public advertisement and selection. We welcome their intention to implement new procedures in 1997. Despite the resources which will be needed to do this, it is likely that the SWSI will find a core of lay people willing to make a commitment to being involved in inspections on an occasional basis and who could be trained in aspects of social work provision and inspection procedures on which preparation for specific inspections could be built.

We recommend that SWSI proceeds with its published intention to advertise and appoint a panel of lay people to take part in inspections.

The SWSI should develop a training programme for lay members 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 members will be.

We recommend that the SWSI should pay all lay members of inspection teams a daily allowance. 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.

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 implement a system for evaluating the contribution of lay members to inspections.

HM Inspectorate of Constabulary
Although lay people are involved in thematic inspections, one Lay Inspector of Constabulary bears the responsibility of representing the public interest in all force inspections. The inspectorate should consider ways in which it could involve more than one lay person in the inspection of police forces. One advantage of this would be that it would allow the involvement of women.

We recommend that HM Inspectorate of Constabulary should appoint additional lay people to take part in inspections with a well defined remit.

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.

Her Majesty’s Inspectorate of Constabulary is unique amongst the inspectorates covered in this report in having a particular responsibility for the handling of complaints against the police. It may be the case that this direct involvement in inspections and in complaints is mutually beneficial, but it does appear to the SCC that this dual responsibility considerably adds to the work expected of the Lay Inspector.

The statutory basis on which complaints against the police are handled in Scotland changed in August 1996, and it is probably too early to assess whether the effect of these changes will be to lead to a significant increase in the number of complaints which the Lay Inspector will be required to handle. However, the SCC considers that the responsibility of the Lay Inspector for handling complaints should be reviewed in August 1997, with a view to assessing whether the work involved in complaints is posing too great a burden on the Lay Inspector.

It is consistent with SCC’s policy in this area to suggest the creation of an independent body to handle the review of complaints against the police. An advantage of this would be to reduce the burden on the Lay Inspector in an area which, by his own confession, requires a particular knowledge of the criminal justice system.
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.

We recommend that HM Inspectorate of Constabulary implement a system for evaluating the contribution of the Lay Inspector to inspections.

HM Inspectorate of Fire Services
The method of selecting a Lay Inspector by informal approach to a suitable person is inappropriate in post-Nolan days.

We recommend that HM Inspectorate of Fire Services should advertise publicly for the position of Lay Inspector of Fire Services.

The inspectorate should consider involving one or more additional people as lay inspectors, either on a permanent basis, or with a defined remit, or on a more occasional basis. This would allow the involvement of women, who are otherwise conspicuous by their absence.

We recommend that HM Inspectorate of Fire Services 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.

We recommend that HM Inspectorate of Fire Services 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.

We recommend that HM Inspectorate of Fire Services should evaluate the contribution made to inspections by the Lay Inspector, on a regular basis.

We recommend that the Secretary of State should review the funding of the Fire Services Inspectorate with a view to ensuring that the funding is adequate to carrying out these inspections.

HM Chief Inspector of Prisons
The Chief Inspector of Prisons appears to have effectively developed a wider pool of people involved in inspections, albeit not particularly as lay members but rather as consultants.

HM Inspectorate of Prisons should advertise for lay members of inspection teams.

HM Inspectorate of Prisons should provide a training programme for any lay members, including the Chief Inspector, which should cover the service to be inspected, the value of lay involvement and training in relevant practical skills.
HM Inspectorate of Prisons should consider further the involvement of former prisoners in inspections, possibly as a way of facilitating discussions with prisoners.

We recommend that the Secretary of State should review the funding of the prisons inspectorate with a view to ensuring that the funding is adequate to carrying out these inspections.

### 7.5 Involvement of lay people in other areas of inspection

The SCC considers that the use of public interest representatives in inspections of public services is essential in view of the commitments made in the Citizen's Charter and the increasing awareness of the importance of listening to and involving people who can represent the public interest in this way. Although this report has not dealt with local authority inspections or the inspections carried out by SHAS, many of the general recommendations made are equally relevant to them.

The SCC recommends that local authorities and other bodies involved in inspection of services in which there can be said to be a public interest should involve lay people as public interest representatives in those inspections.

**Scottish Health Advisory Service**

SHAS is not currently using lay people in inspections. However, there does not seem to be any good reason why lay people should not be involved in their inspections. The principles set out in the Citizen's Charter apply equally to this important service.

The principles outlined in this report apply as much to SHAS as to the other inspectorates covered in this report. In particular, if or when SHAS does proceed with involving lay people, it must ensure that its selection and recruitment process is open and that the criteria for becoming a lay member are clearly specified. An independent panel should be used to select from those who apply to become lay members. Although SHAS initially approached members of local health councils to put forward names of possible members, the SCC believes that SHAS should consider opening this up to anyone with an interest in being involved.

SHAS has conducted one training event. It should consider, in the light of the general recommendations made in this report, whether that event was sufficient and appropriate to the needs of potential lay members. Like the SWSI, SHAS will need to develop a clear remit for lay members.

We recommend that the Scottish Health Advisory Service should assess the contribution which lay members can make to inspections and define what their role and remit in an inspection will be.

We recommend that SHAS should pay its lay members a daily allowance for doing this work.
Local authority inspections
There appears to be considerable scope to develop the use of lay people in the inspection of residential care homes. The same principles apply as in the rest of this report.

We recommend that local authority inspections of residential care homes should involve lay people.