Good Practice Regulatory Change: Executive Summary

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The Food Standards Agency (FSA) is responsible for food safety across England, Wales, and Northern Ireland. As part of its work on the Achieving Business Compliance (ABC) programme, the FSA wanted to understand more about how other regulators have approached regulatory change programmes, with a view to introducing their own programme. In response, Ipsos UK carried out a Rapid Evidence Assessment (REA) and 16 depth interviews between April and July 2022. Our key findings are summarised below.

Defining the purpose of a change programme

The literature highlights the importance of having a clear design structure for a change programme to identify objectives, set priorities and clearly articulate the purpose to both staff and wider stakeholders. This process can also help define accountability within the system.

Interviewees described the importance of identifying the key problem they were trying to solve, as well as any potential risks that could result. This process often took the form of engagement activities and research including: formal consultations, research with consumers, establishing working groups, learning from independent reviews, horizon scanning and preparing a business case.

Once regulators had a clear problem definition, they emphasised the importance of articulating the purpose and objectives of a change programme. Having a clear definition of what a programme is looking to achieve was seen as essential for providing a roadmap for the change and helping to build buy-in to a process.

Building the right structures

The literature suggests it is important for regulators and policymakers to have the right governance in place to maximise the effectiveness of regulation and that a strong team structure helps change programmes be more effective.

Interviewees described how they established centralised teams to oversee change programmes, helping ensure adequate resourcing, expertise, and to co-ordinate work with wider change activities. These teams helped to build routines around decision-making and inform governance structures that brought clarity and built momentum behind a programme. Senior ownership was also highlighted as key to ensuring timely decisions.

Managing relationships

Developing strong relationships with both internal and external stakeholders was seen as critical to the success of a change programme by both interviewees and the wider literature. The evidence highlights the importance of communicating the reasons for a change and recognising the specific characteristics between a regulator and regulated body.

Interviewees used stakeholder mapping exercises to identify those who could be affected by a regulatory change programme and adapted their engagement approach according to who they were speaking to. Regulators felt it was helpful to start engaging stakeholders once an organisation has a clear vision and concept of what the change programme was seeking to achieve. Without this, it can be more difficult to provide the consistency and clear messages required to reassure wider audiences.

Maintaining transparency around a change programme was also seen as critical to building trust and buy-in from a broad range of stakeholders. This can be achieved through a clear communications plan and dedicated resources to help manage relationships through a time of uncertainty.

Implementing in a flexible way

The wider literature was more limited on the importance of flexibility and timeframes in regulatory change programmes. However, interviewees emphasised the value of taking a flexible or agile approach, reflecting the time it takes to implement change. There was also a recognition that there is often an optimism bias in the design of programmes which means timeframes are not realistic. In response, regulators recommended building contingency into plans and creating space to pilot or test approaches before rolling-out a programme.

Measuring success

The literature describes how consistently changing regulation and inspection frameworks, alongside external political pressures, can make it difficult to see how effective regulation has been. It also points out that regulators often do not measure the benefits of regulation, reflecting how this can be hard to quantify.
Although interviewees emphasised the value of monitoring performance throughout the life of a programme, they often found it difficult to measure the outcomes of change programmes systematically. This is often made challenging due to the time it takes for changes to be realised in individual level impacts and the ability to attribute improvements to the regulatory change.