



Department  
for Business  
Innovation & Skills

**BUSINESS FOCUS ON  
ENFORCEMENT**

Second call for applications and  
registrations of interest

DECEMBER 2014

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## 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?**

**If so this could be your chance to help bring about some of those changes....**

As part of the Government's on-going agenda continually to challenge, improve and reduce the overall burden of regulation, the *Business Focus on Enforcement* scheme has now been made permanent and the Secretary of State for Business, Innovation and Skills (BIS) is inviting further registrations of interest and bids from Trade Associations and other representative business groups. Associations and Groups are invited either to register their concern about and potential interest in addressing an enforcement issue or to make a formal bid now to carry out a short review into the impact on their area or sector of the way in which regulations are enforced by national regulators and local authorities.

We welcome registration of interest and/or formal bid applications from Trade Associations and other representative groups of *all sizes* so please don't think your organisation or your ideas are too small to count – we know enforcement can have a disproportionate impact on smaller businesses. We are interested in ideas for reviews and applications that cover either a wide area of enforcement activity or a much narrower one, for example covering just one aspect of an enforcement regime. Ideas and bids for small reviews are just as welcome as ideas or bids for large ones: we want to build up a pipe-line of ideas and proposals for reviews going into 2015 and beyond. If you wish to register your interest and ideas only at this stage, there is a simple two-page form to do this on the website.

We are interested in hearing from you if you:

- ✓ would just like to **register your interest in principle in potentially running a review in future**. If you wish simply to register your interest, there is a simple two page form to do this on the website.

**or**

- ✓ are able to bid now and **begin and complete your review** early in 2015.

This is a new and successful way of working with Government and an opportunity for you to put down a marker to bring about real change in the way regulations are enforced and potentially in future hold the responsible regulators and Ministers to account.

Successful applicants will be able to present their findings directly to Ministers and the regulators responsible for their area of enforcement, and 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.

If you are successful, you will join our three existing 'Pathfinder' Trade Associations who are currently completing or carrying out reviews in the fresh produce, farming and electronics sectors.

We are seeking registrations of interest and 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;
- a single aspect of an enforcement regime, such as the guidance or forms it uses, whether helplines or inspections are working effectively or, how to define what is or is not required;
- the impact on businesses of inspections (planned and unplanned);
- requirements placed on the sector;
- areas where third party organisations are leading companies to believe they must do things or pay for equipment or services which are not actually legal requirements;
- the co-ordination (or the lack of it) between regulators f 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 be able to present to 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 those businesses that are affected are best placed to identify problems with enforcement in the sectors they operate in, we launched the **Business Focus on Enforcement reviews** in March this year. This supported businesses and trade associations to conduct reviews themselves. Following our first call for applications earlier this year there were three successful bids to run reviews and these are now underway. The current reviews are going so well that the Government has decided that the scheme should be made permanent and we are now offering the opportunity to more Trade Associations and other representative groups to let us know if they have an idea for carrying out a review. This gives organisations that have identified an issue, but are not quite ready to run a review, the chance to **register an interest** in doing so in future - or if they are ready now, a chance to bid to run a small, focussed review which they can begin and complete early in 2015.

## What Government can offer

Successful applicants now or in the future will have:

- a real chance of improving enforcement activity in their sector or industry, for example by lifting unnecessary compliance burdens 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 models of the Focus on Enforcement and first round of *Business Focus on Enforcement* initiatives. 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 and / or representative business groups are eligible to apply. Applications from consortia of companies (as long as representative) / business groups and / or Trade Associations 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 4-8 weeks), but in depth, look at how the current regulatory regime or a specific aspect of it 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 4 – 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).
2. Present findings to the lead Ministers (Minister of State for Business and Energy and the Minister for Government Policy) including meetings 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's or regulators' 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.

## **Registration of Interest, Application and selection criteria**

Interested parties should either register their interest in potentially running a review in future using the two-page form or, if you want to bid to run a review early in 2015, apply using the application form. Both forms are available at:

<http://discuss.bis.gov.uk/focusonenforcement/business-focus-on-enforcement-2/>

**We would strongly encourage all potential bidders to have a discussion with the project team to talk through their ideas and raise any questions whether you want to run a review now or might want to run one in the future. This can be done in person or over the telephone. If you would like to have a face to face meeting but cannot easily travel to London we would be happy to set up a separate meeting at a mutually convenient location.**

**Please email [focusonenforcement@bis.gsi.gov.uk](mailto:focusonenforcement@bis.gsi.gov.uk) to arrange a discussion.**

## 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 and benefits 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

**The deadline for formal applications for reviews due to start work early in 2015 is 5pm on Wednesday 21 January**

We will draw up a shortlist shortly after the submission deadline. 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 – now or in the future. Any financial support will be paid in arrears. Payment will be subject to receipt of a satisfactory report setting out your findings and will be made after discussions with Ministers and regulators have concluded and allowing for publication of the final report. An applicant who is successful in receiving financial support will have to enter into a grant agreement with BIS.

Those who simply wish to register an interest at this time are welcome to discuss this with a member of the team or if they simply wish to register by sending in the form they will be contacted by a member of the team to confirm receipt and to ask any clarifying questions, if required.



## How to apply

Interested parties should either register their interest in potentially running a review in future using the two-page form or, if you want to bid to run a review early in 2015, apply using the application form. Both forms are available at:

<http://discuss.bis.gov.uk/focusonenforcement/business-focus-on-enforcement-2/>

If you are applying to run a review, you 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 process.

**Please email your registration of interest or application to:**

[focusonenforcement@bis.gsi.gov.uk](mailto: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.

**The deadline for formal applications for reviews due to start work early in 2015 is 5pm on Wednesday 21 January 2015**

## Further information and supporting materials

Further information on Business Focus on Enforcement, web pages for current reviewers and examples of outcomes from reviews conducted as part of the original Focus on Enforcement initiative, are all 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 <http://discuss.bis.gov.uk/focusonenforcement/published-reviews-and-closed-focus-areas/>), 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](mailto: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.

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