

Performance Management Frameworks Background Paper

**Submission to the DoE Local Government Task Force,
Performance Management Sub-Group**

1. INTRODUCTION

1.1 Background

The terms of reference of the Performance Management Sub-Group, of the Local Government Taskforce of the Department of the Environment is to make recommendations to the Taskforce on the options for a performance management framework for district councils in Northern Ireland

It is expected that any scheme proposed will be flexible enough to take into account the current responsibilities of district councils as well as newly devolved functions flowing from Ministerial decisions taken in light of the Review of Public Administration. The final report will include any appropriate legislative proposals for inclusion into the forthcoming Local Government Restructuring (NI) Order.

1.2 Purpose of the Report

The purpose of this report is to provide the DOE Local Government Taskforce Performance Management Sub-Group with a background paper on the various performance management frameworks employed in NI, other jurisdictions of the United Kingdom and the Republic of Ireland.

The scope of the report will consider the legislative base in each of the jurisdictions reviewed, outline a high-level description of each performance management framework as it is now and how it has evolved, identify key issues and the lessons learned, and detail on-going developments.

2. CURRENT POSITION

Current provisions for external review in Northern Ireland are provided by the legislative framework of the Local Government (Best Value) Act (NI) 2002, which in turn is supported through the voluntary publication of Council performance data on an annual basis by the DoE Local Government Division.

2.1 Local Government (Best Value) Act (NI) 2002

The Local Government (Best Value) Act (Northern Ireland) 2002 requires district councils in NI to continuously improve the services they provide to members of the public, as reflected by the following extract:

"A Council shall make arrangements for continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."

2.2 Performance Indicators

Councils submit on a voluntary basis data on a number of performance indicators to DoE Local Government Division. These PIs are not subject to any external validation.

A Best Value Steering Group was established with the purpose of providing guidance on delivering Best Value.

3. PERFORMANCE MANAGEMENT FRAMEWORKS

3.1 ENGLAND

3.1.1 Legislative Base

The current legislative base for the external review of local authorities in England is provided via the means of the Local Government Act (2003) and is represented by the Audit Commission's Corporate Performance Assessment (CPA) – The Harder Test.

3.1.2 Evolution

(1) CPA – The Harder Test (2005)

Published in November 2005 by the Audit Commission "*CPA – The Harder Test*" represents a tougher test of county and single tier council performance than that provided by the original CPA. The new format builds on the previous framework but features a much greater emphasis on service users and value for money (VFM), and much less on the inspection of services.

The principles of the new framework are to:

- help councils maintain momentum and focus in delivering improvement priorities;
- signal whether, and where, further support and / or improvement work is required; and
- inform annual audit and inspection programmes to ensure work is targeted on the right areas.

The key elements of the CPA – The Harder Test are:

(a) Corporate Assessments

Corporate Assessments will be carried out for each council by the Audit Commission every three years. The assessment measures how well a council understands its local communities, how this shapes its ambitions and

priorities; its capacity to deliver these; and what the council is achieving. The five key themes are:

- Ambition
- Prioritisation
- Capacity
- Performance Management
- Achievement
 - Sustainable communities and transport
 - Safer and stronger communities
 - Healthier communities
 - Older people
 - Children and young people

(b) Use of Resources

This is an annual assessment that looks at how well a council manages its money. As part of the CPA – The Harder Test there is now an explicit “value for money” judgement within this. This assessment is undertaken by appointed auditors. The annual assessment includes:

- Financial reporting
- Financial management
- Financial standing
- Internal Control
- Value for money

(c) Service Assessments

The Audit Commission will assess housing, environment and cultural services using a mixture of performance indicators and inspection. It is expected that over the next three years that the number of service assessments based on inspections will decrease. Furthermore, it is planned that other inspectorates will provide scores for the other annual service assessments such as those for adult social care, children’s services, and benefits.

(d) Direction of Travel Assessments

In parallel with the overall rating for each council will be a “direction of travel” judgement. They show not just what CPA category a council has achieved, but also how well it is improving. The direction of travel assessment includes a judgement label from the following:

- Improving Strongly;
- Improving Well;
- Improving Adequately;
- Not Improving Adequately; or
- Not Improving.

(e) Category Rating

Under CPA – The Harder Test the overall category names have changed to differentiate the new framework from the 2002 version. Subsequently the category rating is now represented by 4 stars, 3 stars, 2 stars, 1 star and 0 stars (4 stars being the highest). This means that the excellent, good, fair, weak and poor category ratings of the old framework are no longer applicable.

(2) Main Differences from CPA 2002

Corporate Assessment

- The themes have been reduced from 9 to 5.
- The rules for scoring have been altered.
- Assessments look more closely at how well a council understands and takes account of the needs and diversity of its local communities.
- More focus on council leadership and partnership.

Use of Resources Assessment

- It is more strategic with greater emphasis on improving standards of financial management and value for money.
- It consists only of the auditor's judgements.
- Councils are now asked to produce a self-assessment in terms of their performance in providing value for money.

Annual Service Assessments

- Greater reliance on performance information.
- Calculation of scores has been simplified.

3.2 WALES

3.2.1 Legislative Base

Current provisions for the external review of local government performance in Wales are underpinned by the statutory requirements of the Local Government Act (1999). Represented by the Wales Programme for Improvement (WPI) the Act places a duty on local authorities to make arrangements to:

- secure continuous service improvement and have regard for service economy, efficiency and effectiveness;
- consult widely on how to do so;
- conduct periodic review of their functions; and
- prepare an annual performance improvement plan.

3.2.2 Evolution

(1) The Wales Programme for Improvement (WPI) (2005)

The most recent WPI guidance from the National Assembly of Wales replaces that issued in 2002. The emphasis of the new framework is to reflect a shared vision of public service improvement and local and national accountability for it. In principle this means the revised WPI must embrace:

- a common commitment on the part of the Welsh Assembly, local authorities and regulators to delivering and improving public services as efficiently as possible;
- actively establishing, reflecting and meeting the needs and priorities of communities and citizens;
- the need to work across geographic and organisational boundaries in pursuit of shared aims; and
- a focus on delivery of outcomes, rather than compliance with processes.

The main differences from the original WPI are as follows:

- there is no statutory duty to repeat the whole authority analysis as local authorities have gained significant experience in using the WPI as a driver for improvement;
- the process of reviewing functions and processes is now more flexible, where local authorities can undertake reviews which reflect the particular contexts in which they operate and more in line with the pressures on them and the needs of users;
- the process for improvement planning, delivery and reporting has been simplified and clarified resulting in a more cyclical planning process;
- improvement plans and the process of compiling them is not purely internal. They should be tools for explaining and accounting for performance, and engaging with users and partners on priority-setting and decision-making; and
- risk means more than a sense of potential process failure or financial loss. Failure to improve is the most serious risk an authority can face.

The revised WPI process is reflected by the following:

- annual assessments of services and functions, and of their equalities and sustainability impact to establish conformity with the authority's strategic aims, fitness for purpose and capacity to improve;
- an annual Joint Risk Assessment (JRA) to identify priorities for improvement and to measure progress and those highlighted in the preceding year;
- using the results of the above to inform the authority's corporate and budget planning processes;
- more robust reviews of services and functions where assessment has identified continuing difficulties, new pressures or changes of direction;
- an annual improvement plan which reports on progress and sets out planned improvements;

- a regulatory plan which sets out the role of external inspection and audit in supporting improvement; and
- monitoring and evaluation of actions to inform future strategic planning and assessments.

(a) Annual Assessments

Under the revised programme authorities are required to perform annual self-assessments of their services, functions and processes in a way which is capable of informing and supporting the authority's planning and budgeting processes effectively.

As part of this process they are free to structure assessments as they see fit, and can organise assessment around themes or user groups as opposed to services. Furthermore, assessments must include the annual review of progress towards equality / diversity and sustainability objectives.

In terms of conducting assessments authorities are free to conduct assessments in any appropriate way, and can use any reasonable methodology. However, the guidance stipulates that authorities should aim in all cases to base their assessments on as wide a range of views and evidence as possible, and to conduct them inclusively.

(b) Using Performance Information

There are several distinct performance measures to the revised programme:

- 22 National Strategic Measures as set out in the Local Government (Best Value Performance Indicators) (Wales) Order 2005 which require all authorities to quantify and report their contribution to major all-Wales policy objectives;
- Shared Outcome Measures which require local authorities and partner organisations to measure progress against objectives for which they are jointly responsible;
- Survey Measures which require local authorities to gauge citizen's views; and
- Core Data Sets which allow local authorities to benchmark and share learning information. As part of this process all local authorities are required to participate fully in the ownership, development and updating of the core sets, and the collation of data against each of the indicators; and
- Local Indicators which require local authorities to develop and use their own local performance measures which reflect their individual circumstances and aspirations.

(c) Improvement Plan

The revised guidelines outline that improvement plans should fulfil the following criteria:

- reiterate the authority's strategic aims;
- provide a balanced and informative picture of current performance;
- set out the actions to be undertaken;
- detail the efficiency gains that the authority has achieved in the past year; and
- reflect the agreed view of the authority and its regulators.

Furthermore, there is a requirement that all improvement plans must be approved by the full Council before issue, and the annual deadline for publishing the improvement plan is the 31st October.

(2) WPI (2002)

Established in 2002 by the National Assembly for Wales the WPI replaced previous guidance on Best Value for Welsh Local Authorities, and was the Welsh alternative to the CPA in England. The key objective of the programme was to achieve "*the delivery of high quality services to the public which meet identified needs*", and was developed with the help of Welsh local government and following extensive consultation with other key stakeholders. The process was further developed through input from the Audit Commission which performed a regulatory role on behalf of the programme.

The programme relied on the following principles:

- local government commitment to achieving continuous improvement;
- effective management of performance by each local authority;
- an approach which looked at the whole authority, its corporate performance and capacity, as well as individual functions;
- targeted action based on an assessment of what will do most to improve outcomes for the public; and
- a regulatory regime which complemented authorities' own improvement plans.

The programme was also firmly embedded in the wider context of the community leadership role of local government, and reflected the new political management structures of Welsh local authorities.

The WPI was best seen in the context of the distinctive local government policy being developed by the National Assembly of Wales in partnership with local authorities. The key features of this policy were:

- general principles of partnership working between local government and the National Assembly of Wales, as represented by the Local Government Partnership Scheme;
- the community leadership role of local authorities as represented by their power to promote well-being;
- policy agreements between each local authority and the National Assembly for Wales; and
- new political management structures.

The programme for improvement was comprised of six basic elements:

- a whole authority analysis of the authority's fitness to achieve continuous improvement;
- a risk assessment;
- an improvement plan;;
- reviews;
- a regulatory plan; and
- a public summary.

(a) Whole Authority Analysis

The starting point for the whole authority analysis was for each council to assess its own fitness to achieve continuous improvement across both corporate and service functions. This was undertaken at least once every five years in order to inform an accurate baseline profile of both its corporate and service effectiveness. This process also included external and independent perspectives.

In forming an external and independent perspective analysis must have been obtained from a range of sources including the Audit Commission and other local government inspectorates (regulators). An outcome of this whole authority analysis was a risk assessment shared and developed jointly by the council and its regulators.

(b) Risk Assessment

The risk assessment formed the basis of both the council's improvement plan and the regulatory plan developed by its regulators. Annually each council was required to produce a risk analysis across both corporate and service areas. This was tested against the assessment undertaken by its regulators resulting in the development of a JRA which was agreed between the authority and its regulators.

The improvement plan fulfilled the statutory function of the Best Value Performance Plan required for each authority.

(c) Improvement Plan

The improvement plan set out the actions the authority planned to undertake to improve its performance where it was most needed. These were inclusive of a range of improvement activities. The improvement plan was required to:

- set out the authority's strategic aims, relating them to progress on community planning;
- provide a summary of current performance;
- inform debate on the authority's choice of strategic objectives;
- report on reviews carried out to date and the results of action plans implemented;

- publish a work programme to address continuous improvement for the coming year;
- identify targets for key services on an annual and longer term basis; and
- comment on other actions taken or planned in order to achieve targets, inclusive of budgetary decisions and procedural change.

(d) Reviews

Under the WPI councils were required to undertake a whole authority analysis at least once every five years and a risk assessment annually, however they were not required to conduct a further review of every function within that five year cycle.

The WPI assumed that a whole authority analysis would reveal enough evidence about a function to allow an authority to reach a judgement about whether it was meeting a required purpose and likely to continue improving. As a result the authority was not required to conduct a further review but could start developing actions to deliver further improvement.

For functions where the performance management was not already well established there was a requirement to undertake a further review to establish the potential for improvement and develop an appropriate action plan. Evidence would have been consolidated from the whole authority analysis and the risk assessment.

The types of functions reviewed ranged from:

- single services;
- groups of services; and
- cross-cutting reviews.

(e) Regulatory Plan

The regulatory plan drew together and helped co-ordinate the planned work of the regulators. Led by the Audit Commission the regulatory plan took account of the whole authority analysis and risk assessment, and set out the proposed programme of audit and inspections for the forthcoming year.

The purpose of the regulatory plan was to provide all key stakeholders with a clear picture of the level of regulatory activity in any given authority, and ensure the audit and inspection was manageable in terms of the authority's own capacity to manage change.

(f) Public Summary

The public summary set out the authority's performance to date in key areas, the results of action taken to improve performance, action planned, and the key targets for improvement.

3.3 SCOTLAND

3.3.1 Legislative Base

The current legislative base for the external review of local authorities in Scotland is provided via the means of the Local Government in Scotland Act (2003) which places a statutory duty of Best Value upon local authorities in the discharge of their functions.

3.3.2 Evolution

The framework was agreed with the Convention of Scottish Local Government Authorities (COSLA) following a series of Best Value pilots in local authorities in the early 1990s. Statutory guidance was issued to local authorities in Scotland in 2003. Its key aim is to enable the delivery of public services which better meet the expectations of those who pay for and use them.

The audit of Best Value provides the first overview of a council's performance across services and is designed to identify and agree planned improvements with the authority. The Accounts Commission (Audit Scotland) audits each local authority on a 3 yearly basis, however Audit Scotland has shown that it is prepared to shorten / lengthen the cycle where it feels it is appropriate.

The statutory framework for Best Value provided by the Act puts in place formal links between:

- statutory guidance to authorities on what arrangements should support Best Value;
- the powers and audit duties of Audit Scotland;
- arrangements for scrutiny bodies to make public comment on the adequacy of local authority arrangements for securing Best Value and related statutory duties; and
- arrangements for intervention by Scottish Ministers on the grounds of unsatisfactory performance.

In summary, the statutory guidance tells local authorities what they are expected to demonstrate in fulfilment of the statutory duties which make up the Best Value regime, as reflected in the Act.

The statutory duties are represented by the following:

- to secure continuous improvement in performance (while maintaining an appropriate balance between quality and cost);
- to observe proper accounting practices; and
- to make arrangements for the reporting to the public of the outcome of the performance of functions.

Furthermore, the guidance emphasizes the observance of the duty of Best Value in a manner which encourages equal opportunities and provides a

statutory basis for Community Planning and the Power to Advance Well-Being.

The framework stipulates that the Community Planning process and the Power to Advance Well-Being should be informed, supported by and be subject to the Best Value framework.

(a) Required Best Value Arrangements

An authority that secures Best Value must be able to demonstrate:

- Commitment & Leadership;
- Responsiveness & Consultation;
- Sound Governance (at a strategic, financial & operational level);
- Sound management of resources;
- Use of reviews and options appraisals;
- Competitiveness, trading and discharge of authority functions;
- Contribution to Sustainable Development;
- Equal Opportunities arrangements;
- Joint Working; and
- Accountability.

(b) Audit Scotland

Audit Scotland is a statutory, independent body which through the audit process assists local authorities in Scotland to achieve the highest standards of financial management, and the economic, efficient and effective use of their resources.

In summary, Audit Scotland has four main responsibilities:

- securing the external audit, including the audit of Best Value and Community Planning;
- following up issues of concern identified through the audit to ensure satisfactory resolutions;
- carrying out national performance studies to improve economy, efficiency and effectiveness in local government; and
- issuing an annual direction to local authorities which sets out the range of performance information they are required to publish.

Audit Scotland secures the audit of Scotland's 32 councils on an individual basis.

The audit and review process is characterised by the following elements:

- be risk-based and targeted;
- be carried out by a specialist audit team;
- link audit work to the work of other inspectorates and scrutiny bodies;

- provide a detailed report after every audit outlining clear conclusions on a council's overall performance and improvement. This however, does not include the award of a label or score.

3.4 REPUBLIC OF IRELAND

3.4.1 Legislative Base

Local authorities in the Republic of Ireland are obliged to publish corporate plans and publish annual reports as part of the external review of local government.

3.4.2 Evolution

(1) Delivering Value for People – Local Authorities

In May 2003 a representative working group that included the Department of the Environment Heritage and Local Government, local authorities and the Institute of Public Administration was established by the Minister for Environment, Heritage and Local Government.

Its primary focus was on the operation of customer service initiatives in local authorities though it also had a mandate to make recommendations for the implementation of a comprehensive system of performance measurement in local authorities with an emphasis on procedures for reporting of performance. Their report "Delivering Value for People – Service Indicators – Local Authorities" was published in 2004 and is the basis for the current service indicator initiative.

The report made recommendations for the introduction of a comprehensive suite of service indicators (42 in total) to local authorities on which they would report annually.

In summary, therefore, the initiative meant that:

- the performance of all city and county councils across a wide range of indicators, clearly defined, would be measured;
- the results would be verified externally; and
- the output would be reported on directly to the Minister.

The selection of the indicators was intended to:

- give wide coverage of the range of work carried out by local authorities;
- be capable of consistent interpretation and measurement;
- ensure benefit was commensurate with resources expended;
- be useful as a tool to enable individual authorities to monitor their own performance over time.

The indicators are grouped under five headings:

- scale of operations of local authorities;
- impact on customers;
- aspects of management and decision making;
- performance of regulatory function; and
- local authorities as employers.

(a) Independent Verification

External monitoring and verification of the data and the provision of analysis and compilation of a report to the Minister was to be provided by the Local Government Management Services Board. An Independent Assessment panel also reports directly to the DEHLG Minister on the process.

In January 2004 the 42 indicators were introduced to the local authority system and in July 2005 the first comprehensive report summarizing the 2004 results was made available to the DEHLG Minister.

(2) Sustaining Progress Agreement

The *Sustaining Progress Agreement* negotiated in 2003 represented the 6th in a series of agreements between Government and social partners dating back to 1987. The *Sustaining Progress Agreement* ran for a 3 year period between 2003 and 2005.

The shared overall goal for this Agreement covering the period 2003-2005 was as follows:

To continue progress towards the realisation of the National Economic Social Council vision for Irish society in terms of:

- economic inclusion based on full employment;
- consistent economic development that is socially and environmentally sustainable, social inclusion and a commitment to social justice; and
- continuing adaptation to change;

4. ANALYSIS

4.1 Key Issues

The WPI, the CPA and the Best Value Audits in Scotland all have a core aim of supporting local authorities in delivering continuous service improvement but at the same introducing statutory accountability.

There are a number of common issues reflected amongst the three performance management frameworks and are best summarised as follows:

- frameworks for delivering performance and service improvement;

- means of identifying where further support and improvement work is required;
- means of informing and co-ordinating audit and inspection programmes;
- means of focusing on the community leadership role of the authority; and
- means of holding authorities to public account for their actions.

There are however differences in the approaches undertaken in each of the jurisdictions, these are largely reflected in the different approaches to regulation. The fundamental differences are as follows:

- The CPA categorises the outcomes of its inspections. It is effectively a composite of an assessment of core services, using existing inspection data, a corporate assessment cutting across core services, and an assessment of how the authority is managed. The net result is a clear action plan for improvement.
- The starting point for WPI is a comprehensive corporate and service assessment by each local authority of its fitness to achieve continuous improvement. Arising from this is a Joint Risk Assessment shared and developed by the authority and its regulators; the subsequent regulators' plan forms the basis of the authority's improvement and regulatory plans. The essence of WPI is the flexibility to respond to changing agenda and to focus on key priority areas for the Welsh Assembly and Welsh Local Government.
- Audit Scotland undertakes a 3 year programme of Best Value audits with annual progress reviews in the intervening period. The 3 yearly audits use an authority's own assessment of performance looking for evidence to confirm or challenge the results. The framework does not provide for a scoring system or the publication of league tables, and is therefore not designed for comparison purposes.

4.2 Lessons Learned

One of the key questions raised relating to the regulation of local government is whether or not the process adds value. A number of concerns have been voiced over the financial burden that is placed on local authorities in terms of the cost disadvantages. A summary of these are as follows:

- It was estimated that the total cost of the BVIS to local government was £50 Million p.a. Much of the cost being absorbed by the inspected;
- Compliance costs associated with the introduction of measures to demonstrate compliance (written strategies, performance plans etc); and
- Opportunity costs associated with local authority functions and activities that have been minimised as a result of resources being "diverted" to the preparation and management of inspections.

Furthermore, there are a number of other concerns such as:

- Displacement effects associated with the prioritisation of activities and outcomes that are monitored and measured by external audit and inspection. The result that less attention is given to what maybe equally important issues that are not open to scrutiny;
- A reduced inclination to innovate as a result of a fear of failure; and
- Damage to staff morale associated with the preparation for and outcomes of inspection (“failing” authority etc).

Other lessons to be learned focus on the key challenges faced in developing a regulatory mechanism that acts as a driver for improvement but also holds local authorities to public account. These are best summarised as follows:

- Credibility of inspectors (need to ensure that inspection is rigorous, evidence-based and perceived to be fair);
- Style versus Substance (danger that external inspections focus on style rather than substance as local authorities have tended to focus on demonstrating compliance);
- Local versus National Priorities (concerns that national inspection regimes have encouraged a standard approach to the management of local services);
- Limits of Performance Data (variations in the quality and the availability of performance data across authorities);
- Inspection Overload; and
- Implications of Partnership Working (argued that there is a need for partner organisations to be subject to similar inspection mechanisms, particularly in the context of Community Planning).

5. FUTURE DEVELOPMENTS

5.1 ENGLAND & WALES

Within England and Wales there are calls for local government to set its own targets and monitor the results. This has come about because of “fatigue” with an “outdated and burdensome CPA” which has inspired a sector-led alternative. It has been argued that the modernisation of local authorities is not reflected in the current performance management framework, as provided by the CPA and WPI.

The I&DeA and the LGA have jointly led a proposed document for an alternative inspection framework. The “Driving Improvement – a new performance framework for localities” argues for an approach based on improvement to services rather than the current overall performance approach. The rationale being this drives self-assessment, as well as local community and peer challenge.

The report proposes that a new performance management framework must be citizen focused and reflect the diversity of communities’ and individuals’ needs in the 21st century. This will include:

- providing an accurate picture of value for money services;
- providing opportunities for local communities to shape services;
- providing encouragement for the creation of innovative services; and
- reducing the “burden” of inspection and regulation.

Furthermore, the report argues that local authorities must take responsibility for improvement across the sector with published annual assessments and independent audits being subject to peer challenge. The report also envisages that local organisations and citizens will form part of the challenge process through participating with council representatives and members in establishing benchmarks for service delivery and improvement standards.

Under the new framework authorities will be asked clearly define their local area priorities and measure their own performance in these areas. In summary the report sees the development of “enhanced” Local Area Agreements (LAAs) as being fundamental to the future performance appraisal of local authorities.

5.2 SCOTLAND

The establishment of the Improvement Service (for Scottish Local Government) as a partnership between the Scottish Executive, COSLA and SOLACE may have ramifications for the future of the external review and audit of local government as provided by the current Best Value regime.

The Improvement Service (IS) as a partnership aims to support continuous improvement by building on the expertise within local authorities and working in partnership with stakeholders to improve the efficiency, quality and accountability of public services.

Through the confines of efficient government the IS has recommended an efficiency monitoring framework for authorities in Scotland. The core aim is to build on current provisions for performance management rather than setting out a separate framework relating solely to efficiency. The IS recognises the progress made by councils in developing and implementing comprehensive performance management arrangements as part of their Best Value approaches.

The report “Efficient Government: Proposed Monitoring Framework” aims to identify the following:

- how councils define efficiency;
- what should a suitable framework for monitoring Efficient Government look like;
- what performance indicators are currently being used / should be used; and

- what methods do and should councils employ to report efficiency gains to both elected members and the public, and how should this incorporate both national and local efficiency priorities.

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