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Preparing for better supervision

– State guidance on municipal supervision

Background

The National Audit Office has examined state regulatory guidance to support municipal supervision in four areas: alcohol, chemicals, food and the part of the environmental inspections for which the Swedish Environmental Protection Agency is responsible to give guidance. Regulatory guidance includes advice and support, coordination, and monitoring and evaluation of municipal supervision.

The purpose of the audit was to assess whether the regulatory guidance provides effective support to enable municipal inspectors to carry out their supervision in an effective, legally certain and equal manner. The audit also aimed at identifying factors of importance for well-functioning regulatory guidance.

The main motive of the audit was the lack of knowledge regarding how regulatory advice works in practise, and how it varies between different areas. At the same time the government has highlighted regulatory guidance as perhaps the most important instrument to overcome inequalities in municipal supervision. Consequently, the main focus of the audit has been to improve knowledge about how regulatory guidance works in different areas and how it can be improved.

The audit is based mainly on interviews with representatives of county administrative boards and municipal supervision within three counties, as well as written questions and interviews with representatives of the relevant authorities at the central level. Four ministries at the government offices have also replied to written questions from the National Audit Office.

Results of the audit

The overall conclusion of the National Audit Office is that regulatory guidance is mainly satisfactory regarding chemicals and food, while there are shortcomings in regulatory guidance relating to alcohol in particular, but also environmental inspections.

The National Food Agency provides comprehensive guidance materials catering to the needs of inspectors. The Agency's answers to questions posed by the municipal inspectors are also of high quality. Generally, answers are provided quickly and are designed to support the questioners in their assessments. Questions and answers are available on the Agency's website, so that inspectors can avoid asking questions that have already been answered in similar cases.

The Swedish Chemicals Agency also provides high quality answers to inspectors' questions, and inspectors are also satisfied with the Agency's guidance materials. A distinctive feature of the Swedish Chemicals Agency's regulatory guidance is the national projects with a high level of participation initiated by the Agency with intervals of 1.5 years. Through these, municipal supervision can be concentrated on priority areas while practically targeted guidance materials are developed for an increasing number of research areas. The work of the Swedish Chemicals Agency is facilitated by the existence of well-developed practices at EU level for the regulatory framework to which the regulatory guidance relates, and that the Agency's own supervision largely relates to the same aspects as municipal supervision.

Municipal inspectors are expected to make independent assessments while taking into account the context and circumstances of each individual inspection. At the same time these assessments should be of equal value at the national level. Consequently, some form of interpretation help is required, setting out the principles and framework for the inspectors' assessment. The National Food Agency is the only one of the four authorities in the audit to clearly highlight that interpretation of legislation and assistance relating to interpretation is an important task for the Agency since it promotes equality across the country.

The deficiencies in regulatory guidance in the areas of alcohol and the environment mainly relate to advice and support provided by the central authorities. For example, the Public Health Agency and the Environmental Protection Agency take a long time to answer questions, and the answers often fail to provide inspectors with sufficient advice on interpretation. There are also shortcomings in the written guidance documents of these authorities. In the case of the Public Health Agency, they are sparse and do not cover the needs of inspectors. The Swedish Environmental Protection Agency issues a large number of guidance documents since the Agency has very extensive regulations to provide guidance on. In many cases, however, the material is perceived as unwieldy and not very user-friendly.

A contributory factor to the deficiencies in the areas of alcohol and the environment is, in the National Audit Office's view, that the authorities' division of labour and responsibilities between the central and the regional level is inefficient. This, in turn, has been made possible because of unclear organisational governance on the part of the government.

In addition to clear and efficient organisation, the audit shows that factors such as a high level of service, concrete interpretation assistance and joint supervisory projects are important in order for regulatory guidance to contribute effectively to a uniform municipal supervision. In the view of the National Audit Office, it is also essential to monitor and evaluate municipal supervision as well as the regulatory guidance efforts to enable regulatory guidance to develop in a way that promotes effective supervision of equal value.

Recommendations

The National Audit Office's recommendations to the government:

- Ensure that the authorities providing regulatory guidance have a clear mandate and that the division of responsibilities in each area is appropriate. Normally, the central authority should have an overall national responsibility for regulatory guidance while the county administrative board is responsible for regional coordination and follow-up.

The National Audit Office's recommendations to the central authorities providing regulatory guidance:

- Ensure that there is sufficient clarification and useful guidance for municipal supervision.
- Establish an effective order to answer regulatory questions in a clear manner within a reasonable time, and that the answers are made available to all inspectors.
- Consider conducting national supervisory projects or to quality assure and disseminate relevant material from regional supervisory projects to all municipalities.
- Evaluate municipal supervision and its own regulatory guidance in order to continuously develop the efficiency of regulatory guidance.