



Department
for Business
Innovation & Skills

**BUSINESS FOCUS ON
ENFORCEMENT**

CALL FOR APPLICATIONS

MARCH 2014

Contents

Introduction	3
Background	4
What Government can offer	4
Eligible applicants	5
Key milestones and deliverables	5
Application and selection criteria	6
Timescales.....	7
How to apply.....	7
Further information and supporting materials.....	8
What is in scope?	8
What is out of scope?.....	8

Introduction

Ever wanted to challenge or improve the way regulations operate in your sector?

Ever felt that the way businesses are made to comply with regulations just doesn't make sense?

Ever felt that the same outcomes could be achieved if the regulations were enforced differently?

This could be your chance to help bring about some of those changes....

As part of Government's agenda to reduce the overall burden of regulation, the Secretary of State for Business, Innovation and Skills (BIS) is inviting applications from Trade Associations and other representative business groups to carry out short reviews into the impact on their area or sector of the way in which regulations are enforced by [national regulators](#) and [local authorities](#).

Successful applicants will be able to present their findings directly to Ministers and the regulators responsible for the area of enforcement. Ministers and regulators will then be asked to respond to those findings and, as appropriate, propose reforms and improvements to the way in which these regulations are enforced. Government part-funding to support qualifying applicants may be available.

This is a rare opportunity to be in the driving seat and to hold responsible regulators and Ministers to account.

We are seeking applications for reviews which will:

1. examine the scope to reduce unnecessary compliance and enforcement burdens on business in your suggested business sector, area or industry, for example looking at:

- the remit of the regulatory authorities / agencies that operate in the suggested sector, area or industry and the impact of any overlaps or conflicting requirements;
- the impact on businesses of inspections (planned and unplanned);
- requirements placed on the sector;
- the co-ordination between regulators (or the lack of it) of visits;
- provision of information and/or other requirements;
- the quality and accessibility of advice and guidance available to businesses;
- whether there is a risk-based approach to the industry by national and local regulators (i.e. whether their interventions are proportionate to the scale and likelihood of the risk);
- whether the application of compliance and enforcement standards by regulatory authorities / agencies is consistent;
- the scope to scale back regulatory activity by stopping certain activities or to extend the use of alternatives to regulation such as business-led self regulation, co-regulation and earned recognition schemes; and
- examples of regulatory enforcement working well which could be used as a model for improvement elsewhere.

2. ensure views are sought from a **representative** selection of businesses and other stakeholders directly affected by the enforcement activity. This could be through establishing focus groups, making public calls for evidence, arranging face-to-face meetings and / or telephone interviews and use of the Focus on Enforcement website to collect evidence for the reviews.

3. identify clear, demonstrably evidence-based findings which the applicant will present to BIS Ministers, relevant Government Departments and Regulators.

Background

In March 2012, the Government launched the Focus on Enforcement initiative: a series of reviews, led by civil servants, looking at how regulation is enforced by national and local regulators. The programme has been very successful and has led to significant reforms, including a new Coastal Concordat (involving all key national regulators), addressing major concerns about delays and confusion in relation to coastal developments, as well as significant improvements to advice, guidance and inspection frameworks in several important sectors.

Building on this success, there is a strong appetite for Focus on Enforcement to continue but Government believes that there is also a compelling case for industry to be given a far greater role. On the basis that businesses are best placed to identify problems with enforcement in the sectors they operate in, we are piloting **Business Focus on Enforcement** which will support business to conduct reviews themselves. We will select up to three pathfinder reviews under this new initiative and will work with you to test the model.

What Government can offer

Successful applicants will have:

- a real chance of improving enforcement activity in their sector or industry, for example by lifting unnecessary compliance burdens or irritants and cutting costs for business;
- the opportunity to present the findings of their review directly to Ministers and regulators, who will be required to respond to the evidence presented;
- the opportunity to increase their knowledge and expertise of working with Whitehall, Ministers and Regulators which will make them better able to represent their companies' interests in future;
- support from the Focus on Enforcement Team in the Better Regulation Executive in running the overall review process, based on the successful Focus on Enforcement model. This will include access to template documentation and assistance with facilitating meetings with relevant Ministers, Government officials and regulators; and
- be able to make use of the existing Focus on Enforcement website and brand (<http://discuss.bis.gov.uk/focusonenforcement>) as a way of gathering evidence for the reviews – this has proved an invaluable resource in previous reviews.

Government match-funding to support qualifying applicants may be available. This would take the form of a grant of up to £4000 per project, to cover up to half the cost to a business group or Trade Association of running the review.

Successful applicants will be required to enter into a short agreement, which may include grant funding, with BIS detailing any responsibilities and rights in undertaking the review.

Eligible applicants

Trade Associations (TAs) and / or representative business groups are eligible to apply. Applications from consortia of companies (as long as representative) / business groups and / or TAs are also welcome. The decision on the eligibility of an applicant will be for BIS alone.

Key milestones and deliverables

Business Focus on Enforcement reviews will be a short (around 6 - 8 weeks), but in depth, look at how the current regulatory regime is operating in a chosen area with a view to inviting regulators to propose improvements in response to evidence presented. During the course of a review, successful applicants will be expected to work through three distinct phases;

A. Preparation phase (prior to fieldwork)

1. Appoint a lead reviewer and any supporting review team.
2. Meet with the Focus on Enforcement team for a planning workshop and final agreement of the scope – submit final project plan and scope document following the meeting.
3. Provide rough estimates/ evidence in relation to the current cost to business of the existing regime (e.g. how long does it take a company to read the guidance or prepare for an inspection).
4. Set up meetings with key stakeholders.

B. Evidence gathering phase

1. Conduct 6-8 weeks of fieldwork, including contacting a wide variety of stakeholders within the area to gather views (via face-to-face meetings, public calls for evidence and via digital channels, such as the Focus on Enforcement website).
2. With assistance from the Focus on Enforcement team, begin engagement with relevant regulators and Government departments.
3. Analyse evidence gathered from stakeholders.

C. Findings and Response phase

1. Produce a findings report, based on evidence gathered. (There is no need to propose solutions or make recommendations for change at this stage).

2. Present findings to the lead Ministers (Minister of State for Business and Energy and the Minister for Government Policy) including at a 'Star Chamber' meeting between you, the lead Ministers, Ministers with policy responsibility for the area under review and the relevant regulators.
3. Invite regulators to prepare a response to the evidence you present and discuss any issues.
4. Once Ministers have collectively agreed the regulator response, publish your report alongside the response. The lead regulator will take responsibility for publishing their response.

The Focus on Enforcement team in BIS will provide the necessary support and assistance throughout the process.

Application and selection criteria

Interested parties should apply using the application form available at <http://discuss.bis.gov.uk/focusonenforcement/business-focus-on-enforcement>

Where possible, applicants are also encouraged to attend an optional 'Expression of Interest' session and/or contact the project team to discuss their ideas and any questions prior to submitting an application.

Expression of Interest sessions will be held on the following dates:

Thursday 20 March

14:00 – 16:00

Department for Business, Innovation and Skills
London SW1H 0ET

Tuesday 25 March

14:00 – 16:00

Department for Business, Innovation and Skills
London SW1H 0ET

If you would be interested in meeting with us but are unable to make either of these dates and / or can not travel to London please let us know and we would be happy to set up a separate meeting at a mutually convenient location.

Please email focusonenforcement@bis.gsi.gov.uk to book a session at one of these events or to arrange a separate meeting.

Proposals will be assessed on the following criteria:

1. **Strength of case for Business Focus on Enforcement review in the suggested focus area** - what is the problem, who is affected and what would be the impact of addressing issues in this area **(40%)**;
2. **Representative review** - proposed approach to evidence gathering; how you propose to capture a broad range of views so as to be representative of the sector as a whole **(30%)**; and

- 3. Project Management** – evidence that project planning has taken place, including nominating a lead person to conduct the review and allocating sufficient resource, an outline project plan setting out how the review will be delivered, identifying any risks and how they will be managed and how you will evaluate the outcome of your review **(30%)**

The following criteria will not be marked but applicants will need to demonstrate the requirement to the reasonable satisfaction of BIS:

- Applicants are also required to explain how they will preserve anonymity (for stakeholders who wish it) for those who submit evidence to the review and how they will handle potentially sensitive information; and

Applicants who require matched funding in order to run a review will need to demonstrate to the satisfaction of the Secretary of State for Business, Innovation and Skills (BIS) why funding is necessary and what beneficial difference to the outcome funding would make.

Timescales

All applications must be received by the Focus on Enforcement team by 5pm on Monday 7 April 2014.

It is envisaged that a shortlist of proposals will be drawn up shortly after the submission deadline. We may wish to ask follow up questions from applicants but we anticipate that applicants will be informed whether they have made the shortlist no sooner than the week commencing 28 April 2014.

The scope of proposals which have been shortlisted will then be discussed with relevant Departments/bodies across Government to establish if the proposal can be taken forward.

We expect to announce successful applicants to run the pathfinder reviews in late May or early June 2014.

We expect any financial support to be paid in arrears at two stages. The first payment is likely to be made after receipt of a satisfactory report setting out your findings has been submitted to the Minister of State for Business and Energy. The second payment is likely to be made after discussion of the findings with Ministers and regulators have concluded and subsequent publication of the final report. An applicant who is successful in receiving financial support will have to enter into a grant agreement with BIS.

How to apply

Applications must be submitted in electronic form using the application template available at <http://discuss.bis.gov.uk/focusonenforcement/business-focus-on-enforcement>.

Applicants must clearly state which legal entity is applying (or which organisation is the lead in the case of a consortia application) and must provide a contact who can be a point of reference through the application process.

Please email your application to focusonenforcement@bis.gsi.gov.uk. Queries can also be sent to this email address or you can call 0207 215 5000 and ask to speak to a member of the Focus on Enforcement team.

Applications must be received before 5pm on Monday 7 April 2014.

Further information and supporting materials

Further information on Business Focus on Enforcement, and examples of outcomes from reviews conducted as part of the original Focus on Enforcement initiative, are available on the Focus on Enforcement website; <http://discuss.bis.gov.uk/focusonenforcement>.

Applicants must be aware that any information held by BIS will be subject to the provisions of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Any information requested will have to be released in accordance with the said Act and Regulations. Where Applicants consider information forming part of their application to be commercially sensitive or confidential this should be made clear at the time of submission.

What is in scope?

The regulatory functions carried out by, or on behalf of, [national regulators](#) and [local authorities](#) that impact directly on business or civil society organisations.

What is out of scope?

- Proposals which suggest reviews addressing issues previously covered under the Focus on Enforcement initiative (please refer to the Focus on Enforcement website), or are very similar to other Government initiatives or reviews.
- Proposals which suggest reviews of enforcement of financial services regulation and tax issues, as they are not in the scope of the exercise.
- In the case of proposals which suggest reviews covering the economic regulators, no policy changes will be made outside normal economic regulator review processes.
- Proposals which would require looking solely at the regulation itself in a particular sector itself rather than the operational delivery and enforcement of it.

BIS retains the discretion to reject an application that it does not consider is in scope for this review or to reject a request for funding where the case for funding has not been made.

If you have any questions relating to scope, please email focusonenforcement@bis.gsi.gov.uk or you can call 0207 215 5000 and ask to speak with a member of the Focus on Enforcement team.

© Crown copyright 2014

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. Visit www.nationalarchives.gov.uk/doc/open-government-licence, write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This publication available from www.gov.uk/bis

Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 5000

If you require this publication in an alternative format, email enquiries@bis.gsi.gov.uk, or call 020 7215 5000.

BIS/14/645