Department for Business Innovation & Skills

Better Regulation Delivery Office

Research Results:

What is the Value in Regulators Sharing Information?

Greenstreet Berman Ltd / September 2013

Introduction

A paper setting out proposals for developing and applying commonality across the various risk assessment schemes used by local authority regulatory services was published by the Better Regulation Delivery Office (BRDO) in 2012.

One of the main potential benefits to having a common approach to risk assessment is to facilitate the sharing of information and data between regulators and across regulatory functions, thereby enabling more accurate targeting of regulatory activities to where they are most needed, in particular to where the risks are greatest. However, the value that can be derived from sharing such information depends to a large degree on the extent to which the compliance performance of a business in one regulated area of its activities is indicative of its likelihood of compliance in other regulated areas of activity. So, if an inspector finds that a business is badly (or well) managed with respect to (say) food hygiene, is it also likely to be badly (or well) managed with respect to health and safety? food standards? fire safety? pollution prevention & control? etc.

BRDO commissioned a suite of research, undertaken by Greenstreet Berman, to examine this issue. Four reports were produced, to provide a robust evidence-base to inform decisions on how best to further develop business risk assessment and data sharing between regulators.

These were:

1) A literature review of previous, relevant work.

2) An assessment of correlations in management performance against different areas of regulation, on the basis of risk rating schemes.

3) An examination of business thinking on the adoption of consistent or variable approaches to compliance across different areas of regulation.

4) An exploration of how the sharing of risk rating data between regulators might help targeting where there is a risk of a major failing on the part of the business.

This publication provides a summary of all four of these reports and the fourth of them – on data sharing – in its entirety. The other three reports – on existing literature, correlations and business thinking – are available on request.

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Background

The Better Regulation Delivery Office (BRDO)[1] is working towards a simple and clear regulatory environment. Many common types of businesses, such as food outlets, are regulated by a range of local and national regulators.

These regulators include, as applicable to the type of business, food hygiene, environmental health and occupational health and safety (OH&S) regulation by local authority (LA) environmental health; fire safety inspections by local fire and rescue services; food standards inspections; and (if they sell age restricted products) trading standards regulation by local authority trading standards. Pubs, gambling and entertainment venues will also be subject to licensing. Some businesses, such as dry cleaners, vehicle repair and factories will have health and safety regulated by the Health and Safety Executive (HSE), whilst factories may be regulated by the Environment Agency (EA). Each regulatory area is separately inspected.

Most regulatory functions use a risk assessment method to inform decisions on the frequency of inspection and enforcement action in the event of non-compliance. The risk assessment methods typically include a hazard specific form of assessment, such as assessing means of escape from fire, and an assessment of management. Each regulator separately assesses the standard of management (often termed 'confidence in management'). The frequency of inspection of any one business varies between the areas of regulation, according to the level of risk. A business may therefore have, for example, more frequent food hygiene inspections than fire safety inspections.

A previous Local Better Regulation Office (LBRO) study[2] noted *"problems associated with some of the current risk assessment schemes and/or a lack of commonality."* For example, the criteria used in assessing confidence in management varied between the areas of regulation. It was also noted that *"…individual officers sometimes having to operate two or more of the schemes on a day-to-day basis."*

This raised the question of how to further improve the approach to assessing likelihood of businesses complying and targeting finite regulatory resources. For example:

- Could a common approach to assessing confidence in management be applied by different regulators? If so, might regulators be able to share their assessment results and thereby reduce the need to separately inspect each area of regulation?

1 Previously the Local Better Regulation Office.

2 Developing a world-class local authority regulatory services system. Module risk assessment scoping paper. Also 'The Prospect of Increased Commonality in Risk Assessment Schemes', used by LARS. Reports by Adrian Levett.

- Could the results of inspections and other intelligence on businesses be shared between regulators? If so, might this allow regulators to better target interventions on to higher risk businesses, as advocated by the Department for Business, Innovation and Skill's Response to the Consultation on Transforming Regulatory Enforcement (December 2011)?[3]

- If businesses are found to have similar approaches to complying with each area of regulation, would this allow regulators to share inspection results rather than independently assessing each area?

BRDO developed a new, collective approach to business risk assessment, using a common hazard and likelihood of compliance scale. This method was made available for use by regulators.

Four studies, reported here, were completed in 2011 and 2012 to provide a robust base of evidence to inform decisions on how best to further develop assessment of businesses and data sharing between regulators. The key questions explored by these studies were:

- What evidence is there that businesses adopt a common approach to compliance across areas of regulation?

- To what extent is business compliance performance in one area of regulation indicative of the level of compliance that can be expected in other areas of regulation?

- To what extent would the sharing of risk rating and other data between regulators help target possible risk of a major failing on the part of the business?

Does previous research indicate businesses adopt a common approach to complying with each area of regulation?

The first study was a rapid evidence assessment (in accordance with Government Social Research guidance)[4] of existing empirical evidence regarding the extent to which businesses adopt a common approach to risk management and compliance. The review found that many studies had explored business approaches to compliance *within* an area of regulation, but few had explored how businesses approach compliance *across* areas of regulation.

The review also found that a common approach is advocated within the field of risk management and within management thinking, including ideas such as 'total quality management' and corporate risk management. The ISO standards for environment, health and safety, and quality also share many common features, such as risk assessment, planning and review. However, such systems of management may be more common in larger organisations. The performance of smaller firms is thought to be more dependent on the attitudes of the proprietor(s). Previous research noted that there are many social and risk perception factors that influence compliance behaviour, including:

- Businesses are more likely to comply with regulations that are seen as fair, appropriate and something that society would expect them to comply with.

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[3] Government Response to Consultation on Transforming Regulatory Enforcement. Department for Business Innovation and Skills. December 2011 http://www.bis.gov.uk/assets/biscore/better-regulation/docs/t/11-1408-transforming-regulatory-enforcement-government-response

[4] Rapid Evidence Assessment toolkit http://www.civilservice.gov.uk/my-civil-service/networks/professional/gsr/resources/gsr-rapid-evidence-assessment-toolkit.aspx

- A wish to conform with social norms, and the extent to which a business perceives an area of regulation as appropriate (and therefore where compliance would be seen as conforming).
- The extent to which management is aware of a risk, with some evidence that awareness and perceptions of risk vary and may not be accurate. Awareness of risks may vary according to factors such as the presence of professional advisors and the measurability of the risk.
- The extent of business drivers to manage a specific risk (and associated regulations).
- Management perception of the significance of the risk and the effectiveness of risk controls stipulated within regulations.
- The extent of external scrutiny (by inspectors) for a specific risk.

These social and risk perception factors might cause some businesses to manage different areas of regulation to different standards, due to differences in how risks and regulations are perceived. However, these are general findings from which it is necessary to infer potential implications for cross compliance, and businesses' perceptions may equally lead to a consistent approach to each area of regulation.

Do businesses report adoption of consistent or variable approaches to compliance across different areas of regulation?

A subsequent study developed a qualitative understanding of business thinking with respect to adoption of consistent or variable approaches to compliance across different areas of regulation. By qualitatively exploring the management approach to compliance across areas of regulation and the factors that influence these approaches, it was possible to reach a better understanding of businesses' cross compliance behaviour.

The study involved interviews with 30 businesses: six catering, six hotels/care homes, eight retail, two vehicle repair, one night club, two dry cleaners and five food factories. The sample included small and large businesses regulated by two or more regulators, including LAs, HSE and the EA, and some businesses with Primary Authority[5] partnership agreements. The sectors represented some of the more common types of businesses regulated by multiple agencies and so provided appropriate tests of cross compliance.

The interviews first asked respondents to individually profile how they approach compliance in each area of applicable regulation (fire safety, food standards, food hygiene, trading standards, OH&S, and environment). The answers were used as a basis for exploring if, how and why the businesses adopt a consistent or regulation-specific approach to compliance. The interviews also prompted discussion of a list of factors that might influence the extent of cross compliance, including risk perception, size of business, degree of inspection, business drivers for each area of regulation and perceptions of the legitimacy of each area of regulation.

The analysis first determined whether respondents indicated a common level of risk assessment, policies, procedures and importance for each area of regulation. Next, the reasons given by respondents (for their approach to compliance) were examined.

[5] http://www.bis.gov.uk/brdo/primary-authority

The responses can be profiled as per Figure 1. 'Consistent' businesses (12 out of 30) said they had the same level of risk assessment, policies and procedures for each applicable area of regulation and rated them to be of similar importance. 'Moderately variable' businesses (15 out of 30) said they had different levels of risk assessment or policy and procedures in just one area of regulation, and rated at least one as less important than others. Only three out of the 30 businesses said they adopted a very different approach across applicable areas of regulation ('very variable'). These three businesses concluded that some areas pose a much greater risk to the business than others and so applied higher levels of management to these areas than others.

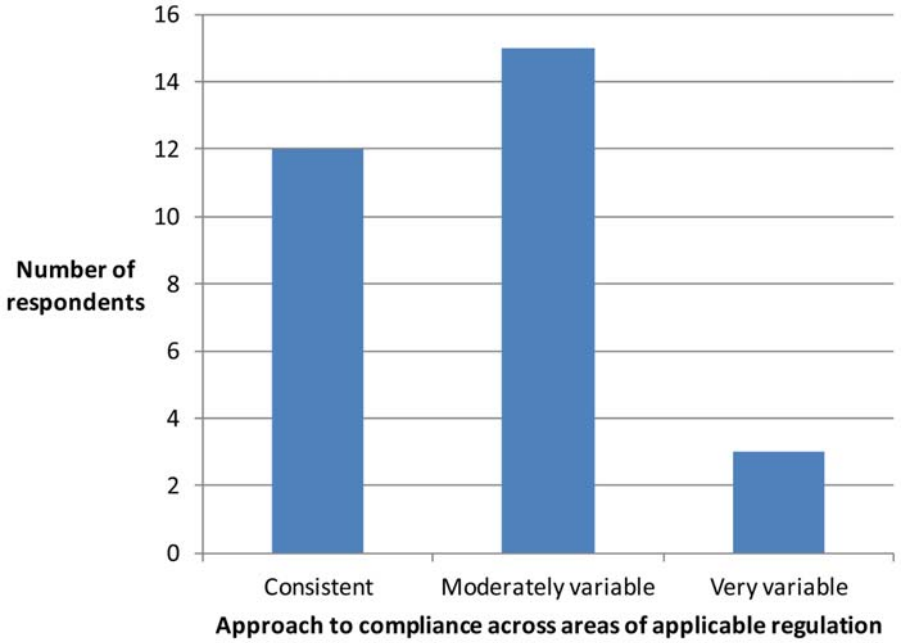

Figure 1: Approach to compliance across areas of applicable regulation

The approach to compliance was directed by the respondents' assessment of the business risk associated with incidents in each area of regulation. Respondents sought to achieve a proportionate level of control of each area of regulation. 'Business risk' was typically expressed in terms such as image, reputation and business disruption. The focus on risk to the business is illustrated by the following quotes:

> *"This [food hygiene] is the main thing for the business. People need to know the food is clean so they'll come back, so this is critical."* (Micro cafe)

> *"This [environment] is critical. If the shop is found to be a polluter, it could lose its trading licence."* (Micro dry cleaners)

> *"This [food hygiene] is critical to the business. In fact, without food hygiene you haven't got a business. A lot of ready to eat foods are made in the [name of factory] and these pose particular risks."* (Medium food factory and retail outlet)

Indeed, this was the overriding consideration in how respondents managed compliance. If a serious incident in an area, such as fire safety, is thought to have the potential to cause significant damage to the reputation or operation of the business, this will cause it to be rated as critical. Consequences cited included loss of reputation, loss of licence to operate and loss of brand image.

The two main (contrasting) responses regarding the rationale for a consistent approach to managing compliance across areas of regulation can be expressed as follows:

> *"These areas of regulation matter more to us in [area of business] – they are business critical, they could adversely impact us because of the implications for reputation or even our ability to carry on trading, thus we manage all these areas to a higher level."*

> *"All areas are important to us as they all pose a significant risk to the business – we don't distinguish between them."*

However, these assessments sometimes differed between similar businesses. For example, in businesses where there is less knowledge or confidence in management arrangements, there is a greater tendency towards variable levels of management (of areas of regulation).

Most respondents noted that they tend to manage each area separately, sometimes with different staff responsible for each area, due to differing needs and for practical purposes. However, the *level* of management could be consistent even if each area was managed separately.

The number of employees and frequency of inspection were not commonly cited as factors influencing the relative level of management across areas of regulation. There were no differences between sectors in the extent to which they managed each area of regulation consistently or not.

Finally, what was seen as critical was usually consistent with the profile of a business' activities, such as food hygiene for restaurants. Therefore, in terms of correlations in compliance across areas of regulation, it is possible that there will be consistency across those regulatory areas that are of most importance to the business. This would also suggest that businesses within a sector may commonly rate certain areas of regulation to be critical and so tend to manage them to similar levels. This would suggest that analysis of correlations in compliance should be completed for businesses within a sector rather than including businesses from different sectors or with different risk profiles.

Do regulators' ratings of management correlate?

As previously noted most regulators produce risk ratings for premises and use this to inform the frequency of inspection and enforcement decisions. BRDO helped acquire risk ratings from two LAs, the fire services and HSE for these areas. Risk ratings of food hygiene, food standards, occupational health and safety, and fire safety were acquired for premises within these LAs, mostly food related businesses (restaurants, cafes, takeaways, food shops etc.) but also retailers, hotels, schools and care homes.

The data was assessed, in a third study, to see if businesses receive similar confidence in management ratings from different regulators. The validity of the comparison was impacted by a range of factors, as outlined below.

- Whilst the ratings for each area of regulation were mostly from the period 2008 to 2011, they could be from different years for each area of regulation and some of the health and safety ratings went as far back as 2003.

- Regulators use different criteria to assess confidence in management – therefore differences in ratings may reflect differences in the scoring criteria rather than 'real' differences in how businesses manage each area of regulation.

- Most businesses receive ‘very good’ ratings, especially for health and safety. This reduces the range of ratings and reduces the possibility of assessing correlations between ratings.

Therefore, it has to be recognised that the confidence in management ratings provided a limited basis for comparing business approaches to compliance between areas of regulation.

A series of analyses was carried out. The analyses began with reducing the data set to those businesses for which making, selling or serving food was their core business, such as restaurants, hotels and takeaways. There were two sets of data:

- 305 businesses from one LA; and
- 1,106 premises from a second LA.

In the first LA, each business had a rating for food hygiene (0, 5, 10, 20 or 30) and occupational health and safety scores (10, 20, 30, 40, 50 or 60). The second LA recorded food hygiene ratings in the same way, but recorded OH&S as 0, 2, 3 or 4. The ratings were cross referenced to assess how many corresponded across the two areas of regulation.

The cross referencing of ratings for the first LA are shown in Table 1. The percentages are calculated as a percentage of businesses with the cited food hygiene rating, such as 14 out of 62 (22.6 per cent) business with ‘very good’ food hygiene ratings had the second best rating for OH&S.

The food hygiene categories were compressed for presentation in Figure 2 to help illustrate the result. The data indicates two points.

- Businesses that had poorer confidence in management ratings for food hygiene were more likely to have poorer OH&S ratings than businesses with better food hygiene ratings. For example, 27 per cent of businesses rated as ‘poor’ or ‘very poor’ at food hygiene, were rated as 4th best (a rating of 40) in respect of OH&S, compared with 10 per cent of businesses with ‘good’ or ‘very good’ food hygiene ratings. As the rating for food hygiene declines, a greater proportion of premises received poorer OH&S ratings.

- Ratings in one area of regulation do not always correspond to ratings in another area of regulation. For example, most premises with ‘very good’ food hygiene ratings were rated as 30 (a moderate rating) for OH&S, as were the majority of premises with ‘good’ and ‘average’ food hygiene ratings. In the case of the second local authority, 28 per cent of the food hygiene and food standards scores assigned to premises were the same, 47 per cent differed by one rating level and 24 per cent differed by two or more ratings.

A similar result was found when comparing risk ratings between other areas of regulation, such as between food hygiene versus trading standards and between food hygiene and food standards.

Table 1: Matrix of food hygiene & OH&S confidence in management rating

		OH&S confidence in management rating						
		Best	2nd best	3rd best	4th best	5th best	Worst	All
		10	20	30	40	50	60	
Food hygiene confidence in manage-ment rating	0 Very good	1	14	42	4	0	1	62
		1.6%	22.6%	67.7%	6.5%	0.0%	1.6%	100 %
	5 Good	0	40	90	17	0	0	147
		0.0%	27.2%	61.2%	11.6%	0.0%	0.0%	100 %
	10 Average	0	15	51	13	1	1	81
		0.0%	18.5%	63.0%	16.0%	1.2%	1.2%	100 %
	20 Poor	0	2	6	4	0	0	12
		0.0%	16.7%	50.0%	33.3%	0.0%	0.0%	100 %
	30 Very poor	0	0	3	0	0	0	3
		0%	0%	100%	0%	0%	0%	100 %
	All	1	71	192	38	1	2	305
		0.3%	23.3%	63.0%	12.5%	0.3%	0.7%	100 %

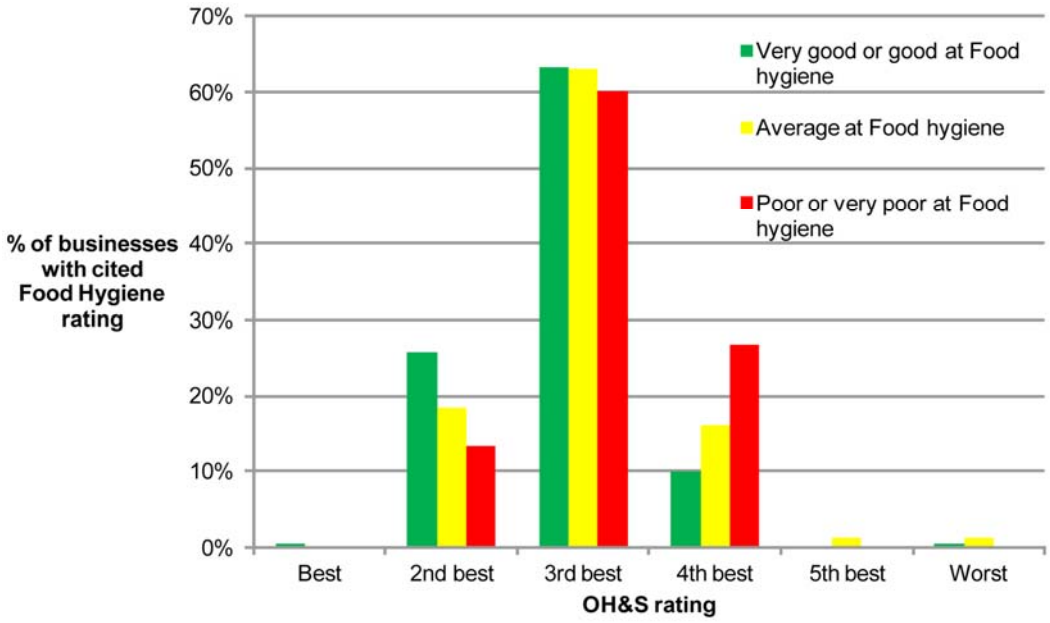

Figure 2: Percentage of food businesses with respective food hygiene (FH) rating scored as best to worst for OH&S

A small sample of data (49 premises) was also acquired from the Association of Greater Manchester Authorities of OH&S and food safety ratings assigned to 'low risk' premises during joint assessment visits. Whilst it was a small sample, it had the advantage that the ratings were made in a single visit to each premises. Notwithstanding the small sample size, it is clear from Table 2 that as food safety scores go from 'good' to 'poor', more premises receive unsatisfactory health and safety scores. For example, no premises scored as 'good' for food safety were scored 'unsatisfactory' for health and safety'; whilst 42 per cent of those scored 'unsatisfactory' for food hygiene were also scored 'unsatisfactory' for health and safety.

Table 2: Cross tabulation of AGMA risk ratings

Health and safety score	Food safety score			
	1 – good	2 – satisfactory	3 – unsatisfactory	4 – poor
1 – good	25%	0%	25%	0%
2 – satisfactory	75%	89%	33%	50%
3 – unsatisfactory	0%	11%	42%	50%
4 – poor	0%	0%	0%	0%
All	100%	100%	100%	100%
Number of premises	8	27	12	2

These analyses indicated that:

- Premises rated as 'poor' or 'very poor' for food hygiene were far more likely to have a poor OH&S rating.
- Food hygiene and OH&S ratings did not precisely correspond for the majority of premises.

It was concluded that if a business performs poorly in a business critical activity, it is more likely to also perform poorly in other areas of regulated activity.

Opportunities for data sharing between regulators

The latter finding prompted the question of whether there are opportunities for regulators to share data on 'poorly performing' premises and thereby help target premises where there is a risk of a major failing. In a fourth study, 20 case studies were completed showing cases of non-compliance, such as enforcement notices and prosecutions.

The case studies looked retrospectively at whether there were opportunities for data sharing between regulators prior to a major non-compliance. The aim was to help demonstrate the value of data sharing in targeting inspections onto higher risk premises. In particular, they explored whether being alerted to concerns about confidence in management by another regulator, would help (or would have helped) to avert or reduce the severity of instances of non-compliance.

The selected premises were regulated by LAs and included shops, catering, accommodation (e.g. hotels), food factories and high street services (e.g. garages, dry cleaners). These premises were of a range of sizes including micro, small, medium and large; and involved one or more non-compliance in the past two to three years in the areas of food hygiene, food standards, fire, trading standards, occupational health and safety, breach of licence or environment. The findings are presented under the set of research questions below.

- *To what extent did other regulators have information on the history of the premises (prior to the incident/offence)?*

In 11 out of the 20 case studies, other regulators had prior contact or information about the premises, one of which was from over three years ago. Of the 10 cases where other regulators had prior information from *within* three years, eight held negative information on the premises (including one with enforcement notices, and five with letters advising of non-compliance and actions to take).

The information was, in the most part, fairly limited, and was judged by respondents to be either about unrelated aspects or of insufficient detail to be of likely use. The information held was not considered by respondents to be relevant to a direct assessment of any 'fitness to manage' criteria.

Furthermore, 15 cases had risk ratings by one or more other regulator. An analysis of these ratings identified that there was no correlation between them – that is to say, that if the primary regulator had rated the premises as 'medium' (for example) then other regulators had, for the most part, rated them differently. However, seven of the regulators responsible for enforcing the non-compliance increased the risk rating of the premises as a result of the case. This may indicate that the original risk rating was not high enough to prompt or justify a higher frequency of inspection visits leading to pre-emptive preventive action.

- *To what extent did regulators share information before or after the incident/offence?*

Of the 11 (out of 20) cases where other regulators had prior contact with the premises, information was shared in 10 of these cases. This included six cases where regulators were collaborating on enforcement to the premises, two after the incident, and one case of shared information prior to an incident. The main impetus for sharing information was where non-compliances at premises covered more than one area of regulation.

For all 10 cases, information was shared via an internal mechanism, such as joint regulatory teams, and some as a result of joint working. There was limited sharing of information outside these formalised forums. It does not appear that regulators shared their individual ratings with others, and where the regulatory function was jointly undertaken (that is, through a centralised regulatory department, as in some LAs) the ratings were also found to be different – for example between trading standards, food hygiene, and health and safety.

- *If they had known of the previous history would this have led them to do anything differently? And if other regulators had heard of the offence, would they now do anything differently?*

Where other regulators had prior information on the premises, each primary regulator[6] was asked whether they would have acted differently if they had received this information. The vast majority of regulators stated that knowledge of the case would not have led to any adjustment to their actions or intentions regarding enforcement. This was largely because they saw their area of risk regulation as being separate from the areas of risk controlled by the other regulators. For the four primary regulators who were 'unsure' if they would change, the likelihood of their changing their actions based on the information given, was very low.

[6] The main regulator that carried out the enforcement for each of the case studies.

- *What evidence is there of regulators sharing information on the standard of management and using this to inform their actions?*

There was virtually no evidence of regulators sharing information on the standard of management and using this to inform their actions. The respondents' feedback indicated that various regulators adopted a wide-ranging approach to risk categorisation of premises. It was their risk categorisation of premises that tended to drive their inspection and enforcement action. The exception to this was where the case was complex or involved the co-operation of several agencies, either because of overlapping duties or because of a lack of clarity on the best enforcement option. In these cases the information was used primarily to direct a combined approach to enforcement.

- *What is regulators' thinking regarding the relevance and purpose of sharing information?*

Two opposing viewpoints emerged concerning whether or not to share information on premises. Some respondents indicated a number of reasons for ***not*** sharing information:

- They are only interested in getting information from other regulators if it directly relates to their own area of regulation, such as faulty fire alarms for fire safety.
- Where premises are viewed as low risk for their own area of regulation, they have less interest in the inspection results of other regulators.
- Pressure on resources means that limited information that can be responded to.
- Some regulators do not know enough about other's areas to know what would relevant.

Circumstances in which regulators ***currently*** share information include:

- Where working is joined up as a result of needing to collaborate, because various areas of law are involved or where it is unclear what the best regulatory option is.
- Where there is a need to discuss how best to achieve, among a set of regulators, the most judicious enforcement approach; where areas of regulation overlap; or where there is a nationally based regulator.
- Where there is a formal process for sharing intelligence.
- Where there is a national/regional concern that promotes information sharing.

This dichotomy of whether to share or not was supported by two opposing beliefs. Some respondents believed that poor performance of a duty holder in one area of regulation was indicative of poor performance in all areas, while other respondents believed that performance in one area does not necessarily relate to performance in another area. The research suggested that the latter view was most commonly held.

Conclusions

In many of the non-compliance case studies other regulators had prior negative history about the premises from within three years and many of the enforcing regulators changed their risk ratings upon discovery of the non-compliance, indicating a potential value in sharing information. However, the surveyed regulators tended *not* to see value in sharing information, unless it was of direct relevance to their area of regulation or as part of a joint regulatory intervention. With a few exceptions, information about the standard of management was not usually seen to be of general relevance. Inspection decisions are principally based on regulator-specific risk rating schemes that do not make use of information from other areas of regulation and which use different criteria for rating management performance.

The analysis of risk ratings found that premises with poor or very poor management scores in one area of regulation were far more likely to also have poor management ratings in other areas of regulation. Additionally, most interviewed businesses indicated that they manage each business critical activity to the same or similar level. However, the general view of responding regulators was that sharing negative information about duty holders would not have altered their actions or their perceptions of the duty holder. This, for the most part, appeared to be based on their perception of a separation between regulatory functions. When collaborative working was undertaken, each regulator, understandably, operated within its own jurisdiction

In order to encourage greater sharing of information outside joint regulatory interventions, it would be necessary to promote the idea that information on the standard of management could be relevant to all areas of regulation, i.e. providing a cross cutting indicator of 'fitness to manage'. The use of a consistent set of criteria for rating management performance (termed 'likelihood of compliance' by BRDO) would also support the cross referencing of premises management ratings across areas of regulation.

There is some evidence that where regulators have some form of formalised grouping, sharing information is more likely, such as:

- Where an LA has formed a centralised regulatory group (in some instances including the fire service), which provides a forum for the regulators to share information both internally and externally.
- Where an external sharing forum exists.

This study indicates that organisational integration of regulators into joint regulatory services and/or joint enforcement working practices could assist with greater information sharing and joint working.

However, there are barriers to sharing information, including the volume of information that might need to be handled, the importance of confidentiality in certain areas of regulation and the requirement to carry out assessments regardless of what is shared. This indicates a need to clarify what information may usefully be shared, when and how; and to provide an effective and efficient means of sharing the identified information. Having answered these questions, the provision of a common intelligence sharing facility might help regulators share information and thereby further inform their targeting of inspections and enforcement.

Therefore, it was concluded that the options for encouraging greater sharing of information include:

- Promoting the idea that information on the standard of management could be relevant to all areas of regulation, i.e. providing a cross cutting indicator of 'fitness to manage'.
- Advancing the use of a consistent set of criteria for rating management performance to support cross-referencing premises' management ratings across areas of regulation.
- The organisational integration of regulators into joint regulatory services and/or forums.
- The provision of a common intelligence sharing facility.

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Executive summary

Background

The Better Regulation Delivery Office (BRDO) is exploring how "a common approach to risk assessment could provide a foundation for better information and intelligence sharing...[and] improve the robustness of the evidence available to support assessment of risk and subsequent regulatory response...". The aims are to "reduce duplication, give the flexibility to work across current regulatory boundaries, and increase impact by focusing scarce regulatory resource where it is most needed". This is consistent with the Department for Business Innovation and Skill's (BIS) Response to the Consultation on Transforming Regulatory Enforcement (December 2011[7]), which advocates more targeted interventions onto high-risk organisations.

Before a common approach or data sharing can be implemented "there is a need to establish the extent to which a business' compliance performance in relation to a particular regulated area is indicative of the level of performance that can be expected in relation to other regulated areas". An earlier rapid evidence assessment[8] indicated that there is no empirical evidence regarding the extent to which businesses adopt a common approach to risk management and compliance. There was some evidence to suggest businesses may not adopt a consistent approach. However, an analysis of regulators' ratings of confidence in management indicated that poor ratings in one area of regulation were associated with poor ratings in other areas of regulation.

Therefore, this study aimed to "explore how sharing risk rating data between regulators might be helpful towards targeting where there is a risk of a major failing on the part of the business". The study produced 20 case studies outlining non-compliances of varying severity, such as prosecutions and enforcement notices. The research then explored whether other regulators had had contact with the premises in the period prior to the non-compliance and, if so, whether they had also rated them as 'poor'. Finally, the work considered whether the regulator who discovered the major non-compliance would have acted differently had they previously received information from another regulator.

Results

- To what extent did other regulators have information on the prior history of the premises? (prior to the incident/offence)

In 11 out of the 20 cases, other regulators had prior contact or information about the premises, one of which were from over three years ago, whilst 15 had risk ratings by one or more other regulator. Of the ten cases where other regulators did have prior information from within three years, eight had negative history of the premises (including one with enforcement notices, and five had letters advising of non-compliance and actions to take).

Where other regulators held previous history of an occupier prior to the incident that gave rise to the case study, the information was, in the most part, fairly limited. Such information as did exist was judged by respondents to be either about unrelated aspects or of insufficient detail to be of likely use.

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7 Government Response to Consultation on Transforming Regulatory Enforcement. Department for Business Innovation and Skills. December 2011. http://www.bis.gov.uk/assets/biscore/better-regulation/docs/t/11-1408-transforming-regulatory-enforcement-government-response

8 Wright, M and Watson S. Research into compliance across areas of regulatory activity: Literature review. Greenstreet Berman Report for the LBRO, March 2011.

- To what extent did regulators share information before or after the incident/offence?

Information was shared in ten of 20 cases. This included six where regulators were collaborating on enforcement to the premises; two after the incident; and one case of shared information prior to an incident. For all ten cases, information was shared via an internal mechanism, such as joint regulatory teams, and some as a result of joint working. There was limited sharing of information outside these formalised fora.

- If they had known of the previous history would this have led them to do anything differently? And if other regulators had heard of the offence, would they now do anything differently?

Where other regulators had prior information on the premises, each primary regulator[9] was asked whether they would have acted differently if they had received this information. The vast majority of regulators stated that knowledge of the case would not have led to any adjustment to their actions or intentions regarding enforcement. This was largely because they see their area of risk regulation as being separate from the areas of risk controlled by the other regulators.

The four primary regulators who were 'unsure' if they would change, the likelihood of their changing their actions based on information given, was very low.

- What evidence is there of regulators sharing information on the standard of management and using this to inform their actions?

The respondents' feedback indicated that various regulators adopt a wide ranging approach to risk categorisation. It was this risk categorisation which tended to drive their enforcement action. The exception to this was where the case was complex or involved the co-operation of several agencies, either because of overlapping duties or because of a lack of clarity on the best enforcement option. In these cases the information was used primarily to direct a combined approach to enforcement.

Where intelligence sharing had been formalised or regulatory functions combined, there was a degree of sharing of information

- What is their thinking regarding the relevance and purpose of sharing information?

Two opposing viewpoints emerged concerning whether or not to share information on premises. Some respondents indicated a number of reasons for **not** sharing information:

- They are only interested in getting information from other regulators if it directly relates to their own area of regulation, such as faulty fire alarms for fire safety;
- Where premises are viewed as low risk for their own area of regulation, they have less interest in the inspection results of other regulators – because the premises are perceived as low risk;
- Pressure on resources means that there is only a limited amount of information that can be responded to; and
- Some regulators do not know enough about other's areas of concern, therefore, they do not know what would be of interest and this acts as a barrier to sharing information.

[9] The main regulator that carried out the enforcement for each of the case studies.

However, circumstances in which regulators **currently** share information include:

- Where working is joined up as a result of needing to collaborate because various areas of law are involved or where it is unclear what the best regulatory option is;
- Where there is a need to discuss how best to achieve, among a set of regulators, the most judicious enforcement approach; where areas of regulation overlap, particularly on national issues; or where there is a nationally based regulator;
- Where there is a formal process for sharing intelligence and this is based on knowledge of other regulators' needs; and
- Where there is a national/regional concern that promotes information sharing.

This dichotomy of whether to share or not was supported by two opposing beliefs. Some respondents believed that poor performance of a duty holder in one area of regulation was indicative of poor performance in all areas; while other respondents believed that performance in one area does not necessarily relate to performance in another area. The research suggests that the latter view is most commonly held.

Conclusions

Across most of the regulatory spectrum there appear to be two main types of process for targeting enforcement effort. The first type is a risk-based process that attempts to match regulatory resources to the level of risk inherent in the duty holders' activities/business. These are represented by areas such as fire safety, workplace health and safety, food safety and (to some extent) trading standards and licensing. The other type is where the regulatory agency is driven by a legal process, such as for planning, building control, policing and (to a certain extent) licensing. In some, but not all of these areas, there is a possible crossover of interest – as illustrated in the reported case studies, which involved co-operative working between various agencies.

In eight of the ten cases where other regulators had prior history from within three years, that history was negative – indicating a potential value in sharing information. This negative information was not necessarily particularly well defined or relevant to the primary regulator. Nonetheless, it could have been utilised to form a judgement or refinement of the risk assessment used for targeting resources. It may even be possible to posit that, if better defined, cross regulatory information sharing might make it possible to establish efficiencies in preventive regulatory effort.

The surveyed regulators tended to not see value in sharing information unless it was of direct relevance to their area of regulation or as part of a joint regulatory intervention. With a few exceptions, information about the standard of management was not usually seen to be of general relevance. In order to encourage greater sharing of information outside of joint regulatory interventions, it would be necessary to promote the idea that information on the standard of management could be relevant to all areas of regulation.

However, the general view of respondents was that sharing negative information about duty holders would not have altered their actions or their perceptions of the duty holder. This, for the most part, appeared to be based on their view of the separation between regulatory functions, with each regulator focusing on their own area of concern. That is not to say that some respondents did not see a link across the broad spectrum of regulatory duties, rather that the information from the case studies had no illustration of this. Furthermore, even when collaborative working was undertaken, each regulator was seen to have operated within its own jurisdiction; although no doubt the collaborative effort was essential to ensure an effective outcome, some of which derived from a decision on the 'best' enforcement action.

There was no direct evidence of information relating to ‘confidence in management’ being utilised, despite a number of regulators having a grading system.

The organisational integration of regulators into joint regulatory services and/or joint enforcement working practices could assist with greater information sharing and joint working. There is some evidence to indicate that where regulators have some form of formalised grouping, sharing information is more likely. It was clear that, mainly outside the circumstances of the case studies themselves, a number of regulators share information in one of two ways. The first is where a Local Authority has formed a centralised regulatory group (in some instances including the fire service), which provides a forum for the different regulator to share information both internally and externally. The second is an external sharing forum that sometimes takes place within established and formalised regular meetings of local regulators, usually encompassing the range of regulatory concerns: trading standards, licensing, environmental health (housing, pollution, food safety and workplace safety), the fire service and the police, as well as, in some cases, animal health.

There also exists a range of regional and national information sharing facilities. These are mostly databases, which are particularly predominant in trading standards, animal welfare and the police.

In conclusion, there already exists a range of information sharing capability that has some limitations. These limitations include barriers such as the volume of information that might need to be handled, the need for confidentiality in certain areas of regulation and the need to carry out own premises assessments regardless of what is shared. This indicates a need to clarify what information may usefully be shared, when and how, and provide an effective and efficient means of sharing the identified information.

1 Introduction

1.1 Background

The Better Regulation Delivery Office (BRDO) is exploring how a common approach to risk assessment could "provide a foundation for better information and intelligence sharing ...[and] improve the robustness of the evidence available to support assessment of risk and subsequent regulatory response...". The aims are to "reduce duplication, give the flexibility to work across current regulatory boundaries, and increase impact by focusing scarce regulatory resource where it is most needed". This is consistent with the Department for Business Innovation and Skill's Response to the Consultation on Transforming Regulatory Enforcement (December 2011[10]), which advocates more targeted interventions onto high-risk organisations.

Before a common approach or data sharing can be implemented, the invitation notes that "there is a need to establish the extent to which a business' compliance performance in relation to a particular regulated area is indicative of the level of performance that can be expected in relation to other regulated areas". An earlier rapid evidence assessment[11] indicated that there is no empirical evidence regarding the extent to which businesses adopt a common approach to risk management and compliance. There was some evidence to suggest businesses may not adopt a consistent approach. The earlier rapid evidence assessment found that many studies had explored business approaches to compliance within an area of regulation but few had explored how businesses approach compliance across areas of regulation.

The review did note that a common approach to risk management is advocated within the field of risk management and within management thinking, such as the idea of Total Quality Management and corporate risk management. Also, the ISO standards for environment, health and safety, and quality share many common features, such as risk assessment, planning and review. However, these systems of management may be more common in larger organisations. The performance of smaller firms is thought to be more dependent on the attitudes of the proprietor(s). The report noted that "there are many social and risk perception factors which influence compliance behaviour..." including:

- Businesses are more likely to comply with regulations that are seen as fair, appropriate and something that society would expect them to comply with.
- A wish to conform with social norms, and the extent to which a business perceives an area of regulation as appropriate and therefore something people would expect them to comply with.
- The extent to which the management is aware of a risk, with some evidence that awareness and perceptions of risk varies and may not be accurate. Awareness of risks may vary according to factors such as the presence of professional advisors and the measurability of the risk.
- The extent of business drivers to manage a specific risk (and associated regulations).
- Their perception of the significance of the risk and the effectiveness of risk controls within regulations.

[10] Government Response to Consultation on Transforming Regulatory Enforcement. Department for Business Innovation and Skills. December 2011. http://www.bis.gov.uk/assets/biscore/better-regulation/docs/t/11-1408-transforming-regulatory-enforcement-government-response

[11] Wright, M and Watson S. Research into compliance across areas of regulatory activity: Literature review. Greenstreet Berman Report for the LBRO, March 2011.

- The possibility that management attention will be linked to the extent of external scrutiny (by inspectors) for a specific risk, rather than the management's own policy or assessment of each area of regulation.

However, these are general findings from which it is necessary to infer potential implications for cross compliance.

A subsequent study by Wright (2012)[12] found, from interviews with 30 businesses, that:

- 12 had a consistent approach to management of compliance across areas of regulation and 15 had a moderately consistent approach.

- What will be seen as critical is usually consistent with the profile of a business' activities, such as food hygiene for restaurants. Therefore in terms of correlations in compliance across areas of regulation, it is possible that there will be consistency across those regulatory areas that are of most importance to the business.

Typical (contrasting) responses included:

- "These areas of regulation matter more to us in [area of business] – they are business critical, they could adversely impact [us] because of the implications for reputation or even our ability to carry on trading, thus we manage these areas to a different level."

- "All areas are important to us as they all pose a significant risk – we don't distinguish between them."

An analysis of regulators' compliance ratings found that businesses that perform poorly in a business critical area of regulation are more likely to also perform poorly in other areas of regulation. For example, businesses that had poorer confidence in management ratings for food hygiene were more likely to have poorer occupational health and safety (OH&S) ratings than businesses with better food hygiene ratings.

The latter finding was particularly relevant to the current study, in that it prompted the question of whether there would be value in regulators sharing information about 'poorly' performing businesses.

1.2 Aims of this study

This study aimed to "explore how sharing risk rating data between regulators might be helpful towards targeting where there is a risk of a major failing on the part of the business". The study aimed to produce 20 case studies of instances of non-compliance of varying severity, such as prosecutions, enforcement notices or very poor risk ratings by inspectors. The research explored whether other regulators had had contact with the premises (outlined in the case studies) in the period prior to the non-compliance and, if so, whether they also rated them as 'poor'. Finally, the work considered whether the regulator who discovered the non-compliance would have acted differently had they received information from another regulator and whether other regulators would have acted differently if information had been shared about the premises.

By looking retrospectively at whether there were opportunities for data sharing between regulators prior to a major non-compliance, this helped to demonstrate the value of data sharing in targeting inspections onto higher risk premises. In particular, it explored whether being alerted to concerns about confidence in management by another regulator, would help (or would have helped) to avert or reduce the severity of instances of non-compliance.

[12] Wright, M. Design and conduct qualitative research on business compliance, Report for the Better Regulation Delivery Office, 2012.

These case studies complement other work commissioned by BRDO (see previous references to Wright et al) that has explored whether businesses that are rated as having high standards of management in one area of regulation might be assumed to have high standards in other areas of regulation.

1.3 Approach to the work

1.3.1 Criteria for selection of case studies

The selection criteria for case studies included:

1. Regulated by at least two of Local Authority (LA) trading standards, environmental health, food standards, licensing, fire services, the Health and Safety Executive (HSE) or the Environment Agency (EA);
2. Businesses regulated by local authorities, such as shops, catering, accommodation (e.g. hotels), food factories and high street services (garages, dry cleaners);
3. A range of sizes from each of micro, small, medium and large (depending on availability of cases);
4. At least one case involving each of food hygiene, food standards, fire, trading standards, occupational health and safety, breach of licence or environmental non-compliance;
5. A range of extent of non-compliance and other outcomes within the last two to three years;
6. Each regulator was willing and able to discuss their engagement with the business for the period prior to the incident (up to five years); and
7. From Wales and England.

The criteria were applied subject to availability of case studies.

1.3.2 Identification of cases

Cases were identified, screened and selected in a staged process.

Identification

Initially BRDO issued a circular to Local Authorities (LAs), the Chief Fire Officers Association (CFOA) and the Health and Safety Executive (HSE) to request case studies. The approach to HSE secured a small number of cases. After allowing due time for a response to the BRDO request, the researchers identified cases of non-compliance from publicly available sources and then directly approached the relevant regulator to seek their participation.

Screening and short listing

Potential case studies were screened against the selection criteria. Case studies that met the criteria were progressed.

1.3.3 Case study proforma

A proforma was developed and used to guide the collation of information. It was designed to explore:

- Any opportunities there were before an instance of non-compliance to have received information from another regulator alerting them to concerns about management competence at premises.

- How sharing of information between regulators might have helped reduce the severity of the incident, such as through advice.

1.3.4 Process for collecting information

Upon selecting a case the research team:

1. Identified all relevant regulators for the premises;
2. Contacted these regulators and ask them to participate in the research – by telephone, or by sending a letter or email request, along with a BRDO cover letter;
3. Sent a copy of the case study proforma and requested relevant information;
4. Conducted a follow up interview with the regulators to explore **what** they might have done differently had they received information from another regulator and/or **why** they did/did not respond to hearing about concerns from another regulator.

1.4 Analysis of case studies

The analysis included indicating the proportion of cases:

- Where another regulator had contact with the premises in the preceding period (e.g. two years);
- Where the other regulator(s) noted concerns, issues or poor risk ratings;
- Whether concerns cited by other regulators related to similar issues that contributed to the incident, such as poor management competence;
- Whether an earlier intervention by the regulator responsible for the incident might have prevented the subsequent incident or reduced its severity; and
- Whether the enforcing regulator shared information with other regulators or did joint visits after the incident or instance of non-compliance.

2 Results

2.1 Introduction

Section 2.7 of this report provides tabulated summaries of each case study. The case studies have been reviewed against a series of key research questions. The results per key research question are noted in Sections 2.2 to 2.6.

We refer to those regulators who led enforcement for the incidents cited in the case study as the 'primary regulator'. For example, if the LA environmental health function took action regarding excessive noise, it would be the primary regulator for that case study.

We refer to regulators who were interviewed as 'other regulators'. These could be, for example, a fire service that had previously inspected the premises; or a trading standards unit that had had previous contact with the premises.

2.2 Did other regulators have prior history of premises?

- To what extent did other regulators have information on the history of the premises (prior to the incident/offence)?

In each case, the research team initially approached the primary regulator responsible for taking enforcement action against the premises. The research team then identified and interviewed other regulators, who were selected on the basis of the relative importance of regulations to the premises. For example, if a hotel was subject to enforcement action under food hygiene regulations, the fire service would be approached due to the relevance of fire safety to hotels.

Table 3 shows the number of cases studies where other regulators had information or contact with the premises at which the non-compliance occurred. It can be noted that in 11 of the 20 cases, other regulators did have prior contact or held information about the premises. In ten cases this information was from within three years, and so could be said to have been sufficiently recent to be potentially informative. Of these ten cases, eight had negative history of the premises.

Where the other regulators had a previous history of an occupier prior to the incident that gave rise to the case study, most information was fairly limited.

Such information as did exist was judged by respondents to either be about unrelated to their own area of regulation or of insufficient detail to be of likely use to them. This tended to reflect the nature of the risks being dealt with. For example, for premises with 'sleeping risk' (i.e. restaurants with sleeping overnight for staff), which is of importance in terms of fire safety controls, the prior history held by other regulators would not be about the 'sleeping risk' and therefore of no apparent interest to the fire safety regulator. With complex cases that involved a number of agencies to resolve issues, while there may have been previous history with one or more of the regulators, it was not considered to be relevant to the current case.

Table 3: Frequency of cases (out of 20) with prior history amongst other regulators

Primary regulator (number of cases)	Number of cases where other regulators had inspected or had other contact with the premises	Number of cases where contact was within 3 years	Number of cases where previous 3 year history was negative	Number of cases with one or more risk rating held by Other Regulators	Number of poor to good ratings		
					High risk	Moderate risk	Low risk
Fire safety (5)	4	3	3	5	0	4	3
Occupational health and safety (HSE) (3)	2	2	0	2	1	1	1
Trading standards (4)	2	2	3	3	0	2	3
Licensing (1)	0	0	0	1	0	0	1
Food Hygiene (3)	1	1	0	3	0	2	3
Environmental health* (2)	1	1	1	0	0	0	0
Gambling (2)	1	1	1	1	0	1	0
All (20)	11	10	8	15	1	10	11

*One of these cases related to the Health Act and No Smoking and the other to Noise Nuisance

Nature of information held

The criterion used to define 'negative' in those cases where a negative history was identified (by other regulators) was 'any interaction between the regulator and the duty holder which required the duty holder to take some form of action'. These ranged from the service of Hygiene Improvement Notices (in the most serious case) to informal letters notifying of deficiencies. The types of issue identified included:

- Pest control and cleaning;
- Deficiencies in service provision (not considered unusual);
- Bedbugs;
- Sewer problems and animal control;
- Legionella control and electrical safety; and
- Various non-compliances with permissioning.

To this extent, one or two might be considered information on serious contraventions; although in no case does any other enforcement action appear to have been taken. The remaining cases could be described as minor and not requiring strong enforcement action.

None of the situations were viewed by respondents to be of relevance to the primary regulator in the case studies. The exception to this could be the occupational health and safety cases involving HSE, from which it was not possible to obtain a view about how useful information held by other regulators could have been. However, it should be noted that HSE did act on information received regarding a safety issue raised by an LA Environmental Health Officer (EHO).

More particularly it would appear that the information held was not relevant to a direct assessment of any 'fitness to manage' criteria.

Number of cases where another regulator had a risk rating for the premises/business

For 15 of the 20 case studies, a regulator other than the primary regulator had undertaken a risk rating, sometimes more than one regulator (as shown in Table 3). There were in total 22 ratings from other regulators of 15 premises. A 'good' rating is taken here as a low risk, 'moderate' as medium risk and 'poor' as high risk, as assessed by the various regulators. It should be noted that some of the rating schemes used result in a score, others as a letter (A, B or C) and some as high, medium and low.

An analysis of these ratings identified that there was no correlation between them; that is to say that if the primary regulator had rated the premises as medium (for example) then other regulators had, for the most part, rated them differently. There was virtually no evidence to show a correspondence in ratings across the various areas of regulation. This in itself is not surprising as the ratings are applied by each regulator in relation to the area they are regulating and currently there is no uniform approach across the regulatory areas to assess confidence in management or risk.

As an aside, seven of the primary regulators increased the risk rating of the premises as a result of the case, possibly indicating – to some extent – that the original risk rating was not high enough to prompt a higher frequency of inspection visits leading to pre-emptive preventive action.

It does not appear that regulators shared their individual ratings with others; and where the regulatory function was jointly undertaken (that is, through a centralised regulatory department, as in some LAs) the ratings were also found to be different – for example between trading standards, food hygiene, and health and safety. This, again, reflects a focus on the critical risk in the business and the differences in assessment regimes.

2.3 Sharing of information by regulators

- To what extent did regulators share information before, during or after the incident/offence?

Table 4 indicates the number of cases where primary regulators shared information before or after the instance of non-compliance. As noted, information was shared by primary regulators in nine of 20 cases. Of those regulators that didn't share information, eight had no prior history of the premises.

The picture here is somewhat confounded by the nature of the regulatory bodies. In some instances the regulatory functions were combined into one regulatory body, particularly in some LAs, which in one case also included fire safety. The respondents said that information from one area of regulatory control (such as food hygiene) is shared with the others (such as trading standards), which could mean simply talking across a desk.

In at least two instances there were local formal mechanisms for sharing intelligence between regulators, namely a meeting attend by senior individuals. Other regulators attending the meeting could access information on premises and cases and adjust their own regulatory response. Although this mechanism was known by respondents, none of the information from case studies prompted action by other regulators.

In the ten cases where information was shared, the majority occurred by an internal mechanism or as a result of joint working. There was limited sharing of information outside of these formalised fora. In at least one situation information was shared but was not acted upon, when the regulator receiving the information would have expected it to be. There does not appear to have been any overt sharing of information prior to the regulatory event leading to any case study.

Table 4: Frequency of sharing information

Did primary regulators share information with other regulators before or after the incident/offence?		
Primary regulator	Yes	No
Fire safety	3	2
Occupational health and safety	0	3
Trading standards	2	2
Licensing	1	0
Food Hygiene	2	1
Environment health	1	1
Gambling	1	1
All	10	10

Table 5 indicates the number of other regulators who shared information with the primary regulator and when they did it. Noticeably the degree of sharing of information was more prevalent where joint working was undertaken, particularly where there were multiple legal contraventions crossing boundaries of responsibility. The one case where information was shared beforehand, were due to a split of responsibility for health and safety between LAs and HSE, HSE being notified by the LA in this case, which resulted in a prosecution. Most information, overall, was shared where joint working/collaboration was undertaken.

Table 5: Frequency of sharing information

Did other regulators share information with the primary regulator before or after the incident/offence?				
Primary regulator	Yes, during	Yes, before	Yes, after	No
Fire safety	1	0	0	4
Occupational health and safety (HSE)	0	1	0	2
Trading standards#	3	0	0	0
Licensing	1	0	0	0
Food Hygiene	0	0	0	3
Environmental health*	1	0	0	1
Gambling	1	0	1	0
All	**7**	**1**	**1**	**10**

*One of these cases related to the Health Act and No Smoking and the other to Noise Nuisance

note one case involved OFT/Insolvency Service, this has not been included in these stats as it is confounding.

What information was shared?

In most cases where information was shared during a joint/collaborative action, the information tended to be that which the respective regulator already had or discovered during the course of the action being undertaken. In some cases this amounted to legal support for the primary regulator, while in others it was about each regulator working to its own duties, but in a collaborative fashion.

Examples of sharing information during joint working include:

- Results of animal testing and information regarding animal movements from other regulators – imperative to securing convictions.

This case involved the collaboration of a number of agencies. It was built against a background of routine activity involving the monitoring of disease in herds on farms and of animal movements, coupled with monitoring of the food chain. This generally involved three different regulators, with technical support from a separate agency. This routine activity involved the regular sharing of information, particularly by the technical support agency to the primary regulator. A notification was made by a regulator outside the area, indicating that some information provided relating to animal movements was incorrect. This included information on compensation payments, public health (possibility unfit food being released into the food chain), fraud and misuse of documentation, primarily the traceability of food in the food chain. The case had widespread implications both regionally and nationally, and the sharing of information (particularly between two of the main regulators) was essential in dealing with the implications and securing a conviction – managing implications being particularly important, as the suspect premises had been visited on an informal inspection basis the day prior to the shared information coming to light.

- Information on planning status of a premises/occupier and action that could be taken – of assistance value only.

This case came about as a result of a complaint made by a member of the public expressing concerns about the absence of fire safety in a large retail outlet that had recently been converted into three, one part of which was re-occupied by a new business. The complaint resulted in a joint visit by the fire and planning regulators, who shared information between each other on a regular basis as part of normal regulatory processes. Had the complaint not been made, the non-compliance (and hence risk to the public and employees) would not have been identified, at least for quite some time. This is because the work and reoccupation had 'fallen under the radar' as a result of how the regulatory mechanisms operate and because the fire service would have categorised the premises as low risk. On discovering the deficiencies, each regulator took its own enforcement action and subsequent non-compliances led to a successful prosecution on a single fire safety charge.

- Joint action on trading standards law – to support closure actions.

This case arose following a complex situation involving several premises with different owners, including a retail outlet and a wholesaler, and possibly other business that were not fully identified by the regulator. In this case, mislabelled and illegal (counterfeit) alcohol was being distributed and sold in the retail outlet. There were implications regarding the non-payment of excise duty and an outstanding VAT account. Information relating to photos of labels on bottles of alcohol was shared with the police, who used their influence in this area to encourage the HMRC to intervene and deal with the source of the problem. As a consequence, stocks of alcohol were seized, the license of the premises was revoked and a prosecution ensued.

- Police support for evidence collection and application of prohibitions – without which the case may not have succeeded.

This case involved the sale of alcohol to a minor by a retail outlet. Information was shared with the police who took responsibility for evidence collection and evidence continuity, as well as providing support at the licence review. Subsequent information shared with Trading Standards enabled monitoring of the situation by test purchases.

- Misleading claims about duration of food awards – information shared by environmental health concerning a previous prosecution for food hygiene breach.

Environmental health shared information with trading standards concerning a prior prosecution. This was not shared as a 'referral' and was provided once investigations had already commenced. It did not influence the decision to prosecute. The sense is that this information was provided reactively, rather than proactively.

- Status of fire safety precautions in a vulnerable premises – information only.

In this case the fire authority, following a routine visit, served enforcement notices on a residential care home that they assessed as being high risk. This information was shared with the appropriate regulator for this sector, for information only. In any event the regulator did not respond to this information. The highlighting of this case (via this research) brought to the attention of the secondary regulator an anomaly in their own internal systems, as they would normally have expected to respond to the fire service information by scheduling a visit to the home.

Finally, an example of sharing information before an incident:

- One instance of a regulator identifying a situation that was the responsibility of another to deal with – leading to a prosecution.

An LA inspector responsible for enforcing environmental legislation at a dry cleaning premises, identified a boiler defect. Health and safety being outside the inspector's remit, he informed the relevant enforcing authority (HSE), which led to a prosecution.

Thus, the main impetus for sharing information is where non-compliances at a premises cover more than one area of regulation. This occurred in six of the 10 cases where other regulators had prior history. It is unknown whether there were non-compliances in other areas of regulation for the remaining 10 cases, as the other regulators possessed no information on them.

2.4 Would information change actions?

- If they had known of the previous history would this have led the primary or other regulators to have done anything different? And if other regulators heard of the offence, would they now do anything different?

Each regulator was asked whether they would have acted differently if they had received this information (or would act differently in future). Table 6 shows the numbers of regulators who said they would act differently or not. The responses are show for primary and other regulators, aligned to the area of regulation enforced by the primary regulator. In the majority of cases, the regulators stated that they would not act any differently.

Most of the regulators interviewed commented that additional information about the case would not have caused any adjustment to their actions or intentions regarding enforcement, unless they were involved in the resolution of the case. Even when they were involved in the case (six out of 20), there was a tendency to deal only with their own areas of regulatory responsibility. This was largely because they saw their own areas of risk regulation as separate from risks controlled by other regulators.

The main exception to this was fire safety, where commercial premises may have had a sleeping risk, but even in these cases (where it was relevant) the fire safety authority generally took the information as a 'complaint' to trigger its own process of risk assessment and enforcement. A "complaint" was taken by the fire service to mean, any information brought to their attention.

For the four primary regulators who were 'unsure' whether they would change (see Table 6), the likelihood of changing their actions based on information received was low. In all four cases the circumstances were examined and then the new information was considered in light of their own risk profiling. One case was about introducing a new system to filter information on complaints in all areas of enforcement, to ensure resourced based prioritisation of responses. Another case was about adding information to files, to aggregate case background. For the third case, the information from the instigating regulator would have been used to tighten up 'permitting' conditions; while the fourth case was about using the information to trigger an initial visit/assessment.

Table 6: Would information have changed regulators actions?

Would information have changed regulators actions?						
	Primary regulator			Other regulators		
Primary regulator's area	Yes	No	unsure	Yes	No	Unsure
Fire safety	0	5	0	1	8	
Occupational health and safety (HSE)	Unable to comment			0	0	0
Trading standards	0	2	2	1	8	1
Licensing	0	0	1	1	2	0
Food Hygiene	0	3	0	1	6	
Environmental health*	1	1		0	3	1
Gambling	1	0	1	0	2	1
All	**2**	**11**	**4**	**4**	**29**	**3**

In addition there were four other regulatory responses. The police (in relation to licensing) saw itself predominantly in a support capacity and would have therefore not changed its actions. The EA would have changed its actions partially by including poor performance in health and safety as part of the overall management assessment. The third was related to care home regulation and the respondent would have been more proactive had the organisation's internal systems picked up on the information that the fire services had provided. Finally, a private building control company would not have changed its response or actions.

Of the other positive responses (i.e. would have done something differently) the one fire service response was contradictory. It is believed, in this case, that the response reflects a perception of the referring authority in question, because for other cases the opposite response was given. Several other responders indicated they would have done something differently, but this was more about the nature of the event and its management, than the actual sharing of information between regulators. This particularly applied to those cases that involved joint working and/or that had national significance.

Overall, however, the general response from the regulators was that the type and nature of information available would have made no difference to their actions.

2.5 Sharing and using information about premises management

- What evidence is there of regulators sharing information on the standard of management and using this to inform their actions?

Respondent feedback indicated that different regulators adopt different approaches to risk categorisation, which is what tended to drive their enforcement action. Even within the same domain of regulation there were differences in risk categorisation, with some adopting national standards; others using a mixture of existing and previously applied national standards (such as LACORS); and others adopting their own methods. In light of these differences, even if they had wanted to, the regulators would have had problems communicating with each other regarding the management standards applied in the various premises/businesses they were enforcing.

In this study, however, there was little actual evidence, if any, that information on the standard of management was being formally applied or shared. There was also very little in the way of sharing information that impacted upon regulatory decisions by the various agencies. It seemed as if a rating system was used to determine resource allocation and regulatory intent, and once this was done the pattern of regulatory effort was to some extent "fixed". In several cases, the actual findings of the regulator were outside of the initial rating.

The exception to this was where the case was either complex or involved the co-operation of several agencies, either because of overlapping duties or because of lack of clarity on the best enforcement option. In these cases the information was used primarily to direct a combined approach to enforcement.

It was also apparent that where intelligence sharing had been formalised or regulatory functions combined, some sharing of information occurred. There was some evidence that personal and professional sharing on specific premises occurred, but this was localised as it depended upon the working relationships of the officers concerned. In the one national case where a regulator was interested in the management standard being applied, it was evident that no other regulator had picked up on this (and the information had not been shared).

2.6 Regulator views on purpose of information sharing

- What is their thinking regarding the relevance and purpose of sharing information?

Key themes included:

- Only interested in getting information from other regulators if it directly relates to own area of regulation, such as faulty fire alarms for fire safety;
- Where premises are viewed as low risk for own area of regulation, there is less interest in results of inspections by other regulators;
- Pressure on resources means it is only possible to respond to some information; and
- Where regulators do not have in-depth knowledge about another regulator's area of concern, it is difficult to know when to share information or what to share.

Thus, the circumstances in which regulators currently share information currently include:

- Where there is joint working because various areas of law are involved, or where it is unclear what the best regulatory option is;
- Where there is a lack of clarity over the most judicious enforcement approach or where areas of regulation overlap, particularly on national issues or where there was a national regulator;
- Where there is a formal process for sharing intelligence and this is based on a knowledge of the other regulators' needs; and
- Where there is a national/regional concern that promotes information sharing.

There appeared to be a split in views about whether to share or not. Some respondents believed that the poor performance of a duty holder in one area of regulation was indicative of poor performance in all other areas; while others believed that performance in one area does not predict or have any relevance to performance in another area.

From the interviews and discussions, the latter view seems to predominate in practice. Thus, regulators are primarily concerned with their own area of regulation and it is only when prompted or involved in a formal sharing process that information exchange takes place. Even when information exchange occurs, each regulator was only interested in information relating to its regulatory involvement.

There seemed to be two main types of forum

- Local inter-regulatory meetings where each regulator provided/shared information about his or her own case load and enforcement concerns. These meetings appeared to be formalised and held on a two to four weekly cycle. One particularly strong approach was in a metropolitan authority area that also had local meetings involving specified regulators (predominantly trading standards). This type of forum generally involved police, licensing, the fire authorities, the enforcement team, noise, occasionally planning and trading standards.
- Regional or national information sharing processes across or between regulators. This seemed to apply particularly to trading standards. There was also evidence of one LA combining its regulatory functions and establishing a case sifting team to allocate resources on a risk-based approach.

In some cases it was apparent that efforts were made to introduce skills to identify risk priorities across sectors/duty holders to enable better prioritisation of resources. Two such schemes were noted during this study, but the extent to which information sharing actually takes place is unknown. The schemes appeared to be either in pilot phase or recently introduced.

The picture that emerges is one of a patchwork quilt of risk assessment/rating schemes, intermittent and (for the most part) limited directed sharing of information, and separation in terms of regulatory involvement. One respondent even reported that recent changes in legislation (fire safety, licensing etc.) had driven regulators apart and caused them to focus on their own direct duties rather than working together as a unified whole.

2.7 Tabulation of case studies

Table 7 provides a summary of the existence of prior history for each premises; whether the information was positive or negative; and whether other regulators said they would have acted differently had they received this information.

Table 8 provides a summary of cases where regulators may have acted differently if information had been shared.

Table 9 provides a summary of feedback per case study regarding the value of sharing information between regulators.

Table 7: Tabulated summary of case studies (history)

Case study	Area of regulation where offence occurred	Summary of offence/ incident	Action taken	Previous history with enforcing organisation	Known to other regulators or action taken prior to offence	Info. received prior to offence by primary regulators (from others).	Would other regulators change, if information was shared?
1	Gambling in various premises.	Two limited companies were making application to re-categorise their licence from A to B enabling them to increase number of outlets they could operate (35 each as opposed to four).	Gambling Commission (GC) put a sanction on businesses via formal letter and on GC website, and required them to inform GC about further investments. Companies were reverted to category A licences, limiting number of outlets they could operate from, making them unattractive to investors.	None.	Known to LAs but for different reasons.	The industry had submitted information about concerns regarding the management of the company and also information from LA.	Possibly. Fire service may have picked it up as a complaint to follow up on. Trading standards would not have acted differently. Not clear whether LA H&S or licensing unit would have changed.

Case study	Area of regulation where offence occurred	Summary of offence/ incident	Action taken	Previous history with enforcing organisation	Known to other regulators or action taken prior to offence	Info. received prior to offence by primary regulators (from others).	Would other regulators change, if information was shared?
2	Trading Standards Fraud Act at a farm.	Swapping animal ID tags. Fraud Act Offence: animals were valued before slaughter and switched with another animal for slaughter . Three animals with incorrect ID. Keeping TB reactor in herd, rather than separate. Some animals not tested and some calves not TB tested.	Prosecution, slaughter of the herd and disposal of milk.	Only for herd testing.	None.	Information received from another trading standards (TS) area led to investigation.	No (food safety).
3	Trading standards at a wholesale and retail differing premises or owners.	Trader selling illegal alcohol and relabeling of wine.	Prosecution for three offences: Trades marks Act, FSA – faulty description and General Food Regulations – traceability.	Yes, but at a minimal level regarding underage sales.	No (but action taken by HMRC re VAT).	No.	No. (Fire and licensing).
4	Fire at a (bargain) store.	Locked fire doors following previous notice from FRS.	Prosecution under Article 9 Regulatory (Fire Reform) Order, 30 May 2012. Fine £30k.	None.	None.	Joint action with Building Control of the LA. Building non-compliant.	Building control took part in joint inspection anyway, but still would have changed. EH and TS are unsure.

Case study	Area of regulation where offence occurred	Summary of offence/ incident	Action taken	Previous history with enforcing organisation	Known to other regulators or action taken prior to offence	Info. received prior to offence by primary regulators (from others).	Would other regulators change, if information was shared?
5	Food safety at a takeaway at football ground.	12 food hygiene offences under EC Reg 852/2004 and under EC 178/2002 risk of food poisoning.	Prosecution.	Several visits since 2007.	Known to fire service, but considered low risk.	None.	No (fire services).
6	Fire safety at a clothes (charity) shop.	Range of offences under Regulatory (Fire Safety) Reform Order, e.g. fire alarm was faulty. Risk of loss of life in the event of a fire.	Prohibition Notice and Enforcement Notices and Prosecution (2011).	Yes, rated as high risk but no specific concerns reported,	Yes, TS complaint about 10 years before; last visit three years before – offence with no issues noted.	No.	No. (TS & H&S)
7	Trading standards at a restaurant and takeaway.	Misleading claims about duration of food quality awards on both restaurant and takeaway menus.	Prosecution.	Yes but unrelated to this – about double charging.	Yes, food hygiene offence, but not verified by interview.	No.	No, for food safety; but yes for fire service as respondent believes in link between non-compliance for different areas.
8	Trading standards, sales agents for energy efficiency.	Taking fixed fee of £500 and failing to provide goods (solar panels) and service (installation of solar panels).	Civil case: Supply of Goods and Services Act – not providing service in a reasonable time; and the Enterprise Act Part 8 Sec 219.	Enquires about legitimacy of company.	None.	No.	No. (Fire; and environmental health, TS, licensing)

Case study	Area of regulation where offence occurred	Summary of offence/ incident	Action taken	Previous history with enforcing organisation	Known to other regulators or action taken prior to offence	Info. received prior to offence by primary regulators (from others).	Would other regulators change, if information was shared?
9	Fire safety in a care home.	Provisions of fire resisting doors inadequate. Fire Safety Risk Assessment not carried out. Inadequate fire detection arrangements. Emergency routes and exits cannot be used safely. Fire alarm system inadequately maintained. Fire resisting doors inadequately maintained.	Enforcement notice under the RRO.	None.	Yes, but only as a registered premises under previous inspection regime.	No.	EH had information, but did not respond, and would not in future. Care and social services inspectorate would have changed actions.
10	Fire safety in hotel.	Failure to carry out fire risk assessment; failure to comply with schedules of work provided by FRS; and non-compliance with enforcement notice (served 15.4.2011).	Failed to take measures to reduce the risk of the spread of fire and smoke throughout premises. Failed to ensure that fire risk assessment is suitable and sufficient in the circumstances – prosecution pending.	Several 'audit' visits from 2009 involving informal action and enforcement notice in 2011.	Yes, several complaints including issues over a dog.	None.	No.

Case study	Area of regulation where offence occurred	Summary of offence/ incident	Action taken	Previous history with enforcing organisation	Known to other regulators or action taken prior to offence	Info. received prior to offence by primary regulators (from others).	Would other regulators change, if information was shared?
11	GC/LA licensing at an illegal poker club.	Operating poker club in a private members club outside the provisions of the licensing law.	Withdrawal of licensing certificate by LA and withdrawal of permit (pending).	None –*caveat*: was operating under another name in a different area.	Gambling Commission knew of operation closed in neighbouring LA.	Information was obtained and shared, as offence was being investigated.	Yes, LA would have acted differently on environmental health, licensing and trading standards, but fire service would not have changed.
12	HSE at a dry cleaners	Contravention of Provision & Use of Work Equipment Regulations 1998 Reg 5 (1) and Pressure Systems Regulations 2000 Reg 8 (1). The company was in control of a boiler that was not in good repair and had operated the boiler without a written scheme of examination.	Prohibition Notice and prosecution.	No.	Yes. EH undertaken pollution control visits and remedy of blocked drain.	EHD notified HSE of boiler defects.	No. (Fire, EH and TS).

Case study	Area of regulation where offence occurred	Summary of offence/ incident	Action taken	Previous history with enforcing organisation	Known to other regulators or action taken prior to offence	Info. received prior to offence by primary regulators (from others).	Would other regulators change, if information was shared?
13	EH Health Act at a shisha bar.	Non-compliance with Health Act – smoking on premises. Trading standards, labelling of tobacco/equipment. Customs (HMRC) no duty paid on tobacco. Fire brigade-contraventions of RRO. Planning Dept: illegal development at back of building. Not paying business rates. 16 Offences of Health Act 2006.	Prosecution under the Health Act (13.10.2011) £4,500 plus costs. 16 offences and separate offence under Sec 8 for obstruction. Seizure of tobacco and equipment.	No.	Yes, planning department had issues with a one year temporary use which had lapsed.	Several authorities involved, police, FRS, TS, EHD planners and HMRC.	This was a multi-agency action involving seizures by both TS and HMRC, as well as planners ensuring structures removed. Fire services and planning would not have changed actions. TS was unsure, as new to the area with this case.
14	Licensing, at an off-licence.	Underage sale of alcohol.	Prosecution of individual (£2.5k fine) and suspension of licence for three months.	None.	No.	No, but came to light through police as underage drinker found collapsed in public area.	TS undertook several visits to test underage sales after this case came to light, so yes. Food and fire safety, no.

Case study	Area of regulation where offence occurred	Summary of offence/ incident	Action taken	Previous history with enforcing organisation	Known to other regulators or action taken prior to offence	Info. received prior to offence by primary regulators (from others).	Would other regulators change, if information was shared?
15	Food safety at a public house.	Filthy premises and risk of food poisoning.	10 hygiene improvement notices, voluntary closure and prosecution.	Yes, a number of visits made with unsuccessful informal action taken requesting improvement.	Yes, licensing had created a file and H&S had made a visit, but only minor issues.	None.	Public health and protection licensing would have changed approach, but this was due to a new initiative to filter issues for priority. Fire, H&S and TS would not have.
16	Food hygiene, at a public house.	Heavy mouse infestation and unhygienic conditions – visit prompted by a complaint.	Voluntary closure on day and prosecution.	Yes, no specific concerns reported, would have rated as good.	TS – no inspections for previous seven years. Unjustified complaint three years before.	No, and no joint visits.	No. (TS, FS)
17	Environ-mental health for noise.	Noise nuisance – abatement notices (not complied).	Prosecution 23 10 2010 for breaches of abatement notices on 30.4.2011, 23.4.2011 and 25.7.2011 in Magistrates court.	Several warnings for noise from 2007.	None.	None.	No (fire services).

Case study	Area of regulation where offence occurred	Summary of offence/ incident	Action taken	Previous history with enforcing organisation	Known to other regulators or action taken prior to offence	Info. received prior to offence by primary regulators (from others).	Would other regulators change, if information was shared?
18	HSE, for H&S at vehicle repair and sales.	Misuse of forklift truck to work at height on a lorry light – no risk assessment.	Improvement Notice and prosecution.	N/A	None.	None.	No (for fire and food safety).
19	Fire safety at a hotel.	Failure to secure means of escape.	Prohibition Notice served under RRO and prosecution.	Extensive visits and inspection reports dating back to 2007.	Yes, EH had made visits and sent reports on food and H&S issues.	None.	No. (TS, EH and building control).
20	HSE at a farm.	Fall from height – misuse of forklift truck to gain access.	Prosecution.	N/A	Extensive interaction with EA and other agencies across business, such as RSPCA at other site.	None.	Yes, EA would have added information as an aggravating factor in their internal assessment. Would have strengthened permit conditions.

Table 8: Summary of other regulators responses where their own responses would/could have been different

Case study	Offence	Building control	Fire services	Environmental health	Trading standards	Environment Agency	Licensing	Care and social serv.
4	Fire safety	Took part in joint inspection, so perhaps not much could have changed, except waiting for "completion notice for walls" and visiting "as soon as store open".						
7	Trading standards		If had known of information from TS, may have followed up. Believes link between non-compliance in different areas of legislation. Enforcers need to share information, but there are resource issues.					

9	Fire safety							Failure in internal systems, so action was not triggered, so contact from FRS would've.
11	Gambling		If had identified fire safety issues, would almost definitely have led to some kind of inspection, but they did not – so, no.	This could prompt response but because of 'low risk' history, it was not viewed necessary.	Unsure if TS rules applied: if they had, they would have acted.		If made aware, they would have acted differently and set different criteria for licence.	
13	EH Health Act				If TSO notices possible fire or environmental health breaches, it will inform other regulations. TS never receives information from FRS about TS breaches. May conduct test purchase if given information.			

14	Licensing				Had non-compliance been relevant or raised further, it would have triggered an additional visit.			
20	H&S Farm					Would put information on file as an aggravating factor. Limited sharing otherwise.		

Table 9: Tabulated summary of feedback for primary and secondary regulators

Case study	Area of offence regulation	Feedback on thinking behind value of sharing information from primary regulator	Feedback on impact of sharing information on regulators' actions by other regulators
1	Gambling	For the GC, obtaining information from LAs was seen as useful and necessary to examine the extent of the issue and provide ground level information. While information was obtained from LAs, they had far less information about premises occupiers than was expected by the GC and this was not helpful and wasted time.	Mixed views on usefulness of information by other regulators. FRS might treat it as a complaint and follow up, but LA would regard it as intelligence and would only use it depending on circumstances.
2	Trading Standards Fraud Act	In multi-agency action such as this case, information/intelligence sharing was vital to success. However, if the National Agency received all the feedback from LAs that is available, they would be overwhelmed.	For the main action, the information had no real impact as the case expanded beyond expectations and their actions would not have been different. Other aspects of information sharing are so slow as to render the process 'meaningless' and has no impact on regulators on the periphery dealing with matters outside this case.
3	Trading Standards	Regular interagency meetings to share information and follow-up is on the basis of relevance to a particular agency.	Generally this works well, although in this case a previous action and associated information was not followed up due to pressure of work. Impact is only on own area of regulation.
4	Fire	Normally the information would have arisen through planning applications. In this case the information was shared between relevant agencies at a personal level and action taken accordingly.	Each regulator worked according to its own remit. Other areas of regulation would or could be highlighted to other agencies, depending on the view of the initiating regulator and the need to avoid duplication of effort.
5	Food Safety	Each regulator has its own need for information and in this case sharing of information was not relevant.	"A double edged sword, as appears to take longer to do visit as attending agencies have different information etc to collect once on site, so inspection takes twice as long as when a single agency attends. The perception is that duty holders don't want visits, but in reality the client does not mind this."

Case study	Area of offence regulation	Feedback on thinking behind value of sharing information from primary regulator	Feedback on impact of sharing information on regulators' actions by other regulators
6	Fire safety, clothes shop	Tend to only share information where this is directly relevant to someone else's area of regulatory responsibility, such as faulty fire alarms reported to fire safety.	Would not have impact unless the information highlighted issues with own regulatory area. Response to information from other regulators is moderated by how the premises risk is rated i.e. is it a priority for own area of regulation?
7	Trading standards	Information may assist but actions are taken on a case-by-case basis and information only used if relevant to own area of regulation. A regional system exists for sharing information across some areas of regulation, but intelligence is restricted to the primary regulator. One regulator outside this group believes there is a link between non-compliance in different areas of legislation.	Mixed feedback on this case. One regulator does not need a referral from another area to highlight a high risk premises, whereas another may have taken action if they had known.
8	Trading standards	Nothing of relevance to other regulators, so no point in sharing information.	Limited to relevance to own area of regulation. Generally would focus on own area of risk, but may, in some cases, take information from other regulators.
9	Fire	Would like to see greater sharing of information but system not in place to do this. Value would be in assessing priorities.	No formal liaison exists, which hampers information sharing. Actions limited to own area of involvement and would only respond if risk identified in a relevant area.
10	Fire	Cautious in sharing information on the basis that "a little knowledge is dangerous" and can divert attention away from more significant risks.	Limited response as will only direct actions to own area of regulation.
11	Gambling	Enables a regulator to assess risk in various ways and locations nationally, and an important part of intelligence gathering.	For the most part would focus on own area of regulation, so little actual impact. For this particular area of regulation, it would have made a significant difference to decision making in some situations.
12	H&S	Was vital in this case enabling the appropriate regulator to be informed and prosecution taken – but actual value of this is not explicit.	Would concentrate on own area of regulation and hence no impact unless this is identified.

Case study	Area of offence regulation	Feedback on thinking behind value of sharing information from primary regulator	Feedback on impact of sharing information on regulators' actions by other regulators
13	EH Health Act	Value in this case based on "if non-compliant in one area then operator likely to be non-compliant in others," This was a multiagency case with full transparent sharing of information.	Identified blatant disregard of areas of law, which meant that shared information has impacted on most of the regulators involved – to the extent that one of them is using it as the template for other such situations.
14	Licensing	Information received acts as a 'trigger' for intervention.	Without the information, the case would not have been taken. Very much depends on the area of regulation involved as to who shares information.
15	Food safety	Depends on the area of risk involved and the relevance to the regulator. There is no consistent pattern relating defects in one area of enforcement to another.	Depends on the issues identified and relevance to areas of risk each regulator is involved with. Would not have impact as offence has no relevance to own area of regulatory duty. Resource limits lead to focus on high-risk premises, where this is rated as low risk for TS. Not considered high risk for fire safety.
16	Food hygiene	Each regulator has to deal with its own area of regulation. Sharing of information does occur, but correlation of high risk from one area of regulation to another is not always the case.	Very limited, as focus is on own area of regulation for each regulator and there needs to be a correlation between risk priorities in the various areas. No impact in this case, as very specific risk being dealt with.
17	EH noise in a public house	Joint intelligence meetings between local agencies seen as the way to ensure risk issues are picked up where relevant to another regulator.	No impact unless in own area of regulatory responsibility.
18	H&S	Unable to determine this with main regulator in this case. Sharing of information does not appear to be an approach adopted.	Severity of any shared concerns will be reflected in action undertaken by other regulators.
19	Fire safety in a hotel	Information shared appears to be extensive by using a survey team that identifies trigger points for all the local regulators involved.	Depends upon risk rating assigned by each regulator to the area or premises of concern. Each deals with its own responsibilities.

Case study	Area of offence regulation	Feedback on thinking behind value of sharing information from primary regulator	Feedback on impact of sharing information on regulators' actions by other regulators
20	H&S at a farm	Unable to determine this with main regulator in this case.	Each regulator works on its own area of responsibility and makes decisions as to whether to visit or not, depending on their individual risk rating. This directs the impact on the actions taken.

3 Emerging conclusions

The conclusions include:

- In eight of the ten cases where other regulators had prior history from within three years, that history was negative – indicating a potential value in sharing information;
- The consulted regulators tended not to see value in sharing information unless it was deemed to be of direct relevance to their area of regulation or as part of a joint regulatory intervention;
- The concept that information about the standard of management may be of general relevance was not widely held, but there were a few exceptions;
- In order to encourage greater sharing of information outside joint regulatory interventions (that would be acted upon), it would be necessary to promote the idea that information on the standard of management in one area of regulation could be relevant to other areas of regulation; and
- The organisational integration of regulators into joint regulatory services and/or joint enforcement working practices may assist with greater information sharing and joint working.

Across most of the regulatory spectrum there exists one of two types of process for targeting enforcement effort. The first is a risk-based process that attempts to match regulatory resources to the level of risk inherent in the duty holders' activities/business. These are represented by areas such as fire safety, workplace health and safety, food safety and (to some extent) trading standards and licensing. The second is where the regulatory agency is driven by legal processes, such as planning, building control, policing and (to a certain extent) licensing. In some of these areas, there is a possible crossover of interest – as illustrated in the case studies reported here, which have involved co-operative working between various agencies.

It is possible, therefore, that there may be some value in sharing information between and across regulators, where there may be an advantage for pre-emptive action. In eight of the ten cases where other regulators had prior history from within three years, that history was negative. This negative information was not necessarily particularly well defined or relevant to the primary regulator. It could nevertheless have been utilised to form a judgement or refinement of the risk assessment used for targeting resources. If better defined, it may be that cross regulatory information sharing might make it possible to establish efficiencies in preventive regulatory effort.

In order to achieve this – greater sharing of information, which is then acted upon – it may be necessary to promote the idea that information on the standard of business management in one area of regulation is relevant to other areas of regulation.

However, most respondents felt that sharing negative information would not have altered (or would not alter) their actions or their perceptions of the duty holder, primarily because different regulatory functions tend to focus on their own areas of concern only. That is not to say that some respondents did not see a link across the broad spectrum of regulatory duties, rather that the information from the case studies offered no illustration of this. Furthermore, even when collaborative working was undertaken, each regulator was seen to have operated within its own jurisdictions; although no doubt the collaborative effort was essential to ensuring an effective outcome, some of which derived from a decision on the 'best' enforcement action.

There was no direct evidence of information relating to 'confidence in management' being utilised, despite a number of regulators having a relevant grading system. The general variations in risk rating used across the regulatory spectrum may be a barrier to sharing information.

There is, however, some evidence to indicate that where regulators engage in some form of formalised grouping, there is a greater propensity to share information. The precise utility of this was not fully explored, mainly due to the limitations of the case studies. It was apparent that, outside the circumstances of the case studies themselves, a number of regulators do share information. This comes about in two main ways. The first is where an LA forms a centralised regulatory group (sometimes including the fire service) that provides a forum for different aspects of the regulatory roles to share information internally and externally. The second is an external sharing forum within established and formalised regular meetings of local regulators, generally encompassing the range of regulatory concerns: trading standards, licensing, environmental health (housing, pollution, food safety and workplace safety), the fire service and the police as well as, in some cases, animal health.

There is also a range of regional and national information sharing facilities. These are mostly databases, which are particularly predominant in trading standards, animal welfare and the police.

Finally, an interesting point emerged concerning sharing information on fire safety, particularly from other regulators to the fire service. Several of the fire service responders were keen to engage other regulators, where relevant, to assist them in locating/reporting unsafe premises. Indeed there is evidence that some fire authorities have already established processes for this, such as training environmental health officers or utilising general inspectors in combination with other regulators. Likewise, several of the other regulators stated that they would expect to report fire safety matters; however, they did not receive information from fire authorities regarding their own area of responsibility.

In conclusion, there already exists a range of information sharing capability that has some limitations. These limitations include barriers such as the volume of information that might need to be handled, the need for confidentiality in certain areas of regulation and the need to carry out own premises assessments regardless of what is shared. This indicates a need to clarify what information may usefully be shared, when and how, and provide an effective and efficient means of sharing the identified information.

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