

**WATCHING THE DETECTIVES¹: EXPLAINING REGULATORS' ROLES
IN THE INTEGRATION OF SUSTAINABLE DEVELOPMENT IN UK
PUBLIC SERVICES**

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¹ With thanks and apologies to Elvis Costello!

ABSTRACT

This paper examines regulatory innovation in the context of integrating sustainable development in the work of regulators in England and Wales. The UK is an interesting case as it has been heralded as an international leader in climate change mitigation. But how is this ambition translated into action by public administrators regulating core public services? The paper analyses the responses of three regulators – the Audit Commission, Ofsted and the Care Quality Commission. The paper concludes further integration of sustainable development central government must clarify regulators' incentives in order to counteract the dominance of narrow sectoral identities and professional cultures.

KEYWORDS sustainable development, policy integration, regulators, Sustainable Development Commission, Ofsted, Audit Commission, CQC

INTRODUCTION

The notion of policy integration (Jordan and Schout, 2006) has come to the fore in recent years as policy makers have struggled to come to terms with the aptly named ‘wicked issues’ (Rittel and Webber, 1973), the most recent and notable being climate change. Because of their intractability and cross-sectoral nature there is a strong sense that the functional configuration of government departments, where specialisms are developed around a set of specific sectoral policy responsibilities, is unsuited to dealing complex cross-cutting policy problems. Rather, more coordinated approaches are needed within public administrations. Policy integration is not a new concept (Pollitt, 2003, p. 36; Bogdanor, 2005); indeed it has long been a goal of most public administrations (Peters, 1998). As a process of coordination (Jordan and Shout, 2006), policy integration, like mainstreaming, is a ‘meta-policy instrument’ (Halpern et al, 2008; see also Lascoumes and Le Galès, 2007) – one which expands the scope of *existing* instruments. Recent academic interest has tended to focus on: the conceptual background to coordination (Metcalf, 2000; Peters, 1997, 1998; Pollitt, 2003); the history of coordination as a policy ideal (for example, Hood, 2005; Bogdanor, 2005); and/or the various political reasons for the recently renewed focus on coordination (for example, Ling, 2002; Pollitt, 2003). Despite a few notable studies (Davis, 2009; Jordan and Schout, 2006; 6 et al, 2002), we know very little *empirically* about how policy integration operates in institutional settings. Moreover, there are very few studies on implementation of sustainable development within specific policy sectors in countries (see the recent special issue in this journal for a rare clutch of these articles – Guthrie et al, 2010) and no studies of public sector regulators. This paper therefore examines the integration of sustainable development in to the activities of three regulators in the United Kingdom (UK) that oversee the delivery of core public services. The article not only aims to add to the sparse literature. Analytically, it explores the factors that enable and constrain the integration of cross-cutting issues into sectoral policy making and operations. Using new-institutionalist theories the paper makes explicit the role of institutional interests and values in explaining levels of engagement.

Amid heightened concern over human impact on the global eco-system, the idea of ‘sustainable development’ was popularised by United Nation (UN) sponsored

Brundtland Report of 1987. Brundtland famously made the international case for more sustainable development that ‘meets the needs of the present generation without compromising the ability of future generations to meet their own needs’ (WCED, 1987). Since its publication, many countries have attempted to roll out strategies to implement sustainable development across their public services. These have been essentially aimed at trying to balance the environmental protection with the promotion of social well-being and the need for economic robustness. However, this has been easier said than done. Sustainable development is the archetypal example of a complex, cross-cutting, evasive and nebulous concept that policy makers are struggling to engage with effectively – despite increased concern over the potentially severe impacts of issues such as climate change and biodiversity loss (Jordan, 2008). The UK Government has long been heralded for its innovative approach to sustainable development (OECD, 2001, 2002). Yet recent reviews of the integration of sustainable practices across the public sector paint a disappointing picture (EAC, 2011a; SDC, 2006a, 2009) and have led to calls for a new sustainable development strategy to secure wider and deeper policy integration (EAC, 2011a). This disjuncture between the UK government’s aspirations and real world policy integration make it an interesting case for analysis.

The Brundtland report, and a large body of academic literature (for example Lafferty and Meadowcroft, 2000; Steurer and Martinuzzi, 2005; Nilsson and Eckerberg, 2007; Jordan and Lenschow, 2010), make it clear that the role of the public sector is potentially pivotal in driving forward sustainable development in industrialised countries. Public bodies can integrate sustainable development into their remit by using their considerable purchasing power and employer status to deliver change directly and indirectly – influencing the behaviour of others. More generally, public policy and regulation entails intervention that may have impacts (both intentional and unintended – Dery, 1999) on the society, the economy and the environment. The significance of the public sector as a site for implementing sustainable development is reflected by the growing prominence of sustainability themes in the public management literature (notably special editions in *Public Money and Management*, Ball and Bebbington, 2008, and *Public Management Review*, Guthrie et al, 2010).

In the UK specifically, the centrality of the public sector formed the organising theme of the government's 2005 sustainable development strategy *Securing the Future* which calls upon the UK public sector to become a 'leading exponent' of sustainable development (HMG, 2005: 156). Academic studies, government advisors and parliamentary inquiries suggest however that the performance of the UK's sustainable development strategy has hitherto been weak (Jordan, 2002; Author B, 2007, 2008; SDC, 2006a, 2009, 2011; EAC, 2011a). This is despite a strong push for a more joined-up approach to policy making within the UK, and the latest sustainable development strategy being heralded as a positive step forward for delivering meaningful change (SDC, 2005a; Author B, 2007). This gap between policy rhetoric and reality forms the backdrop for our analysis of how and why sustainable development has been integrated in the manner it has within core public services in three sectors. Specifically, we are interested in one particular group of public sector actors. While we know little about the response of public sector actors in general to challenges of integrating sustainable development into service delivery, we know even less about the contribution of one of the most powerful actors – the regulators.

The paper explores and explains the contributions of three UK regulators of core public services in integrating sustainable development into the policy agendas of local government, schools and hospitals. Data is drawn from the findings of the Fourth Thematic Review conducted between 2008 and 2009 by the UK government's sustainable development 'watchdog', the Sustainable Development Commission (SDC) to which one of the paper's authors contributed (Author A, 2009). Analytically, it uses new institutionalist theories (March and Olsen, 1984, 1989) to explore the impact of regulators' interests and values on policy integration practice in these sectors. In so doing, it examines the roles played by the regulators in these sectors. The Local Government regulator – the Audit Commission (AC)² – is responsible for monitoring the spending of local authorities and for ensuring that they comply with central government targets. Its parent ministry is the Department for Communities and Local Government. The Schools' Regulator – the Office for Standards in Education and Children's Services (Ofsted) – audits the quality of teaching in schools and the quality of services offered by providers of children's services. Where performance is

² This regulator has recently been earmarked to be disbanded by the UK Government as part of its austerity measures.

seen to be particularly poor, it has the power to intervene and introduce its own measures. Its parent ministry is the Department for Education and Skills. The Healthcare Regulator – the Care Quality Commission (CQC) – is a relatively new regulatory body having been created by the amalgamation of three separate regulators, namely the Healthcare Commission, Commission for Social Care Inspection and Mental Health Act Commission. Its parent department, the Department of Health, has given the core remit of inspecting the quality of healthcare provided by the UK’s National Health Service.

This exploration aims to help analysts better understand the complexities faced by policy makers located in individual policy sectors in responding to complex and cross-cutting issues. New institutionalist approaches provide a useful analytical way ahead here as they study ‘not just the impact of institutions upon behaviour, but the *interactions* between individuals and institutions’ on multiple levels (Lowndes, 2001: 1960). By focussing on these interactions, new institutionalist approaches help to explain the ways in which policy action is mediated by the power relationships and values that are embedded in institutions. Our analysis also yields recommendations on what could usefully be changed to help regulators overcome some of the barriers to policy integration.

The remainder of the paper unfolds as follows. Section 1 explores the literature on sustainable development and provides a UK policy context. Section 2 outlines the analytical framework and methodology. Section 3 examines the empirical evidence and analyses the practices of each of the three regulators. The paper concludes with a discussion of the relationship between interests and values in integrating sustainable development and explores how further and deeper policy integration might be achieved in the future.

SECTION 1: INTEGRATING SUSTAINABLE DEVELOPMENT ACROSS THE UK PUBLIC SECTOR

1.1 A Brief Literature Review

As the concept of sustainable development gained political currency post-Brundtland, the regulatory approaches to environmental problems began to ‘face a legitimacy crisis, as it seemed to impose high costs on the economic actors without producing the desired environmental improvements’ (Lenschow, 2002: 21). In particular, concerns surfaced because sectoral policies had been formulated ‘in disregard to environmental policy’ (Lenschow, 2002: 19-20). Thus, many advanced political systems began to recognise the need to address sustainable development issues across policy sectors to strengthen environmental factors in decision making (Jordan and Lenschow, 2008). The response to sustainable development was first realised in many OECD countries through dedicated cross-cutting environmental coordination strategies. Complementing these efforts at dedicated environmental coordination, many states also produced sustainable development strategies following commitments made at the International Earth Summit in Rio de Janeiro in 1992 (see Steurer and Martinuzzi, 2005 and Swanson et al, 2004).

Much of the literature on the efforts of public bodies at integrating sustainable development into their operations falls into three broad categories: i) theoretical, conceptual and normative work which reflects on the implications of sustainable development for public administrations (for example, Lafferty and Hovden, 2003; Lenschow, 2002; Steurer, 2007; Steurer and Martinuzzi, 2005); ii) the different tools, instruments and procedures that public administrations can use to integrate sustainable development across sectors (see Jacob et al, 2008; Jordan and Lenschow, 2008; Steurer and Martinuzzi, 2005; Schout and Jordan, 2006; Author B 2007); iii) evaluation of the efforts of OECD and European Union (EU) members to implement cross-cutting environmental strategies (Jordan and Lenschow, 2008; Lenschow, 2002; Steurer and Martinuzzi, 2007). There is also limited body of literature examining the implementation of sustainable development within specific policy sectors in countries, for example, UK higher education (Broadbent et al, 2010), local government in Italy (Mazzara et al, 2010) and Australian resource management (Martinov-Bennie and Hecimovic, 2010) all in a recent special issue of this journal; and energy and agriculture in Sweden (Nilsson and Ekerberg, 2007). It is this burgeoning literature on the integration of sustainable development into country-specific policy sectors that this paper seeks to contribute.

While it is becoming increasingly clear that public administrations have, on the whole, struggled to implement sustainable development in the cross-cutting manner originally envisaged after Brundtland, the reasons for this are still poorly understood. Academic studies have pointed to issues such as the nebulous nature of sustainable development, poor leadership, difficulties in engaging sectoral policy makers, and weak capacity to integrate (see Jordan and Lenschow, 2008). However, these factors have been under-theorised. By examining the integration of sustainable development using in-depth case studies, this paper aims to provide a more empirical and analytically informed account of the interest- and value-related factors that motivate or provide disincentives for sectoral policy makers to engage with issues such as sustainable development that may be beyond their core remit and whose relevance may not be immediately apparent.

1.2 The UK Policy Environment

The UK Government responded to Brundtland in 1990 with the publication of an Environment White Paper (HMG, 1990). At its heart were a series of new cross-cutting administrative levers (for example, an Environment Cabinet Committee) and mechanisms to ‘green’ the operations of all the organs of government (for example, a system to appraise all new policy for its environmental impact) (see Jordan, 2002; Author B, 2008). The White Paper process was supported by the publication of successive waves of sustainable development strategies (HMG, 1994, 1999, 2005). The last of these strategies, and the one most directly relevant for this study, committed all parts of the government to prioritise sustainable consumption and production, climate change and prudent use of energy, natural resource protection and environmental enhancement and sustainable communities (HMG, 2005). Crucially these strategies were cross-governmental with all central ministries being signed up to them. Thus, although the schools, local government and patient care regulators have not directly signed-up to the sustainable development, they have *de facto* obligations stemming from the commitments made by their parent departments’ in Central Government.

The notion that sustainable development will be embraced by regulators because politicians say it should be integrated into public services may appear to be a triumph of hope over reason. Alternatively, an economic analysis would dismiss it as little

more than a cheap talk game. Indeed, it is well documented that the organs of government can operate in a blinkered manner, each with an explicit focus on narrow sectoral concerns and remits at the expense of broader cross-cutting issues such as sustainable development (Richards and Smith 2002; Richardson and Jordan, 1979). Such an interpretation is especially persuasive given that we are dealing with something as conceptually nebulous as sustainable development (Lélé, 1991). It is a view which is supported by existing studies on the UK. Despite, a seemingly comprehensive approach to sustainable development (Jordan and Lenschow, 2008), the UK Government's efforts at integrating sustainable development into its operations have been less than impressive because of weak political leadership from the centre and Whitehall in-fighting (Jordan, 2002; Author B, 2007, 2008).

The result has been a lot of 'noisy signals' about sustainable development and its integration across the public sector where the establishment of broad principles and wide ranging targets are the order of the day. The need for action is recognised at the heart of government and exemplified by 2005 Sustainable Development strategy document (HMG, 2005) and the Stern report which followed (HMG, 2006). The Climate Change Act of 2008 set down the legal framework for tackling climate change across the UK, setting overarching binding targets for reducing UK carbon emissions by 80% by 2050. A raft of policy initiatives have flowed from the Act – the Code for Sustainable Homes; the Planning Policy Statement on Climate Change; and the Sustainable Communities Act, for example (CLG, 2006, 2007). The initiative most pertinent to the policy sectors explored here concerns procurement where a Sustainable Procurement Action Plan and Centre of Expertise in Sustainable Procurement (CESP) have been created to support government departments in developing their own sustainable procurement policies. Though these initiatives underline the government's aspiration to integrate sustainable development across the public sector, there is little in the way of detailed sector-specific plans of action. The SDC conveyed this sense of a noisy and unstructured approach in its fifth report on the UK government's performance: 'a drastic change in approach is essential for Government to have any hope of meeting its targets ... And all this against a background of endless Government messages indicating strong support for climate change initiatives. Unless Government can quickly take charge of its own operations, it risks breeding deep cynicism amongst the general public and will lag behind the

private sector' (SDC, 2006: 2). This disappointment about the lack of progress on integrating sustainable development across government has been echoed more recently by the Parliament's Environmental Audit Committee (EAC, 2011a, 2011b).

However, the UK government has been keen to emphasize that policy integration should be localised, where individual regulators decide how to translate sustainable development principles into policy action on the ground. Indeed, the UK's 2005 Sustainable Development strategy suggests that such a local, 'bottom-up' approach is preferable for taking the sustainable development agenda forward (HMG, 2005: chapter 2). In 2009, an additional institutional venue was introduced to encourage localised policy integration or 'place shaping'. The Comprehensive Area Assessment (CAA) was envisaged as a collective process focused on the quality of outcomes delivered by local services working both alone and in partnerships. The value-added of the CAA was to be that assessments would be delivered by six regulators³ – including the three in this study.

Such autonomy in integrating sustainable development into service provision is of course symptomatic of a much wider trend in western governance. The rise of the 'regulatory state' (Majone, 1994; Moran, 2002) ensures that as service providers are given more freedom from central government, regulators operating inside government have become dominant actors, as state hierarchy morphs and re-emerges (James, 2000). This emphasis on devolving responsibility on sustainable development specifically is arguably the result of: the government's uncertainty about how sustainable development can be translated across an array of very different sectors; and the resulting political risk aversion to laying down hard and fast route maps that are largely speculative and may fail. By asking those responsible for the delivery of specific public goods to generate sector-specific ways of mainstreaming sustainable development, the political and functional risks for central government are diluted, if not entirely devolved.

Thus, rather than focus on the activities of the public sector bodies themselves, this account is interested in exploring the claims to policy integration that can be made by

³ These were: the Audit Commission, Care Quality Commission, Her Majesty's Inspectorates of Constabulary, Prisons and Probation, and Office for Standards in Education and Children's Services.

the ‘detectives’ charged with overseeing, auditing and evaluating their performance. Through being more distant from the daily departmental politics of Whitehall, which can be a hindrance to integration (Richards and Smith, 2002), it is arguably the regulators who are best suited to be cheerleaders for sustainable development, encouraging the organizations they oversee to follow suit. The prospects for integrating sustainable development into the operations of the regulators have seemingly been strengthened with the founding of the aforementioned CAA. The CAA was led by the Audit Commission and has sustainable development as one of its four underlying themes by which to assess the quality of outcomes delivered by local services working both alone and in partnerships. The CAA was established in 2009, in part, as an institutional mechanism which could create a sense of collective responsibility and common understanding amongst public sector watchdogs for assessing the performance of local service delivery⁴.

Conversely, regulators’ distance from their political principals may also result in significant barriers to progress on sustainable development. While they experience a high level of de facto independence⁵ – where their daily activities are largely self-regulated – regulators within government are themselves subject to a high degree of regulation that limits their formal independence. Specifically, regulators in the UK are ever mindful that they must justify their interventions as compatible with five principles of ‘good regulation’ first outlined in 1998 and reinforced by the Hampton Review of 2005 (BRTF, 1998; Hampton, 2005): proportionality, accountability, consistency, transparency and targeted. Such need for parsimony may work against the integration of sustainable development goals which extend their remit.

Despite these common pressures, regulators’ considerable autonomy ensures that the extent of integration is context specific. We would expect the definition and practice of sustainable development integration to vary across different regulatory agencies and policy sectors. It is this variation in engagement that the paper explores and explains.

⁴ Abolished in May 2010, the CAA is another institutional casualty of the austerity cuts in the UK public sector.

⁵ See Maggetti (2007) for more on the distinction between de facto and formal independence.

SECTION 2: THE ANALYTICAL FRAMEWORK

2.1 Explaining Policy Integration with New Institutional Theories

(How) have UK regulators attempted to integrate sustainable development into core public services? How can we explain *why* regulators in one sector push the integration of sustainable development while regulators in other sectors pay only lip service to it or ignore it entirely? By analysing the organisational world of regulators and the wider policy context in which they work with new institutionalist approaches, our aim is to uncover the ways in which regulators' interests and values mediate their engagement with sustainable development. There are many new institutionalisms, each provide analytical leverage on different questions (Lowndes, 2001; Peters, 1999; Schmidt, 2006). The two main explanations identified by March and Olsen compare rational choice based and sociological explanations – captured in contrasting *logic of consequence* and *logic of appropriateness*. Here, these two institutionalisms and their respective emphases on how interests and values pattern politics are the analytical tools used to explore regulators' responses to the challenge of sustainable development integration.

The rational choice variant in new institutionalism treats behaviour as the function of actors' interests (Weingast, 1996). The logic of consequence here is underpinned by calculation. Regulators' in this account are expected to act in ways that maximise their utility where their engagement with sustainable development is a product of the sanctions and rewards they perceive such behaviour will bring. Institutions can mediate behaviour in more subtle ways too. The sociological (sometimes called normative) variant of new institutionalist theory stresses roles, behavioural codes, professional identities to which actors conform and how they shape action (March and Olsen, 1984, 1989). Institutions are social constructs where regulators act according to what they believe is appropriate for their role and in their particular policy sector.

Why explore the role of institutions at all? Institutions matter to policy outcomes not simply in the here and now but in the future. Indeed, on the long term effects of institutions, Steinmo goes as far as saying that institutions are the 'genes' of policy (2010). The stakes are increased further when we consider that policy integration operates at a social level as well as a technical one – determining and stabilising how

an issue comes to be understood on the ground (Halpern et al, 2008: 1; see also Lascoumes and Le Galès, 2007). A full explanatory account is not the goal here – for example little is said about the ways in which discourse and policy legacies influence the behaviour of regulators (see Schmidt, 2006 on discourse and historical institutionalism). By focussing on two of the central explanations of political action – values and interests – explanatory depth has been favoured ahead of coverage.

2.2 Research Design

The empirical evidence analysed in the paper is mainly based on the Fourth Thematic Review conducted by the Sustainable Development Commission (SDC, 2009). The review examined the progress made by three regulators in integration sustainable development in local government, schools and patient care. Established in 2000⁶, the SDC was a publicly funded independent advisory body whose role it was to advocate sustainable development across all sectors of society and in particular in government (SDC, 2005b: 1). Following the launch of its 2005 sustainable development strategy, the UK government strengthened the role of this ‘critical friend’. The SDC was to become not just the sustainable development advisor to government but also its assessor. Central to this new ‘watchdog’ role (HMG, 2005: 154) was monitoring progress on the integration of sustainable development beyond the centre of government was at the heart of the SDC’s interpretation of its additional responsibilities (SDC, 2005b: 4).

The review started in July 2007 with sector reports produced for each of the regulators in December 2008. In its review, the SDC aimed to establish collaborative relationships with the three bodies and explore the ability of these regulators to integrate sustainable development into their work and promote it to the three services they oversee. This engagement continued throughout the review period through meetings, and feedback on draft documents produced by the regulators. The SDC formulated sustainable development goals for each regulator and assessed their performance against those and their engagement with sustainable development more generally (SDC, 2009: chapter 3). The final stage of the review involved a joint

⁶ The SDC was closed on 31 March 2011 following the UK government’s decision to withdraw funding for the body. The SDC’s ‘stakeholder engagement’ and ‘capability-building’ functions have been transferred into the Department for Environment, Food and Rural Affairs (DEFRA) (EAC, 2011b: 6).

workshop with the regulators to discuss the broader policy challenges associated with attempting to integrate sustainable development in the public sector⁷.

This paper uses the empirical evidence contained in the Fourth Thematic Review (SDC, 2009) and in two sets of supporting documents – a thinkpiece on better regulation (Author A, 2009) and detailed case reports for each of the regulators (SDC, 2008a, 2008b, 2008c) – as the basis for our analysis. This is bolstered by insights gained from Author A’s involvement in the review and, in particular in the workshop event which brought the three regulators together with the SDC. Additional data from interviews with central government civil servants conducted by Author B from 2002 to 2008 has also been used.

Regulators’ interests and values are identified using the government and scholarly literature that outlines and analyses the work of the regulators. How are these interests and values operationalized? Rational choice approaches treat institutional preferences as exogenous – the product of forces beyond the immediate situation. So, in exploring regulators’ interests, the analytical focus is on how regulatory bodies design and manipulation (from their parent departments in central government and the schools, hospitals and local authorities they regulate) contributes to their willingness to integrate sustainable development goals. More specifically, our analysis focuses on the *resources* and *incentives* available to regulators to integrate sustainable development goals. These resources may be material – additional or ‘ringfenced’ funding made available to regulators for sustainable development initiatives or access to specialists in sustainable development, for example.

The nature of the informational resources available to the regulators is also explored. Specifically, models of information transmission and the concept of signalling (Crawford and Sobel, 1982) directs attention toward the extent to which regulators are informed about how to integrate sustainable development in a policy sector. Drawn from the theory of market pricing, the idea of economic noise described hype or unclear information that exists in the economy (Black, 1986). Though noise is the antithesis of accurate, specific and therefore useful information (Thaler, 1993: xvii),

⁷ One of the authors participated in this and co-authored the background paper to the final report (Author A, 2009).

its prevalence carries significant implications for market trading. As signals get noisier speculative trading may increase and market pathologies result. In relation to sustainable development, the proposal here is that, the weight and incessancy of government reports and exhortations on the integration of ‘sustainable development’ in abstract terms constitutes ‘green noise’. Similar to the case of market pricing, where green noise levels are high the level of information is low. Poor quality and low levels of accurate information are highly problematic where the departments and agencies required to engage with sustainable development do not possess any specialist knowledge in this area. They become ‘noise traders’ whose responses to the integration of sustainable development are unstructured and approach speculative. Indeed, the SDC’s desire to collaborate with the regulators, rather than simply review their work from arm’s-length, was the result of their concern that these actors had very little accurate and specific guidance on which to base integration of sustainable development (SDC, 2009). In this way, the SDC attempted to be an information trader on whom regulators could rely.

With regard to incentives, our analytical focus is informed by the principal-agent literature’s concept of shirking. How can regulator-compliance with central government’s aspirations on sustainable development be secured? Agency theory suggests that rule-based incentive structures that reduce uncertainties – for example binding targets, rewards for good performance or sanctions – are required to prevent regulators from shirking these aspirations.

Regulators’ engagement in policy integration is not merely conceived as the result of calculation. We are also interested in the contribution of values and roles to the integration of sustainable development in service delivery. Sociological variants of new institutionalism treat actors’ preferences as endogenous – shaped by their involvement in an institution. Accordingly, our analytical focus here concerns the *formal rules* that prescribe regulators behaviour and give these institutions their sense of who they are, and the *informal practices* that develop in institutions over time (March and Olsen, 1984, 1989). Formal rules simply concern the remits, goals and legal responsibilities of the regulators which determine the scope of their role and areas where it is appropriate for them to exercise authority. It is actors’ commitment to these organizational goals that mediates their action. Informal practices are, by

definition, empirically elusive. Peters' (1999: 30-31) offers one a way forward here. For organisational practices and routines to be routine we should think in terms of uniformity of response. Another way of operationalizing informal practices is to look at the presence and strength of professional identities which 'set the limits of the imagination' (Schmidt, 2006: 131) for that organization and around which a shared understanding of what is appropriate forms. Though this logic of appropriateness is embedded within the regulatory organization, this does not mean that we should only focus on the internal operations of the regulators. The development of values and their entrenchment will also be influenced by the role ascribed to it by central government and the professional socialization and identity affirmation developed with those whose work it regulates.

SECTION 3: THE INTEGRATION OF SUSTAINABLE DEVELOPMENT – A TALE OF THREE REGULATORS

3.1 The Audit Commission and Local Government

The UK local government regulator – the Audit Commission – is the leader of the three regulators in its engagement with sustainable development. Sustainable development has been embedded into the organisation's structures through training programmes for most of its staff – including master classes for senior management – and the development of an 'economic development and environment network' through which good practice and learning might be shared horizontally (SDC, 2009: 8).

At a collective level, the regulator has also made strides forward having adopted a leadership role in the CAA with the 'Use of Resources' (UoR) assessment⁸ emerging as the main tool through which sustainable development could be integrated. Despite the its willingness to devise a cross-inspectorate approach to sustainable development, the CAA regulators as a whole had not committed to any such mechanism (SDC, 2009: 9). Nor had agreement been reached on how the UoR assessment could be extended beyond local government into schools and health and social care bodies.

⁸ This considers how well organizations use their resources to deliver value for money and better and sustainable outcomes.

While the SDC noted the importance of strong leadership of the regulator's chair and senior management group (SDC, 2009: 7), the explanations for why the regulator's management embraced the integration of sustainable development so enthusiastically, in the first place, are complex.

In terms of value-driven explanations, the local government regulator is arguably the regulator most able to multi-task of the three examined here. As the local government watchdog, its 'sector', and so remit, is wide – covering local government, housing, criminal justice and fire and rescue services. Flexibility and the willingness to engage with central government's political agenda have been core parts of its skill set and daily practice (Travers, 2010). Under the successive New Labour governments, this regulator developed a reputation of being able to effectively translate woolly concepts and ambiguous political buzz-words from central government – notably 'best value' – into real regulatory indicators (Travers, 2010)⁹. This organisational track record of translating noisy and nebulous messages from central government into concrete action on the ground has helped this regulator engage with sustainable development in a meaningful way.

Sustainable development principles also embody norms that have long been familiar to the bodies the regulator worked with in central and local government. Since the UN's Local Agenda 21 (LA21) in the 1990s, UK local government has become adept at engaging with environmental policy. Moreover, until 2001, the Department for Communities and Local Government was part of the Environment, Transport and Regions 'super-department' and, accordingly, it has a history of addressing environmental sustainability. And so, it was perhaps natural that the communities sector would publish one of the first sustainable procurement strategies in the public sector and placed the creation of sustainable communities at the heart of Local Area Agreements, which form a contract between local and national government to set priorities for shaping local areas. At the local level, authorities see sustainable development as core to its multifaceted business and cross-cutting agenda. Such norms – both above and below the regulator – generate the expectation that it would

⁹ Indeed, as Travers astutely argues, it is perhaps this effectiveness in translating Whitehall's wishes that has hastened the death knell of the Audit Commission. Its proposed abolition by the Conservative-Liberal Democrat coalition has been attributed to the barriers it has erected against the localism agenda (2010).

be routine for the AC to internalize sustainable development principles and promote sustainable policies.

The local government regulator also had strong incentives to push the sustainable development agenda. Its assumption of a lead role in the Comprehensive Area Assessment (CAA) – which is ‘inherently about sustainability’ (Audit Commission et al, 2009) – is not simply a reflection of the willingness to follow the lead from Whitehall; it was also driven by the fact that this regulator’s performance is judged against its success in driving innovation and improvement across public services. In addition, the Audit Commission had a receptive audience. Local government and its regulator have had a historically troubled relationship (Travers, 2010), the elected former resenting the power of the unelected latter. However, councils did benefit from good CAA scores and understood the metrics used to assess their performance. In adopting this lead role on sustainable development, the regulator not only delivered central government’s message, it could also cast itself in the role of defender of local councils (though perhaps not localism) from further regulatory burden and confusion.

3.2 Office for Standards in Education and Children’s Services and Schools

The principle of integrating sustainable development into its work is accepted by Ofsted – the UK schools’ regulator. It acknowledges the importance of sustainable development to the children and young people whose educational attainment it aims to protect. Since 2007, Ofsted has recognized schools’ achievements in meeting the National Framework for Sustainable Schools in their Self-Evaluation Form (SEF). The SEF provides an opportunity for schools to catalogue and evaluate practice that are not usually discussed at inspection¹⁰. The regulator has developed a Sustainable Development Action Plan (SDAP) and has begun the work of developing guidance on how inspection teams could incorporate sustainable development into its frameworks (SDC, 2009). Its commitment to integrate sustainable development into their practice is in its infancy – it agreed to work with SDC to review progress, create a post dedicated to championing sustainable development and allocate future resources to training its staff. Whether this development will lead to concerted action and integration around sustainable development remains to be seen. In terms of collective

¹⁰ That the SEF is separate to the inspection process has led to its dismissal as an unnecessary bureaucracy. Its abolition was announced by the Secretary of State for Education Michael Gove in September 2010.

engagement with other watchdogs, the school's regulator was reluctant to commit resources to the CAA (SDC, 2009: 8).

What can explain this slow progress? The regulator currently has low incentives for engaging in integrating sustainable development. While the challenge of climate change has spawned many strategy documents in government in the UK over the past five years, in highly salient policy sectors – like education – these noisy signals have not been translated into coherent policy programmes. The Department for Education and Skills' main contribution to this agenda has been to incorporate sustainability requirements in its schools building programme. Beyond that, the Department for Education and Skill's interest in terms of concrete action surrounding sustainable development goals has been historically low (see Author B, 2007; SDC, 2006b, 2008b). Put simply, the political incentives in education are to ensure pupil attainment is high. Without clear guidance from its parent department, the regulator understandably concentrates on what it considers to be its 'bread and butter'; a classic example of the 'departmentalism' that hinders progress on wicked issues (Kavanagh and Richards, 2001).

Low incentives are not simply the result of informational difficulties born out of political pressures. Incentive structures can also be traced back to the organizational power possessed by the schools' regulator. It operates with a clear remit – 'to improve standards of achievement and quality of education' (DfEE, 1997: 150) with an emphasis on examination performance (Hood et al, 1999: 147). Though this was extended in 2007 to include the promotion of service improvement, evidence from the Fourth Thematic Review (SDC, 2009) suggests that sustainable development integration is simply seen as not part of its core business. We would expect progress to continue to be slow in the absence of formal delegated powers on bringing sustainability into schools.

The incentives from below are equally low. The prickly relationship that exists between the schools' regulator and its regulatees (Laughlin and Broadbent, 1996) means it is unsurprising that this regulator is reluctant to add another dimension to the assessment regime, especially one which could be characterised as burdensome and unfair. The central position of inspection reports, and the league tables based on them,

creates strong disincentives for the regulator to assess schools efforts on sustainable development in the absence of clear guidance from their parent department. Linked to this may also be concerns about reputational damage. Though few regulators could be considered to be popular amongst regulatees or taxpayers, the work of the schools' regulator since its inception in 1992 has been linked to higher school standards (Hood et al, 1999). Any foray into an area unfamiliar to it would risk damaging this hard won credibility and grudging respect.

Value-driven explanations are also informative here. The schools' regulator, unlike its local government counterpart, is highly specialised. This raises question marks about whether or not this regulator is able to engage in regulatory innovation on sustainable development. This is not simply a matter of functional capacity. It is also a matter of organizational norms and identity. Education professionals guard their specialism jealously and may perceive pressure to deliver sustainable development as a dilution of their focus on pedagogy (Ofsted representative, SDC workshop October 2008). Inspection work is largely contracted-out by the regulator. The original rationale behind this was to prevent regulatory capture – where civil servant inspectors became overly sympathetic with their educational counterparts (Wilcox and Gray, 1996). Rather, school inspectors are predominantly drawn from a pool of retired people – often former teachers (Hood et al, 1999: 150). Such contracting-out creates a capacity issue – how can sustainable development be integrated by street-level bureaucrats whose identity and expertise is so deeply rooted in a specific profession? Any expansion of the concept of wellbeing currently defined as child-centred education to include sustainable development may risk inducing cognitive dissonance within the regulator. In the absence of training to provide the skills for street-level bureaucrats to engage with the sustainable development such dissonance cannot be reconciled and sustainable development will be consigned to the status of optional extra.

The schools' regulators' identity is also relational. The working relationship this regulator has with schools has been characterised as being more of pressure than support (Hood et al, 1999: 152). Developing and negotiating a common understanding of sustainable development, and how it might be integrated into the daily operations of schools, is not necessarily compatible with a hierarchical modus operandus. Without stronger signals from government, in particular from its lead department, the

regulator is understandably reluctant to fully open the sustainable development can of worms with schools.

When compared with the local government regulator, the schools' regulator's action could be dismissed as costless cheap talk. However, when the barriers to integrating sustainable development are considered, the lack of incentives provided by government and regulatees and this regulator's specialised identity, the schools' regulator has actually been relatively successful at integrating sustainable development. Though the signals it sends out by are not as costly as those of the local government regulator, their willingness to impose some costs on themselves – the public commitment to create a head of sustainable development post, to allocate resources to staff training and positive engagement with the Sustainable Development Commission (SDC, 2009) – suggest that the schools' regulator's commitment on integrating sustainable development is to some extent credible.

3.3 The Care Quality Commission and Patient Care

The integration of sustainable development by the UK healthcare regulator – the CQC – and its previous incarnations is non-existent, to put it bluntly. It has not yet even confirmed whether sustainable development falls within its remit. In the words of the Sustainable Development Commission, it has 'done little to inspire confidence that action will be taken in the future' with little to no engagement with the National Health Service Sustainable Development Unit recorded (2009: 7). The Sustainable Development Commission identified four main areas where the regulator should have made progress: signing the National Health Service Carbon Reduction Strategy, allocating a senior management member responsibility for sustainable development, developing an organisational action plan and conducting training for staff (SDC, 2008c, 2009).

This lack of engagement is best explained in terms of the presence of disincentives to action. While the Department of Health's sustainable development strategy stresses that sustainable development will constitute part of the regulator's remit, it has provided no meaningful resources to support delivery on this. Moreover, there is no reference to the health regulator in the Department of Health's sustainable development action plan (SDC, 2009: 50). The Department of Health defended the

peripheral status of sustainable development thus: ‘we would not expect CQC to use its enforcement powers in relation to registration to take action against a care provider based on its sustainable development record, unless this compromised the safety and quality of the care it delivers to patients and people who use services’ (evidence in EAC, 2011a: Ev 70)

As a result, sustainable development is at the bottom of the pecking order; languishing in tier three of the Department of Health’s ‘Vital Signs’ national performance indicators. This essentially means that the institutions of the National Health Service are free to engage or not. This low priority for sustainable development reflects the Department of Health’s preference for ‘light touch regulation’ based around the devolution of sustainable development responsibilities. It is also symbolic of this department’s ambivalent engagement with the broader dimensions of sustainable development beyond its core remit of health. For example, an official from the Department of Health told one of the authors of this paper ‘[T]he environment has been done to death; is it really a necessary part of the policy process?... [The Environment Department] are there to deliver sustainable development and are therefore resourced for it. They do forget that other departments have different objectives’ (DoH interview, 18/11/2003, London). Consequently, a contradictory signal appears to be coming from government. While the Department of Health claims that sustainable development is within the remit of the healthcare regulator, it has failed to make structural changes that encourage the regulator to embrace sustainable development beyond its narrow mission statement of ensuring high quality care.

In the health sector, sustainable development is best embraced by the National Health Service as demonstrated by it having set up strategies for, *intra alia*, carbon management (SDC, 2009). However, this does not seem to have forced upward pressure or signalling to encourage the regulator to take a more proactive role. Whether this situation stems from the uncertainty surrounding switchover to a new regulatory regime, a desire for the National Health Service to self-regulate on sustainable development to curb the remit of the new regulator, or some other factor is difficult to judge.

A look inside the healthcare regulator's organisational world also provides some reasons why the integration of sustainable development is yet to register on its radar. The regulator was only established in April 2009, with it taking over the work of three abolished bodies¹¹. It has had the challenge of 'integrating the regulation of the health and adult social care sector together and strengthen the safety and quality assurance for patients and service users' (Adil, 2008). It is thus hardly surprising that sustainable development has not been at the forefront of its priorities as it has sought to get to grips with its responsibilities in a new regulatory environment. Matters are not helped by the fact that its predecessor's performance on sustainable development was far from convincing (SDC, 2009). Also, like the schools' regulator, the healthcare regulator is highly specialized with a distinct professional identity that casts a shadow on how the organization views its role. In such cases, broad concepts such as sustainable development can be resisted as something that may detract it from its perceived and formal core mission, especially in the absence of incentives from its sponsor department (SDC officer, SDC workshop October 2008).

Clearly, the healthcare regulator is the laggard of the three regulators in terms of the integration of sustainable development. This not to say that sustainability is entirely off of its radar. For example, it appointed 42 CAA leads (SDC, 2009: 8). Following pressure from the Sustainable Development Commission, the regulator committed to working more closely with the local government regulator to examine how it can better integrate sustainability into its regulatory functions (SDC, 2009: 8). This strategy though has recently been made redundant with the announcement that the local government regulator will be abolished as part of the UK Government's austerity measures. Overall, the healthcare regulator appears to be sending out weak signals on sustainable development, with few self-imposed commitments in place. That being said, like its counterpart for schools, the healthcare regulator is not being provided with an incentive structure by central government and is constrained by its specialized professional identity.

DISCUSSION AND CONCLUSIONS

¹¹ These are the Healthcare Commission, Commission for Social Care Inspection and Mental Health Act Commission.

Each of the regulator's stories illustrates that professional values and institutional incentive structures forged and provoked by interaction with parent departments and the regulated bodies combine in complex ways to enable and limit policy integration. Overall this paper presents a mixed picture of the integration of sustainable development among the selected regulators. In the case of the healthcare regulator, there was barely any evidence of integration. The case of the schools' regulator was also characterised by weak integration but with some progress made despite the barriers faced. By contrast the local government regulator embraced the sustainability agenda more enthusiastically with a concerted integration effort.

We could leave the analysis here, after all the reality in politics is usually messy and when dealing with wicked issues any attempt to unpick the dense causal web may be an inefficient use of journal space and reader time! However, we propose to continue and offer some thoughts on the relationship between behaviour guided by logics of appropriateness and consequence. This is not simply for the sake of analytical clarity as its own end. Understanding how values and interests relate to one another forms a basis for offering useful prescriptions about the role of regulators in the future integration of sustainable development in public services.

To understand the interplay between values and interests, analysis focuses on which logic dominates behaviour by differentiating action directed by understandings of appropriateness from that driven by consequential thinking in terms of their 'prescriptive clarity' (March and Olsen, 2008: 703-704). At any one time, the rules and practices of an organization vary in their levels of precision. Similarly, resources and incentives vary across space and time. The assumption here is the clearer logic in any one case will dominate the less clear one and be the main behavioural guide. The degree of clarity is determined by the availability of the resources required to follow rules on the one hand or calculating expected utility on the other (2008: 703).

When considering the integration of sustainable development, the logic of appropriateness is arguably the clearer of the two, with established rules and norms in each sector directing the behaviour of all three regulators. Economic accounts of politics tell us that, in policy signalling, the message that is sent out can often be costly for that sender (Austin-Smith and Banks, 2002). By sending out noisy and

disjointed signals about sustainable development, the UK government has created a climate in which regulators have little choice but to fall back on established norms and rules to direct their behaviour. Critical sustainable development issues have been the subject of many reviews and policy documents. However, in the absence of clear guidance from the top on what should be achieved in the public sector, and without a clearer structure of incentives and sanctions, the expected consequences of not taking innovative action to integrate sustainable development are not important or severe enough for regulators – in particular, the schools’ and healthcare regulators. They are unlikely to engage in costly action or problematize their rules and professional identities to respond to the challenge. Therefore, responses to sustainable development are framed by what is deemed appropriate within a specialised core remit, as defined by the state in conjunction with specific socialisation processes, rules and identities of the different regulators.

The broader, and more general, remit of the local government regulator has been the key to its success in pushing sustainable development forward in local government. Its ‘jack of all trades’ identity, combined with the historically ‘greener’ outlook of those they regulate, makes the integration of sustainable development a logical activity for this agency. Regulators do not exist in a vacuum of course. In this instance, local government’s historic embrace of the environmental agenda has been critical in shaping their regulator’s incentive structure on sustainable development. By expanding its regulatory turf by embracing the sustainability agenda, the local government regulator has been able to assert control over local authorities across a wider set of activities.

In education, the specialist identity of the schools’ regulator arguably dominates. This long-established regulator addresses a precise remit whose boundaries are clear and its street-level staff are career educationalists. The importance of this identity is emboldened by the fact that there are significant weaknesses in the incentives on offer to engage fully with sustainable development. Although there are examples of best practice within individual schools and the Department for Education and Skills incorporated sustainability into the schools building programme, these patches of activity do not amount to the clear prescription to which the school’s regulator could aspire. In the absence of clear goals on sustainability, organizational rules and culture

takes over. Though integrating sustainable development across core public services has been promoted by government as a legitimate goal, individual sectors may not see themselves as the legitimate site of implementation. Despite being in its infancy, the healthcare regulator's lack of progress on sustainable development can be explained by the norms found, not simply within the regulator but the Department of Health as well. Added to this, the daunting task faced by the healthcare regulator specifically, and its role as defender of the public interest in health and social care, are 'hard and genuine constraints' (Carpenter, 2010) to expanding its remit to sustainable development.

How might improvements in the integration of sustainable development be wrought? There are general questions about the adaptability of regulators *per se* – we should not underestimate the challenge of initiating change in organisations whose primary role is to demand change of others. The barriers to effecting behavioural change in contexts dominated by rules and strong professional identities which guide practice such as schools' and the healthcare regulators are significant. Socially constructed values and identities cannot be erased overnight, rather they persist and are part of an organisation's DNA, and so make their way into a policy's 'genes'. Rather than seek to change values, central government's challenge is to win hearts as well as minds, and convince regulators that the values which underpin the integration of sustainable development are congruent with their own. This is not simply a matter for the regulator of course. The logic of what is appropriate within a regulatory agency is co-produced; mediated by wider cultural influences. The prevailing norms above and below the regulator – found in the policy culture in central government and among the regulated bodies – also need to alter if a common understanding of sustainable public services is to be secured. Specifically, more focussed and less noisy guidance is required on what can be achieved by regulators.

Ultimately, however, rules are also only likely to be abandoned freely where following them has led to problems which are easily discernable (March and Olsen, 2008). The intergenerational nature of many sustainable development-related issues means that their most extreme consequences are hidden from view, in the here and now. Thus, perhaps the most fruitful way to drive behavioural change would be for central government to set precise goals for regulators and to clarify how sustainability

can be integrated in a manner compatible with the five principles of good regulation that underpins wider regulatory culture in the UK (see Author A, 2009 for a wider discussion of how this might be achieved). Moreover, pressure from regulatees, who are actively engaging in sustainable practices, would also go some way toward clarifying the rewards on offer to regulators from their fuller engagement in integrative practices.

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