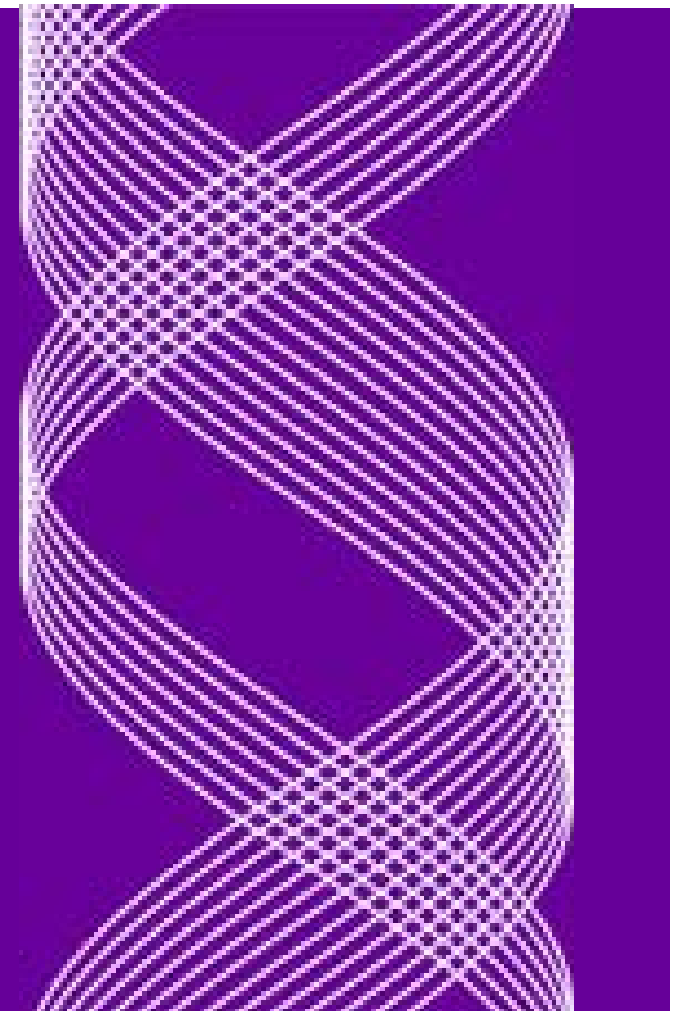




Better Regulation and Consultation

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Agenda

- ↙ Context and history
- ↙ Better Regulation tools
- ↙ Why do consultation?
- ↙ Code of Practice on Consultation
- ↙ Making it happen – and some problems
- ↙ Moving things forward
- ↙ Examples

Better Regulation

- ↙ Ensuring government only regulates when necessary
- ↙ Reducing bureaucracy in both private and public sectors
- ↙ Evidence-based policy making
- ↙ Informed decision-making
- ↙ Keeping adverse impacts to a minimum

A “Potted History”

- ↙ De-regulation to better regulation
- ↙ Regulatory Impact Unit moved from DTI to **Cabinet Office**
- ↙ **Regulatory Impact Assessments** introduced in 1998
- ↙ **Consultation** moved to RIU in 2003

RIU: What We Do

- ↙ Actively promote evidence-based policy making and effective consultation
- ↙ Encourage thorough impact analysis of policy proposals
- ↙ Work with business to identify unnecessary burdens
- ↙ Reduce bureaucracy in the public sector
- ↙ Co-ordinate and work with networks of departmental contacts

Key Tools

↙ Regulatory Impact Assessments

- web-based guidance
- www.cabinetoffice.gov.uk/regulation/ria-guidance

↙ Effective consultation

- 12 week consultation periods
- www.cabinetoffice.gov.uk/regulation/consultation

↙ Networks across government

- Ministers
- senior officials
- practitioners

Regulatory Impact Assessments

- ↙ Identify alternative options
- ↙ Assess options: regulatory and non-regulatory
- ↙ Enable meaningful consultation
- ↙ Inform EU/international negotiations
- ↙ Identify sectors disproportionately affected
- ↙ Ensure benefits justify the costs

Why Do Consultation?

- ↙ Promotes transparency & accountability
- ↙ Listening to stakeholders shapes policies and provides better outcomes
- ↙ Identifies unintended consequences and alternatives to regulation
- ↙ Aids implementation
- ↙ Improves management of risk
- ↙ Government does not have all the answers

Greater Participation...

...by citizens and interest groups can:

- raise the **quality** of policy-making
- reinforce the **legitimacy** of the decision-making process and outcomes
- increase chances of **successful implementation**
- increase potential for **voluntary compliance**

Influencing EU Proposals

RIA

+

Effective consultation

=

Informed negotiating position

History of Code of Practice on Consultation

- ↙ Code of Practice on Written Consultation published November 2000
- ↙ Shared understanding of the consultation process by stakeholders and departments
- ↙ Revised Code published January 2004 - reflects views of stakeholders

Revised Code

↙ Shorter and clearer

↙ Emphasis on **different forms** of consultation

↙ Revised version based on 6 key criteria:

- consult widely throughout, formally for at least 12 weeks
- be clear about the proposals and who may be affected - focus the consultation
- make it concise, clear and widely accessible
- ensure the consultation follows better regulation best practice, including attaching an RIA
- provide feedback on responses and how they have influenced the policy
- monitor consultation performance

Better Regulation Best Practice

- ↙ Consultation now explicitly linked to better regulation best practice, including:
 - opportunities for reducing bureaucracy
 - Regulatory Impact Assessments
 - alternatives to regulation
 - unintended consequences
 - implementation and enforcement issues
 - consultation after implementation to evaluate delivery

Key Elements of Code of Practice

↙ Commitment to **12 week consultations**

↙ Emphasises need for:

- **early and informal** consultation
- effective engagement with **wide range of stakeholders throughout** policy process
- focus on **outcomes and implementation** options
- thorough **analysis** of responses
- good **feedback** to respondents

↙ Sets out role of **consultation co-ordinators**

Consultation Co-ordinators

↙ Network of consultation co-ordinators across government:

- Provides **support and advice** for officials in each department
- Promotes effective consultation and monitors and reports on **performance**
- Cabinet Office co-ordinates network and encourages **sharing of good practice**

Implementation of the Code

- ↙ In 2000/01, 12 departments had adopted the Code - total of 349 written consultations
- ↙ In 2003/04, 28 departments carried out 624 consultations according to Code's remit
- ↙ Best practice is spreading - 12 week formal consultation is *minimum* standard met by most departments in most cases
- ↙ Increasing informal consultation and more innovative ways of engaging stakeholders

Problems of Implementation

- ↙ Still too many “limited” consultations
- ↙ Inconsistent top-level support
- ↙ Poor feedback to respondees
- ↙ Insufficient evaluation of consultation process
- ↙ Lack of experience and creativity

Guidance in the Code

- ↙ **Topic-based** web guidance
- ↙ **Template** for written consultation document
- ↙ **Different methods** of consultation
- ↙ **Identifying stakeholders**
- ↙ **Giving feedback** to respondents

Examples of Good Consultation

↙ Every Child Matters:

- two consultations, targeted and innovative, aimed at business and young people

↙ Simplicity, Security and Choice – working and saving for retirement:

- targeted relevant groups using variety of methods
- held regional events
- large number of responses, helped to shape policy proposals

A Consultation which has Influenced the Policy Outcome

- ↙ Government consulted on replacing 8 current tax schemes for pensions with a single lifetime limit on the amount of tax-free pension savings
- ↙ Listened to business concerns – now allowing more time for implementation and lifetime allowance increased