
Stakeholder Research 2017

Report prepared for:

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2. Executive summary

Background and methodology

This report describes the findings from the 2017 Stakeholder survey which was conducted to measure perceptions of the performance of the Competition and Markets Authority (CMA), and, where relevant, track changes since previous surveys conducted in 2011 and 2013 with the Competition Commission (CC).

A total of 329 interviews were completed by telephone with CMA Stakeholders, with fieldwork taking place between 18th November 2016 and 18th January 2017. Stakeholders included individuals from businesses, government departments and trade associations or professional advisors who had either been involved in an inquiry or had a longer term relationship with the CMA during the period from March 2015 to August 2016.

Key findings

- Overall satisfaction has remained stable since the survey began in 2009 (mean 6.9 / 45% rating their overall satisfaction as 8-10 on a ten point scale) with improvements across a number of areas.
 - The CMA retains key strengths in its communication, the clarity of its purpose and process, and professionalism of its people.
- Other areas, whilst strong, could be improved:
 - Implementation of face to face meetings at the start of the process.
 - Improved communication with the emphasis on plain English and less jargon.
- The burden on business / organisation remains an issue for the CMA with a minority of parties feeling that the demand has been disproportionate.
 - There needs to be recognition of the burden in terms of time and cost that CMA requests have upon businesses and organisations.
- There also remains some dissatisfaction with the CMA understanding the realities of their sector with some feeling that theoretical 'one size fits all' solutions are applied inappropriately.
 - Processes may need to be more flexible to take account of this.
- Most were happy with the transition from the OFT / CC to the CMA and found the process more streamlined.
- The CMA is perhaps viewed as being a theoretical body and efforts should be made to communicate its role and application in the real world.

Recommendations

- In line with themes in the data, key driver analysis conducted on the data shows clear areas for maintaining performance versus those that need improvement.
- As a result, recommendations include:
 - **Take action:** understanding the nature of stakeholder's business or organisation and being open-minded;
 - **Secondary:** Take into account the burden of requests upon businesses and organisations.
- Suggestions for improvement include:
 - Consider the inclusion of face to face meetings at the start of the process;
 - Place more emphasis on understanding the realities of the sector, listen to the parties and take more time to review the information submitted;
 - Consider recruiting / making use of people with real experience in the industry;
 - Adopt a more tailored approach, avoiding single box solutions where required;
 - Listen to and understand the scale of a request and the likely burden on the business / organisation, and adapt the request if it's felt to be disproportionate.

3. Introduction

Research objectives

The overarching objective was to establish project stakeholder perceptions of CMA performance in order to independently monitor stakeholder's levels of satisfaction with the CMA. More specifically, the purpose of the research was to:

- Measure performance on key attributes e.g. objective decision-making, commercial awareness, transparency of process;
- Establish strengths and weaknesses of the CMA in working relationships with project stakeholders;
- Gain a comparison of the views of different groups of stakeholders from different parts of the organisation.

A copy of the questionnaire used is appended to this report.

Research design

The CMA's stakeholders are a diverse group and can be broken down into six main stakeholder types. The sample, compiled by the CMA, needed to be representative of all stakeholder types, and the following table summarises the groups included in the sample population (table 1):

Table 1: Description of stakeholder types included in the survey

Stakeholder type	Description
Main party	Anyone who was directly affected by the CMA's decisions e.g. as a merging party
Interested party	Anyone who had a consultative role with the CMA's work or who was involved as a third party to one of the CMA's decisions
Professional advisor – lawyer / economist / other	Any lawyer or economist, or other professional advisor, who worked either directly on a case, perhaps advising main parties, or who was otherwise involved in the CMA's work
Government / NDPB / regulator	Any governmental type of organisation, including the NHS and other similar organisations
Representative body	Any organisation that has worked with the CMA that represents a body of membership
Other (including international, academics and legal liaison)	Other small distinct groups with whom the CMA may have had engagement; this includes QCs acting as Standing Counsel, academics who have been involved in the CMA's work, clerks and other Court employees, and other international stakeholders with whom the CMA has engaged on policy

Sample

The sample was provided by the CMA, comprising a comprehensive list of CMA contacts with whom the CMA has had contact since March 2015.

The sample file provided by the CMA consisted of 1096 records. This broke down into the following stakeholder types (table 2):

Table 2: Sample by stakeholder type

Stakeholder type	Sample (1096)	
	Count	%
Main party	204	19
Interested party	389	36
Professional advisor - lawyer	182	17
Professional advisor – economist		
Professional advisor - other		
Government / NDPB / regulator	154	14
Representative body	119	11
Other (including international, academics and legal liaison)	48	4

The sample file can additionally be broken down by tool type (table 3):

Table 3: Sample by tool type

Tool type	Sample (1096)	
	Count	%
Advocacy	38	4
Call for information	29	3
Competition Act	75	7
Compliance review	10	1
Consumer enforcement	96	9
Legal	35	3
Market inquiry	200	18
Market study	43	4
Merger phase 1	89	8
Merger phase 2	247	23
Policy / guidance	58	5
Regulatory appeal	21	2
Remedies	48	4
Remedies review	58	5
Attended a round table	49	5

The sample went through various processes in order to make it usable for the survey. Respondents were removed from the sample following de-duplication of the sample file on name and email addresses (n=16) and by removing those for whom a telephone number could not be sourced (n=10), as well as removing those who had chosen to opt out via the email link by that point (n=103).

The usable sample by stakeholder type is shown below, along with the number of achieved interviews by stakeholder type (table 4):

Table 4: Usable sample and achieved interviews by stakeholder type:

Stakeholder type	Unique usable sample (946)		Achieved (329)	
	Count	%	Count	%
Main party	183	19	58	18
Interested party	340	36	96	28
Professional advisor – lawyer	157	17	64	19
Professional advisor – economist			8	2
Professional advisor – other			6	2
Government stakeholder	122	13	17	5
NDPB			7	2
Regulator			23	7
Representative body	102	11	36	11
Other	42	4	14	4

NB. No split by advisor type available in sample.

The same information as above can also be broken down by tool type (table 5).

Table 5: Usable sample and achieved interviews by tool type:

Tool type	Unique usable sample (946)		Achieved (329)	
	Count	%	Count	%
Advocacy	15	2	2	1
Call for information	28	3	12	4
Competition Act	68	7	23	7
Compliance review	9	1	3	1
Consumer enforcement	80	8	13	4
Legal	26	3	4	1
Market inquiry	176	19	74	22
Market study	37	4	18	5
Merger phase 1	77	8	43	13
Merger phase 2	226	24	76	23
Policy / guidance	51	5	26	8
Regulatory appeal	21	2	7	2
Remedies	41	4	10	3
Remedies review	49	5	11	3
Attended a round table	42	4	7	2

The overall incidence rate was 35%. Incidence is broken down as follows (table 6). Where named contacts could not be contacted, for example if they had left the organisation listed in the sample file, desk research was conducted to see if current contact details could be sourced. Where this was possible, the telephone interviewers used the up-to-date contact information to contact stakeholders. Where no information could be found, a weekly list was sent to the CMA to see if they could find any alternative contact details.

Table 6: Interview incidence rate

Status	Count	%
Completed interviews	329	35
Opted out using email link during fieldwork	60	6
Refused by organisation/PA/secretary	45	5
Refused by named contact	155	16
Refused – not heard of CMA	3	<1
Refused – not worked with CMA/not involved with CMA	22	2
Not available during fieldwork	22	2
Sample issues (appt not kept, duplication, not accepting incoming calls, language barrier, answer phone)	275	29
Wrong number	35	4

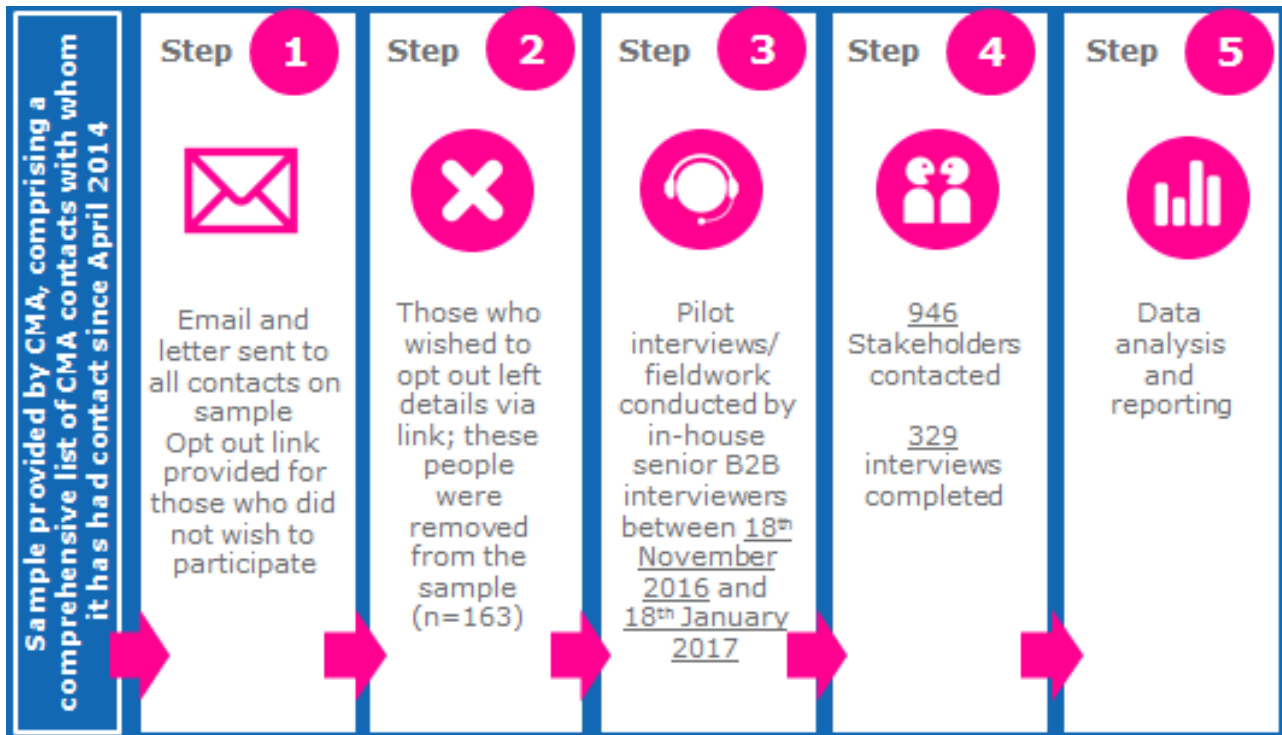
Methodology

As with previous stakeholder surveys, a two stage approach was used for the research. First of all, an email was sent out to all stakeholders in the sample asking whether or not they wished to participate in the survey (see appendix for copy of the email). Included in the email was an “opt out” link which stakeholders who did not wish to take part could click to unsubscribe themselves from the survey. A total of 60 respondents opted out using this method and they were removed from the sample as a result to ensure they were not contacted during fieldwork. This link was monitored on a daily basis to ensure that those wishing to unsubscribe once fieldwork had commenced were removed from the sample.

Interviewing was then conducted using Computer Aided Telephone Interviewing (CATI). It was crucial that full verbatim comments were captured, and all interviews were recorded as a result. Interviewers were additionally fully briefed to ensure that all verbatim comments were captured and transcribed during the course of the interview.

A summary of the methodology is shown in figure 1.

Figure 1: Methodology summary



The survey results have been tested for statistical difference. Where date is shown in subsequent charts with an asterisk, this means a significant difference at a 95% level.

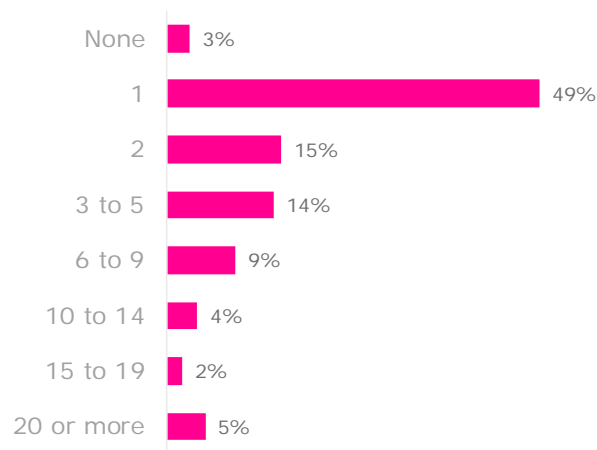
Respondent profile

A total of 329 respondents were interviewed.

The vast majority of those asked (98%) have worked directly with the CMA, and of these, just under half (49%) having been involved in just one completed piece of work (figure 2) in this time.

Figure 2: Pieces of completed work respondents have been involved in

Base: all respondents (329)

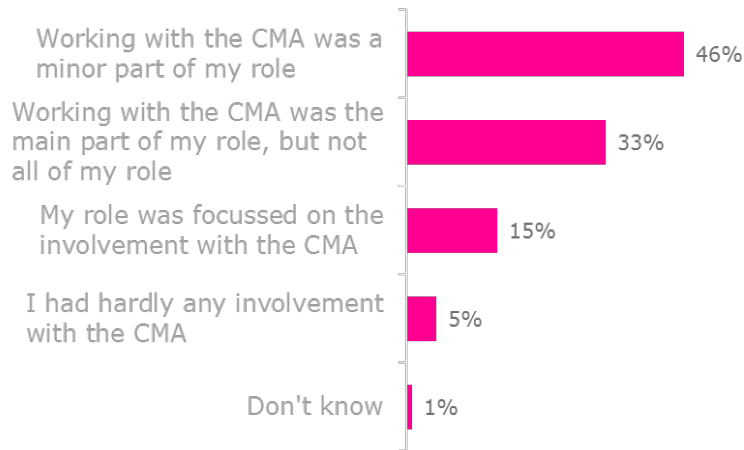


Q04. How many completed pieces of work have you personally been involved in?

For the majority of people, their involvement with the CMA was a minor or main part of their role, but was not their sole focus (figure 3).

Figure 3: Size of role in involvement with the CMA

Base: all respondents (329)

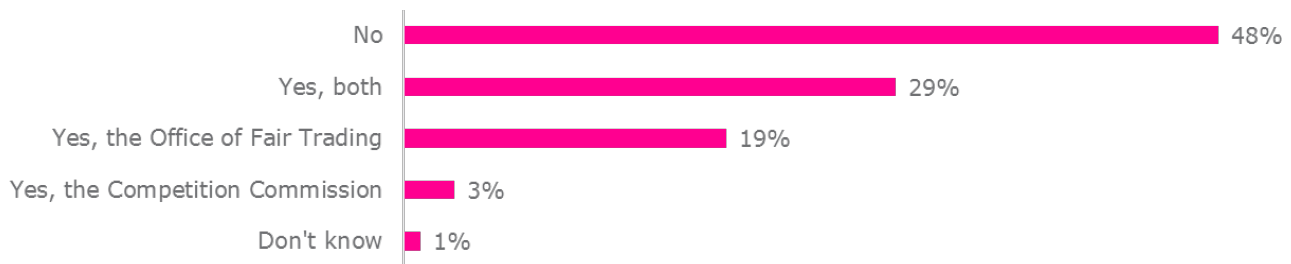


Q05. Thinking of your most recent involvement with the CMA, how large a part of your role was it?

Just under half of all respondents had worked previously with the OFT and / or the CC (figure 4).

Figure 4: Working previously with the CC and/or OFT

Base: all respondents (329)

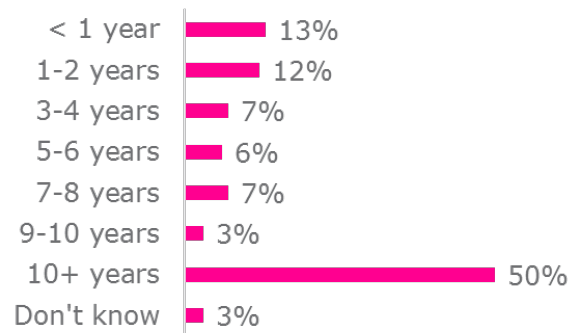


Q02. Did you work with the Competition Commission and/or the Office of Fair Trading prior to the formation of the CMA?

Those who had worked previously with the CC and / or the OFT tended to have long term relationships with these organisations (figures 5 and 6).

Figure 5: Length of time working for the CC

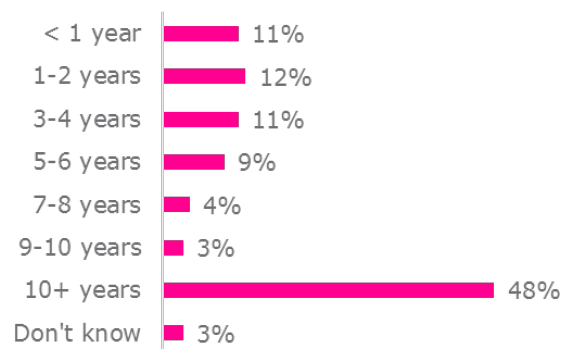
Base: respondents who had previously worked with the CC (105)



Q03. Overall, how many years did you work with the Competition Commission?

Figure 6: Length of time working for the OFT

Base: respondents who had previously worked with the OFT (160)

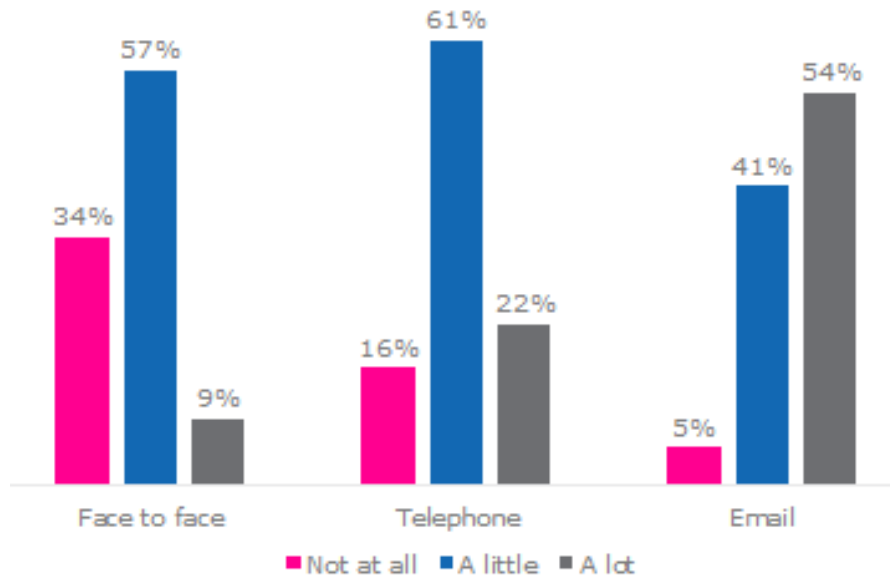


Q04. Overall, how many years did you work with the OFT?

In terms of method of communication with the CMA, the most common method of communicating is via the telephone. Face to face contact is rare, with just over 9 out of every 10 (91%) saying that they had had little or no face to face contact (figure 7).

Figure 7: Contact with the CMA

Base: all respondents (329)



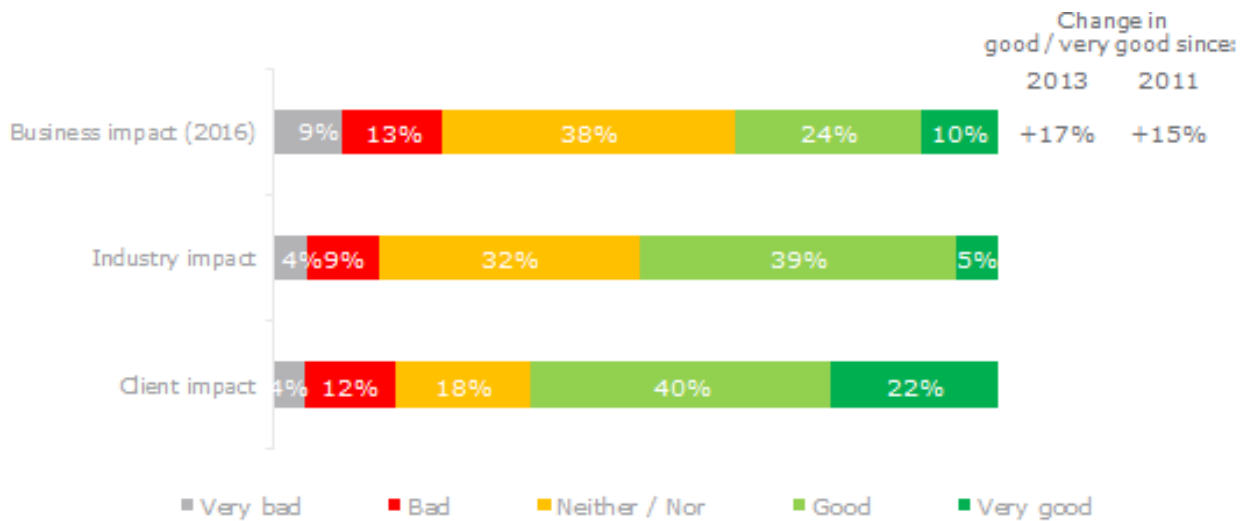
Q06. Thinking of the contact you had with the CMA in your most recent involvement, how often were you in touch with the CMA using the following methods?

4. Overall views

The perception of business impact has increased very positively since 2013 and 2011, and impact on client is the area that stakeholders are most likely to agree has been good or very good. Those who state that the business impact is good are significantly more likely to state high overall satisfaction, when compared to those who say that the business impact is neutral or bad (52% high satisfaction versus 35% and 18% respectively).

Figure 8: Impact of decisions made

Base: business impact - respondents directly involved with the CMA and affected by the outcome (152); client impact – respondents directly involved with the CMA and whose client was affected by the outcome (78); industry impact – respondents directly involved with the CMA and whose industry was affected by the outcome (56).



Q20. Thinking about the decision overall, would you say it was good or bad from your business' perspective?

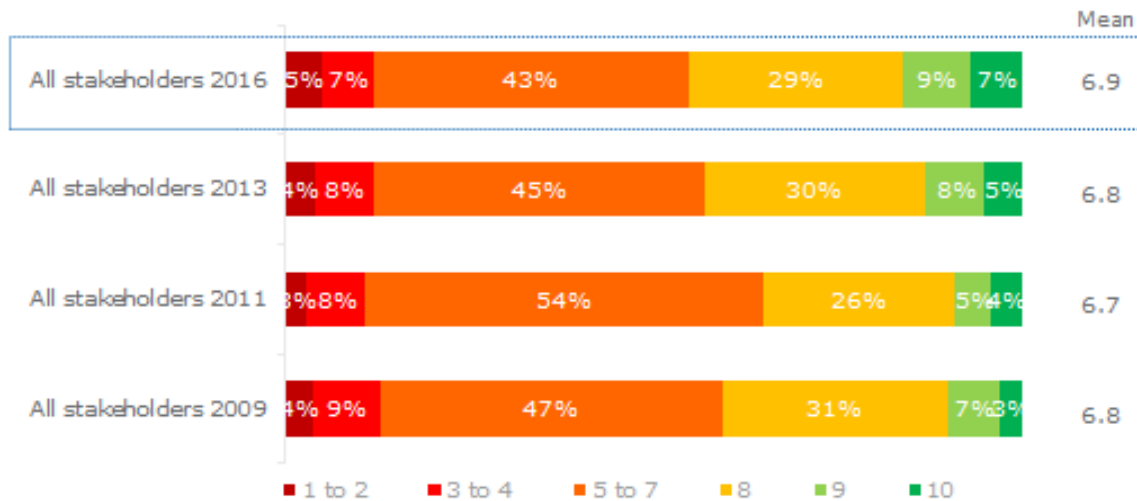
Q21. Thinking about the decision overall, would you say it was good or bad from your client's perspective?

Q22. Thinking about the decision overall, would you say it was good or bad from your industry's perspective?

Overall satisfaction with the CMA remains at the same level as previous stakeholder surveys. Although there are slight variations, these differences are *not statistically significant* (figure 9).

Figure 9: Overall satisfaction with the CMA

Base: all respondents (329)

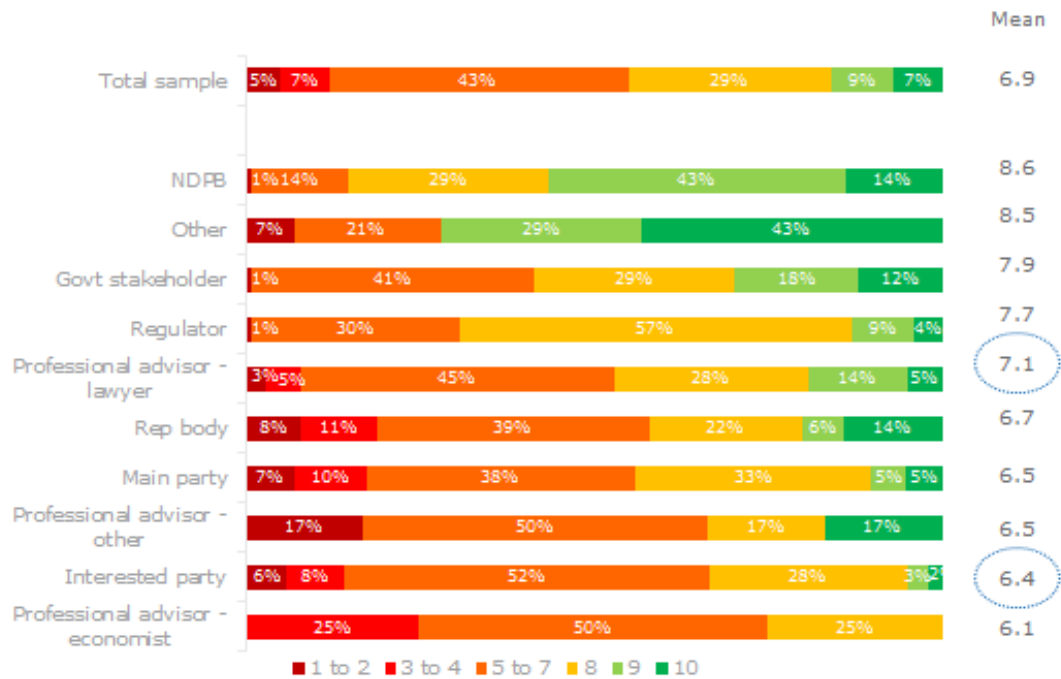


Q07. Based on your knowledge and understanding of the CMA and its processes, how would you rate your overall satisfaction with their performance?

There are some differences between the various subgroups, although there is no apparent pattern to the differences and very few are statistically significant. Overall satisfaction is broadly similar across the stakeholder types with the only significant difference being between interested parties and lawyers (figure 10). There are no significant differences in overall satisfaction between tool types.

Figure 10: Overall satisfaction by stakeholder type

Base: all respondents (329)

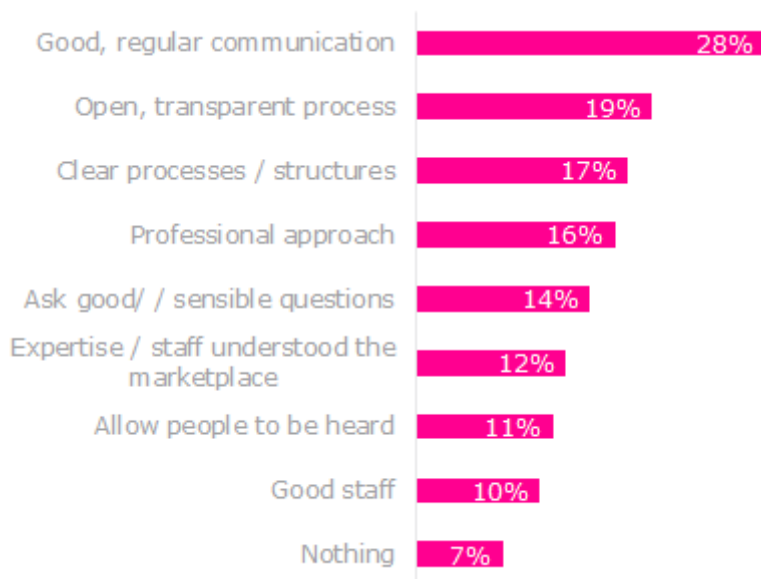


Q07. Based on your knowledge and understanding of the CMA and its processes, how would you rate your overall satisfaction with their performance?

Reasons for satisfaction with the CMA include good communication, transparency and clarity of process (figure 11). There are few differences in responses between tool type although those involved in mergers phase 1 are significantly more likely to view the open, transparent process positively when compared to those involved in market inquiries (33% vs 14%). Those involved in mergers phase 2 are significantly more likely to mention the professional approach as a positive, again compared to those involved in market inquiries (24% vs 11%).

Figure 11: Working with the CMA - positive aspects

Base: all respondents (329)



Q08. What would you say you like about the CMA and the way it works?

Other smaller mentions included its consultative nature and it being rigorous, thorough, helpful, flexible, timely and efficient.

Appreciation of the transparency of the CMA and its strong communication comes through in the verbatim comments:

"They are very transparent and they are normally open to establishing good lines of communications with their advisors and other stakeholders."

Professional Advisor - Lawyer

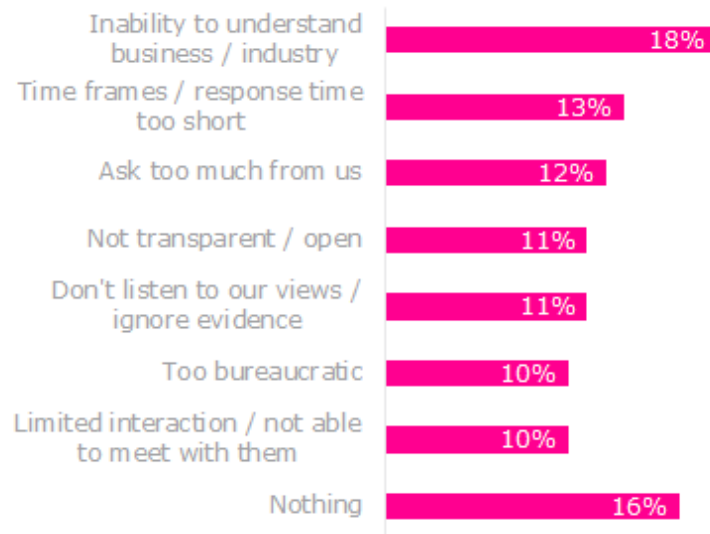
The process was very open and transparent and the CMA was very thorough in discharging its duties. They were proactive in their communications, and were flexible and accommodating when we needed extensions on their information requests and / or clarification. They guided us through the whole process very efficiently."

Interested party

Reasons for disliking working with the CMA include a lack of understanding of the industry or business, and excessive burden to the organisation (figure 12). As with positive aspects, there are few differences in the responses between tool types although those involved in mergers phase 2 and market inquiries are significantly more likely to say 'nothing' when compared to those involved in mergers phase 1 (18% and 14% versus 0%).

Figure 12: Working with the CMA – negative aspects

Base: all respondents (329)



Q09. What would you say you dislike more about the CMA and the way it works?

Other smaller mentions include inquiries taking too long, lack of clarity regarding information requests and regarding the decision making process, and disagreement with the conclusions.

The negative aspects of working with the CMA are backed up by the verbatim comments of those interviewed:

"The nature of the questions were relatively routine and didn't show an understanding of the nature of the industry, and not very incisive."

Interested party

"The very short timescales to provide information are frustrating and lack any sense of reality. Our responses to a market data request...was a huge undertaking for our IT department to extract data on customers' transactions from our core system and analyse it for the CMA in six weeks. I don't think they appreciated what is involved in getting that analysis."

Main party

Direct work with the CMA

A number of measures were used to identify the perception of stakeholders regarding timing, process, expertise, people and decision making on CMA projects. This wave sees the addition of a number of new measures and as a result, comparisons versus 2013 and 2011 have been provided where historical data is available.

For the purpose of the charts, significant differences are outlined with a blue box.

Performance of the CMA: Timing

There have been significant increases versus the previous two waves in the percentage of stakeholders who are very satisfied with the CMA 'providing them with a clear timetable at the start' and 'giving you enough time to submit all the information they asked for' (figure 13).

Figure 13: Timing

Base: all respondents directly involved with CMA (321)



Q10. Thinking first about timing, how do you rate the CMA's performance in terms of...?

At tool level, there are significant differences when looking at aggregated tool types. Amongst Market Studies / Mergers Phase 1 60% said they were very satisfied with 'sticking to the timetable' compared with 44% of Market Inquiry / Mergers Phase 2 stakeholders.

Similarly, Market Studies / Mergers Phase 1 were more likely to say they were very satisfied with 'providing a timetable of appropriate length' compared to Market Inquiry / Mergers Phase 2 stakeholders (48% very satisfied versus 28%).

While people are broadly positive about timings, there are some issues mentioned in the verbatim comments which relate directly to the reasons for disliking the CMA:

“Basically, they initially asked for a lot of data and gave us a short time period to get it together and submit. The sheer volume for a very small organisation was incredibly difficult to manage. We just did not have enough resource to dedicate to it.”

Interested party

“Deadlines came and went without any explanation or new deadlines being set and no timescales were put in the public domain.”

Representative body

Reasons given by those who feel that the CMA gave a poor performance in terms of timing mostly included timescales not being adhered to by the CMA, or timescales being changed without any reason being given, inadequate time to fulfil information requests, unrealistic deadlines and a lack of understanding regarding deadlines and their impact.

Significant differences by sub-group: Timing

Broadly, Interested Party stakeholders tend to be more satisfied than Main Party in terms of differences between stakeholder groups.

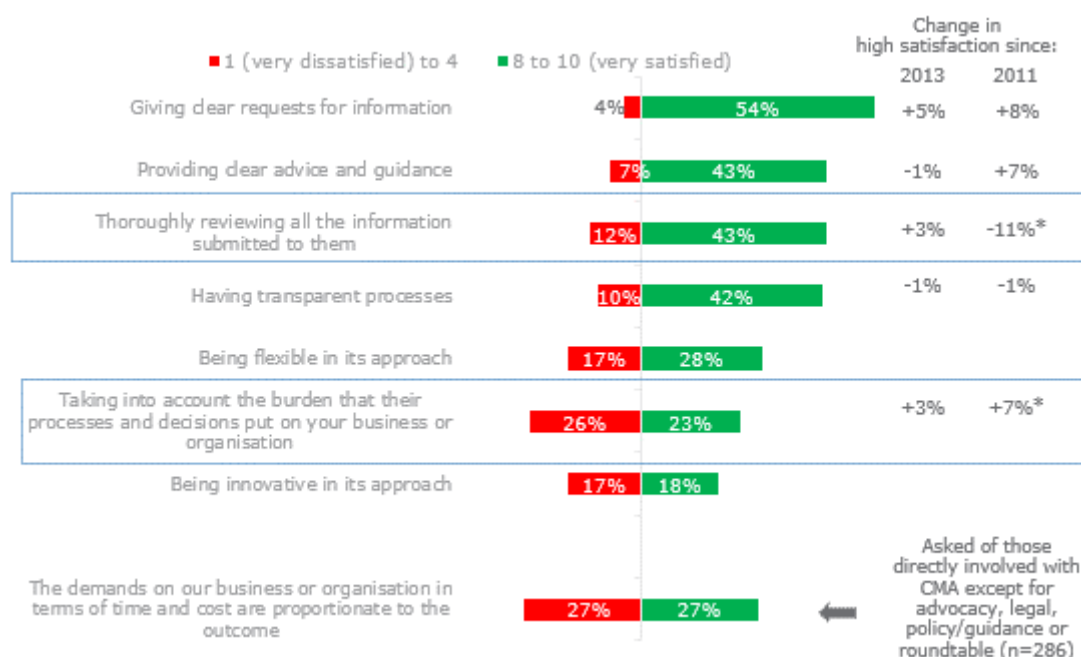
Market Inquiry is the least satisfied sub-group within tool type regarding timing. The Mergers, in particular the Merger Phase 1 group, tend to be significantly more satisfied.

Performance of the CMA: Process

While satisfaction has improved since 2011, there are still some who are dissatisfied with the burden on their business. There has been a significant decline in satisfaction with the thoroughness of reviewing information. This is the only measure in this report which sees a statistically significant decline in comparison to 2013 and 2011 waves (figure 14).

Figure 14: Process

Base: all respondents directly involved with CMA (321)



Q12. Thinking about process, how do you rate the CMA's performance in terms of...?

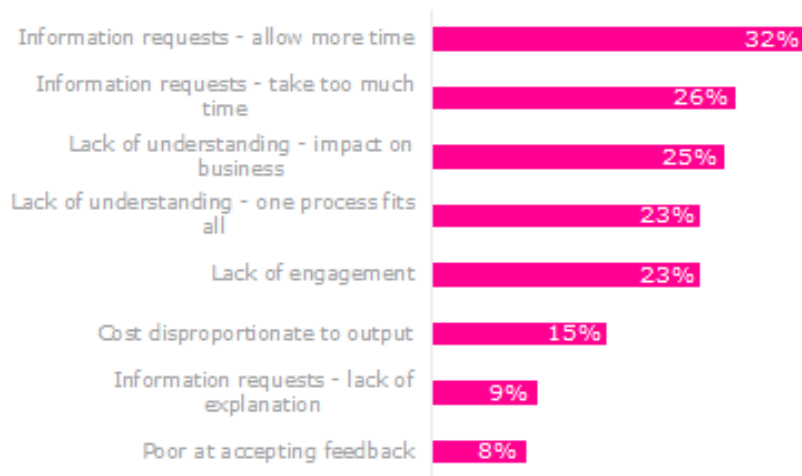
Over half of stakeholders are very satisfied with the CMA giving 'clear requests for information' (54%).

While 'taking into account the burden that their processes and decisions put on your business or organisation' sees a significant increase in comparison with previous waves (23% compared with 16% in 2011), this measure still, however, emerges as an area which receives a large proportion of dissatisfaction. 82 people state they are dissatisfied with 'taking into account the burden that their processes and decisions put on your business or organisation' and this is made up mostly of Interested Party (n=28), Main Party (n=24) and Professional Advisors (n=19). The indication is that while improvements have been made since previous surveys, there is further work to be done in this area.

Reasons for negativity include time, cost and a lack of business understanding (figure 15).

Figure 15: The burden to the stakeholder

Base: All directly involved with the CMA who gave a poor score for 'And now thinking about process, how do you rate the CMA's performance in terms of 'taking into account the burden that their processes and decisions put on your business or organisation'? (53)



Q13e. Why do you feel the CMA gave a poor performance in terms of taking into account the burden that their processes and decisions put on your business or organisation?

There are comments from those interviewed which relate to the burden placed on the stakeholder:

"Phase 2 review cost £1m in extra costs, this was not proportionate and one of the factors that the merger didn't proceed was the delay and the cost."

Main party

"Information requests are vast, the time to respond is limited and is a large part of the reason the CMA focusses too much on issues that are non-issues and it takes time and money to respond on the matters that are clearly not issues."

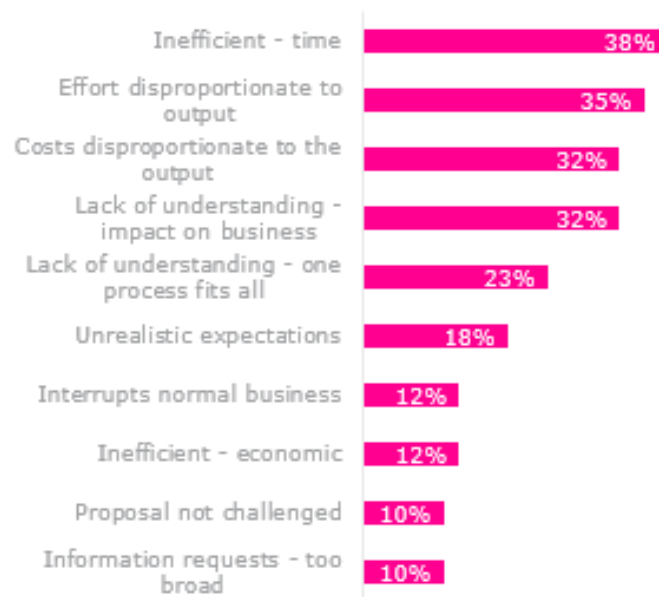
Professional advisor - Lawyer

Similarly, 'The demands on our business or organisation in terms of time and cost are proportionate to the outcome', although only asked of those directly involved with CMA except for legal, policy / guidance or roundtable, is an area in which stakeholders reported high levels of dissatisfaction, in comparison to other process measures.

Key reasons for dissatisfaction are inefficiency as well as effort and cost being disproportionate to the outcome (figure 16).

Figure 16: Demands on business: Time and cost

Base: All directly involved with the CMA who gave a poor score for 'And now thinking about process, how do you rate the CMA's performance in terms of the 'demands on the business or organisation in terms of time and cost being proportionate to the outcome'? (60)



Q13. Why do you feel the CMA gave a poor performance in terms of the demands on the business or organisation in terms of time and cost being proportionate to the outcome?

Again, some stakeholders make comments relating to this:

"The time and money we have spent in assisting with the inquiry versus what they've come up with, means there's been very little cost benefit for us in participating in the investigation."

Interested party

"It cost us more than we gained. As a small company it takes a significant amount of our resource to get the information that they required in the fixed timescale. Because of our senior staff having to be involved the cost to our organisation is greater than the result we get out of it."

Interested party

In addition to the perception of unrealistic timings and lack of transparency regarding the process, there is a perception amongst some that those working on a case within the CMA do not understand the case, or that pieces of evidence have not been read.

“There were a number of occasions when certain elements of the case team hadn't read the submissions or even knew they existed.”

Main party

“Their conclusions changed 2 or 3 times in several key areas because they did not understand the level of complexity involved within the industry. This meant they kept having to revise their findings.”

Interested party

There is a significant difference between aggregated tool types with Market Study / Merger Phase 1 being significantly more negative than the CMA were 'giving clear requests for information' when compared to Market Inquiry / Merger Phase 2 (13% very dissatisfied versus 3%).

Significant differences by sub-group: Process

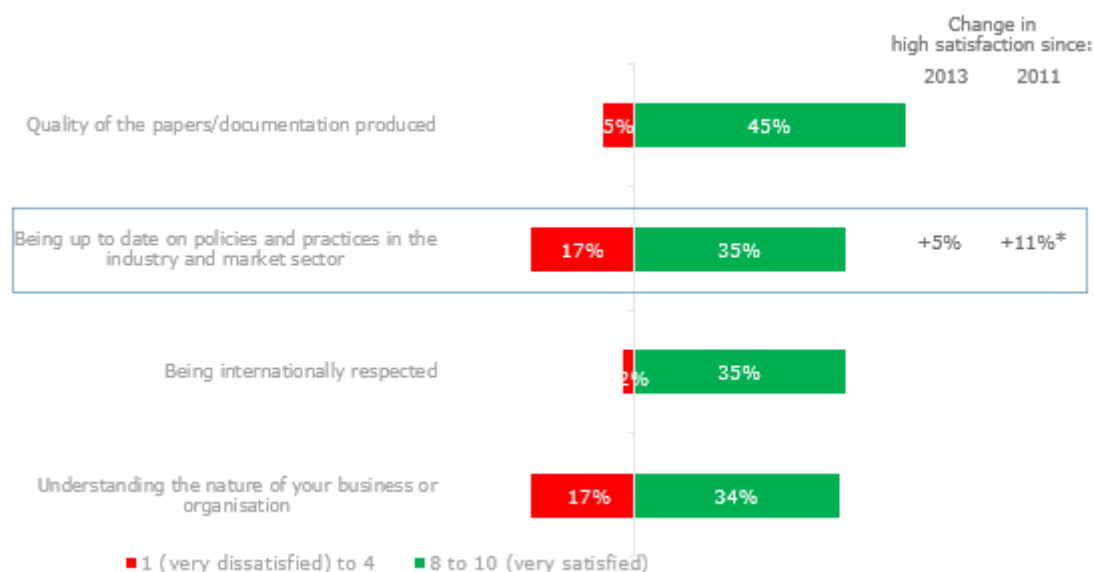
As expected, and in general, those who are significantly more satisfied with the process tend to be those who have had a lot of involvement with the CMA. Professional Advisors—Lawyers and representative bodies are most satisfied. Stakeholders involved in Mergers, in particular Phase 2, are the very satisfied.

Performance of the CMA: Expertise

In terms of expertise, improvements can be seen for 'being up to date on policies and practices in the industry and market sector', however almost one fifth remain dissatisfied with this statement. Nearly one fifth are also negative in terms of understanding the nature of the business or organisation which reflects perceptions seen elsewhere (figure 17).

Figure 17: Expertise

Base: all respondents directly involved with CMA (321)



Q14 Thinking about expertise, how do you rate the CMA's performance in terms of...?

Looking at aggregated tool types, those involved in Market Studies / Merger Phase 1 are significantly more positive towards the CMA's performance in terms of 'being internationally respected' when compared to those involved in Market Inquiries / Merger Phase 2 (43% vs 9%).

Negative comments about CMA's expertise relate mainly to not being up to date on policies and practices within the industry and market sector as well as not understanding the nature of the business or organisation.

"They came in at a purely economic angle. They are looking at it like this and they do not understand. It seemed like they were speaking in theories. Something that works in theory does not mean it will apply."

Interested party

“They did not understand how businesses operated in that particular sector. Our client needed several meetings with the CMA to explain to them how the sector worked and how items in the sector are sold.”

Lawyer

Significant differences by sub-group: Expertise

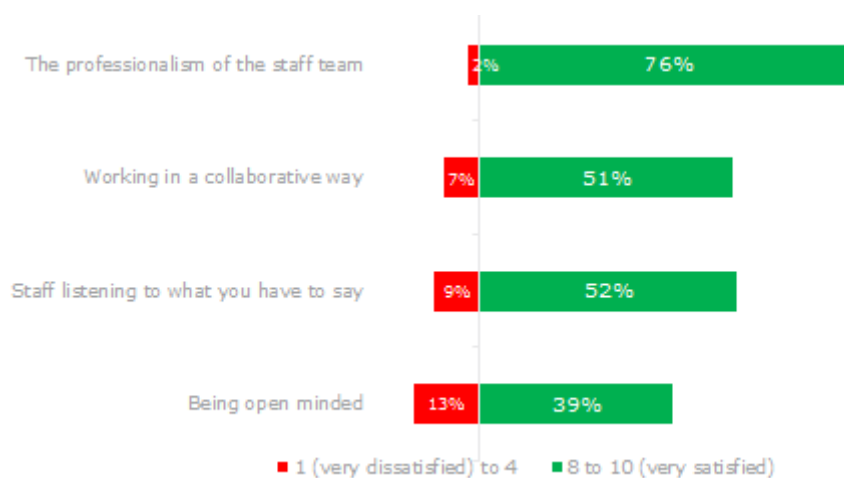
There is generally high satisfaction in the expertise of the CMA from Professional Advisors – Lawyers and Devolved Nations. Those who are Main / Interested Party stakeholders have significantly lower satisfaction when compared to Advisors or Other stakeholders on the expertise measures of ‘understanding the nature of your business or organisation’ (20% dissatisfaction vs 3% and 5% respectively) and ‘being up to date on policies and practices in the industry’ (16% dissatisfaction vs 3% and 5% respectively); those involved in Market Studies / Merger Phase 1 are significantly more satisfied with the CMA ‘being internationally respected’ when compared to those involved in Market Inquiries / Merger Phase 2 (43% satisfaction vs 29%).

Performance of the CMA: People

Staff at the CMA are generally viewed positively, with over three quarters giving high scores for professionalism (figure 18). This reflects comments about why people like working with the CMA.

Figure 18: People

Base: all respondents directly involved with CMA (321)



Q14a. Thinking about people, how do you rate the CMA's performance in terms of...?

The few respondents who give lower scores for people mention particular themes which include being disappointed with the lack of questioning or challenge, a perception that the CMA has a lack of sector knowledge and inefficient communications resulting in multiple, repeated questions and requests for information.

“They have not taken into account the lack of competition in the banking sector for SMEs and smaller payment services companies, there needs to be scrutiny of this sector to get transparency on what the banks’ processes are.”

Representative body

“I saw no innovation, just groups of individuals with no industry knowledge and no insight. It felt like I had an easy time, there were things that weren’t asked for but I felt were relevant. If I had not offered this information, I don’t think I would have been pushed for the information. I could have chosen just not to disclose it. When I gave evidence, I felt that I was not pushed, not challenged by the conversations I had with the CMA.”

Interested party

Significant differences by sub-group: People

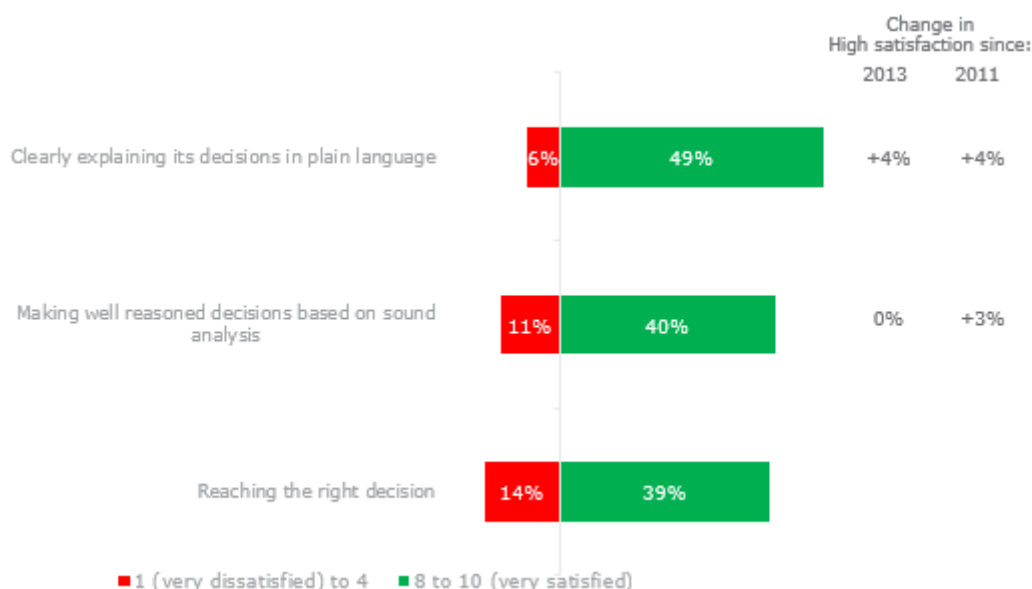
Overall, there is very high satisfaction amongst all sub-groups. Those with a lot of involvement tend to be most satisfied.

Performance of the CMA: Decision making

Stakeholders state that good communication is something they like about working with the CMA and it's encouraging that almost half of stakeholders feel their decision was clearly explained (figure 19). Those who disagree tend to be stakeholders who feel the business impact was bad.

Figure 19: Decision making

Base: all respondents directly involved with CMA (321)



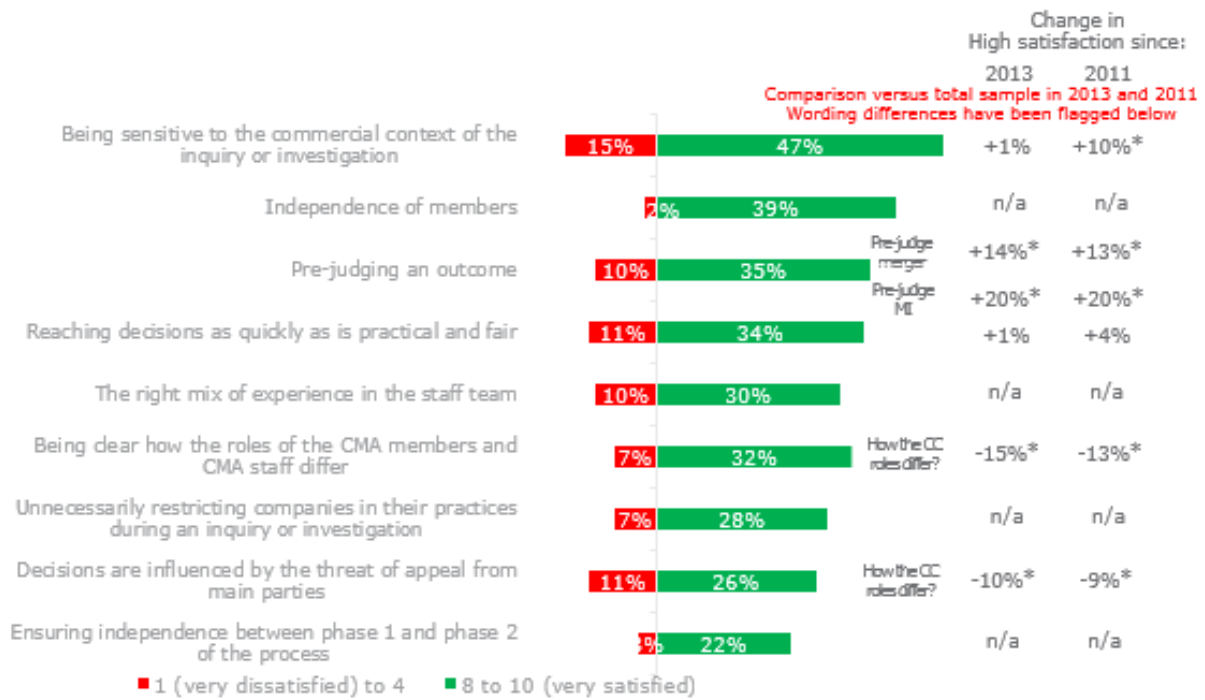
Q16. Thinking about decision making, how do you rate the CMA's performance in terms of...?

Although at a total level, there are no significant differences in comparison to previous waves of research, there are significant differences between aggregated tool types. When asked about the CMA's performance in terms of 'Making well-reasoned decision based on sound analysis', those involved in Market Studies / Merger Phase 1 are significantly more positive than those involved in Market Inquiries / Merger Phase 2 (48% vs 30%).

Those involved with CMA and working in market inquiries, mergers (phase 1 or 2), regulatory appeal, remedies or remedies review were asked a separate battery of statements regarding decision making. Amongst this group, dissatisfaction is low (figure 20), and as seen previously, those who are negative tend to be those who state the business impact to be bad.

Figure 20: Decision making

Base: Those involved with CMA and working in market inquiries, mergers (phase 1 or 2), regulatory appeal, remedies or remedies review (218)

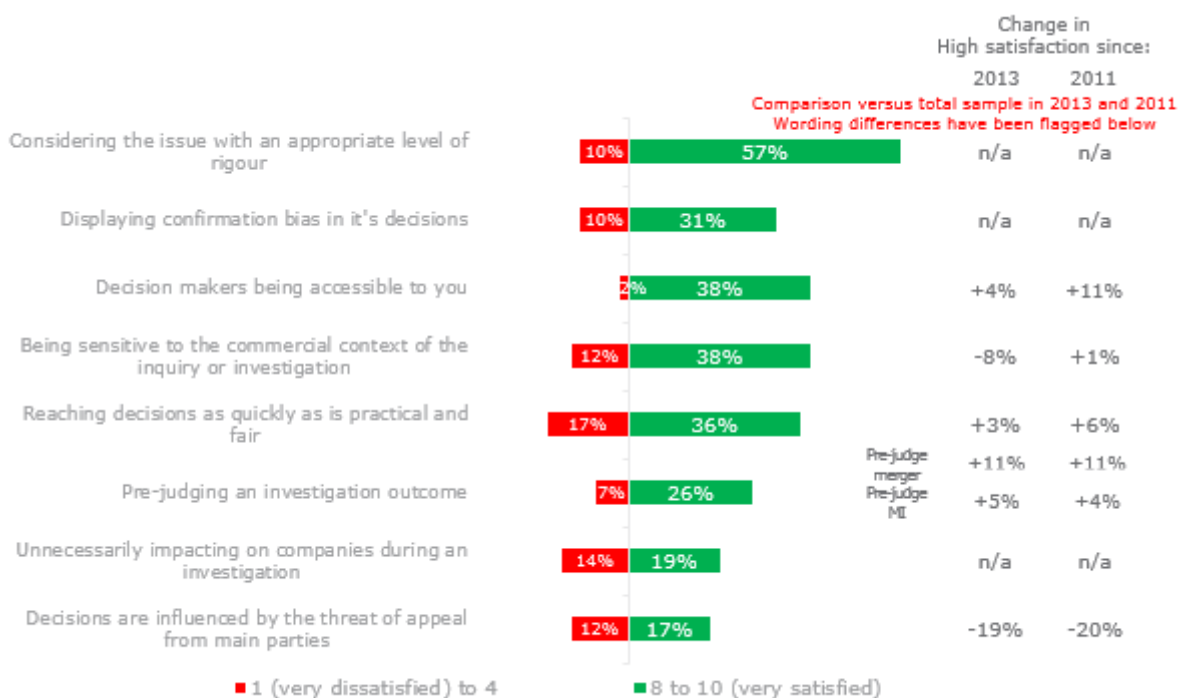


Q16. Thinking about decision making, how do you rate the CMA's performance in terms of...?

Those involved with CMA and working in the competition act, compliance review, consumer enforcement or legal were asked separately about their perception of decision making. Amongst these small groups there is a high level of neutrality in responses (figure 21).

Figure 21: Decision making

Base: Those involved with CMA and working in competition act, compliance review, consumer enforcement, legal (42)



Q16. Thinking about decision making, how do you rate the CMA's performance in terms of...?

At an overall level, there are clear themes where stakeholders feel CMA performance is poor on decision making. The findings show that a 'one size fits all' approach is not always suitable for all organisations. There is a perception that there is a lack of questioning to seek to understand and a lack of sector knowledge. Some stakeholders perceive that analysis is not always appropriate and is based on basic market information, and resulting data interpretation is different to that of the organisation.

"Lack of knowledge, lack of questioning, lack of understanding and pressure from the companies involved."

Interested party

"The issue was that the analysis was done by economists but not by business people and economists will put forward an academic argument but in reality, it doesn't work that way in business."

Main party

Significant differences by sub-group: Decision making

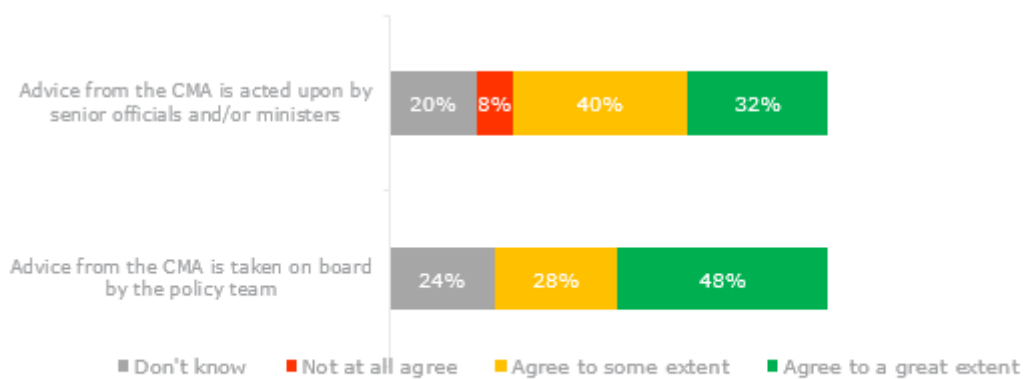
There is lowest satisfaction amongst Main Party and Interested Party stakeholders and those involved in Market Inquiries. Those with a large intensity of involvement have highest satisfaction as do Professional Advisors–Lawyers and stakeholders in Devolved Nations.

Advice from the CMA

In terms of advice from the CMA, this is more likely to be taken on board by the policy team than by senior officials and ministers, however a fifth of stakeholders answer that they don't know (figure 22).

Figure 22: Advice from the CMA

Base: All respondents directly involved with the CMA and working in advocacy, policy / guidance (25)



Q17a. To what extent do you agree with these statements?

Two stakeholders disagree that 'Advice from the CMA is more likely to be taken on board by the policy team than by senior officials and ministers'.

"Ministers never act upon anything that is not prepared by their own staff. I have worked alongside the DFT for the last 20 years, and in that time, they have never taken on board anything that hasn't been produced by their own departmental staff."

Interested party

"In this case, they just haven't. It is talked about but nothing has actually happened. The advice has not been turned into the policy and certainly hasn't been turned into interaction."

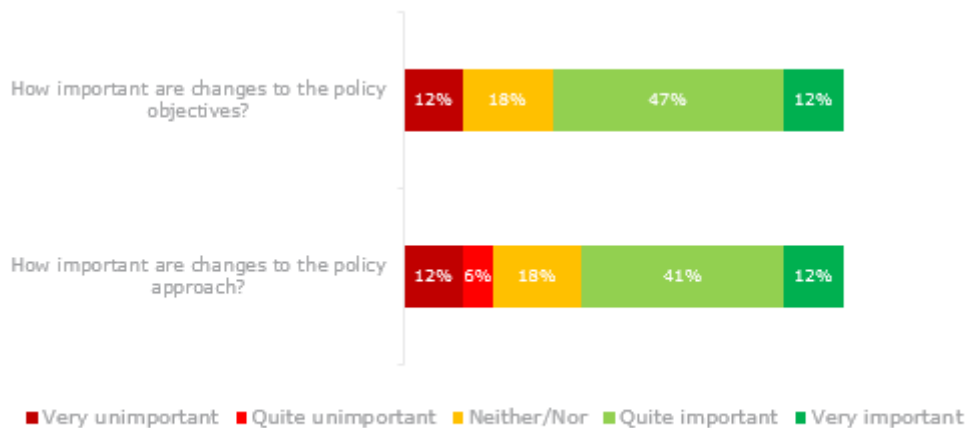
Interested party

Importance of changes

There is little difference in the importance of policy objectives and approach, however slightly more stakeholders are more likely to agree that changes to the policy are important (figure 23).

Figure 23: Importance of changes

Base: All respondents directly involved with the CMA and government stakeholders (17)



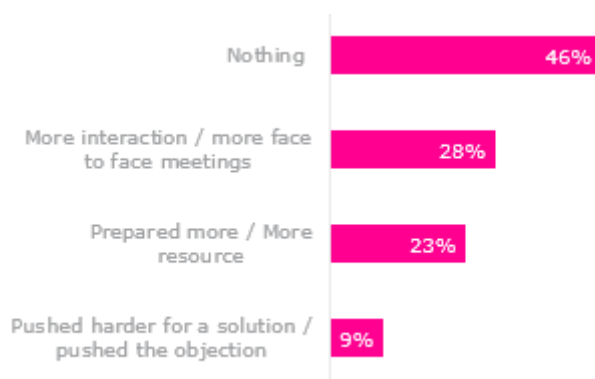
Q18. How important would you say the resulting changes are...?

Working with the CMA

When asked about what they could have done to improve their involvement with the CMA, nearly half of stakeholders feel that they could not have done anything, suggesting that they feel that the process is driven by the CMA and that they have a more reactive than proactive role in the process (figure 24).

Figure 24: Working with the CMA – What could stakeholders have done differently?

Base: All respondents directly involved with the CMA (321)



Q19a. Thinking back, if you could rewind the clock, what would you have done to improve your involvement with the CMA?

"Nothing really, it went very well and we were very well briefed. Getting a bit more information on the objectives of the inquiry and what our role was to be would have been a bonus. Other than that, it was all good."

Professional advisor – other

"I would have prepared the ground a lot more, I would have tried to arrange a briefing session and not solely rely on consultation."

Interested party

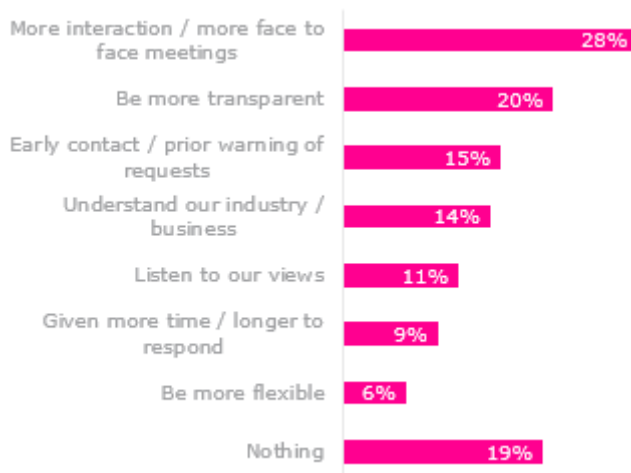
There were no significant differences in responses amongst the various tool types.

When questioned about what the CMA could have done to improve their involvement with stakeholder, there were clear views on how the CMA could have improved the process (figure 25). These improvements correlate with the reasons given for disliking working the CMA. More

interaction is the biggest mention, suggesting that while good communication is a reason for liking working with the CMA, there is work still to be done to improve this.

Figure 25: Working with the CMA – What could the CMA have done differently?

Base: All respondents directly involved with the CMA (321)



Q19b. Thinking back, if you could rewind the clock, what could the CMA have done to improve their involvement with you?

“They could have been more transparent about the timing of the process in the period before phase 1 began.”

Lawyer

“There should have been more direct interaction rather than having it filtered through Case Managers or Lawyers.”

Economist

There are few significant differences between tool types, but significantly more of those involved in Market Inquiries and Mergers Phase 1 would like the CMA to listen to their views when compared to those involved in Mergers Phase 2 (17% and 16% versus 5% respectively).

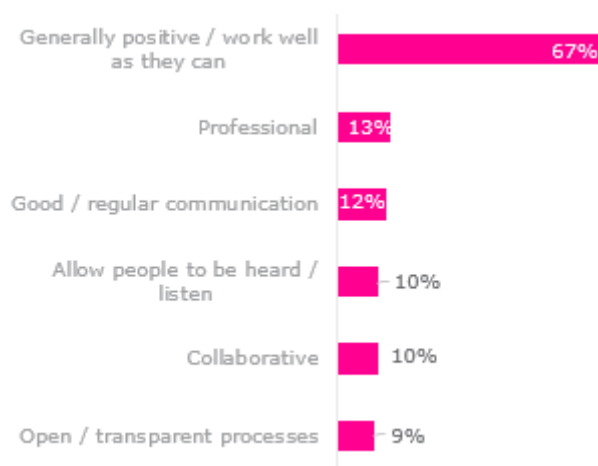
5. General views

Working with stakeholders

When asked how well the CMA works with its stakeholders, views are broadly positive with just over two thirds stating that the CMA work as well as they can (figure 26). Not surprisingly, however, significantly more of those who state that the CMA’s decision had a bad impact on their business say that the CMA did not listen to their views (15% bad impact versus 5% neutral impact and 2% good impact). Significantly more of this group also state that interaction with the CMA was limited when compared to the other two groups (21% bad impact versus 8% neutral impact and 6% good impact).

Figure 26: How well the CMA works with stakeholders

Base: all respondents (329)



Q23. What are your views on how well the CMA works with people like you?

Other smaller mentions relating to how well the CMA works with stakeholders include the CMA being helpful, proactive and clear on what its role is. There is some negativity about the CMA not understanding their business and interaction being limited.

“They are very good and very positive. Going by the few meetings I’ve had with them they are always very open and friendly and I have always felt that they have listened to us.”

Government stakeholder

"They were not very personable in general. They were very good at responding to questions and I could ask them by email. Other than that they were not personable or welcoming. Face to face interactions would have improved this and we would have got more understanding of the processes and decision making."

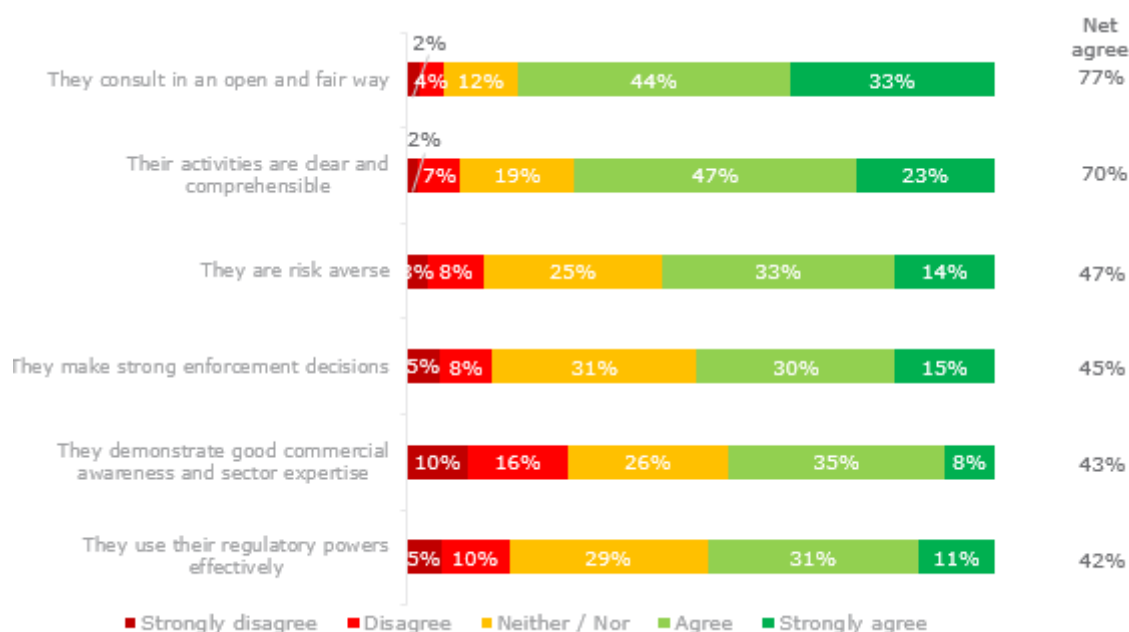
Interested party

The role of the CMA

This positivity of the verbatim comments is further reflected by the high agreement and neutrality of the results when respondents are asked about specific aspects of the role of the CMA. There is highest agreement that the CMA consults in an open and fair way and that its activities are clear and comprehensible. Highest disagreement relates to the statement that the CMA demonstrates good commercial awareness and sector expertise (figure 27). As seen elsewhere, strongest negativity comes from those who felt the business impact of the CMA's decision was bad.

Figure 27: The role of the CMA

Base: all respondents (329)

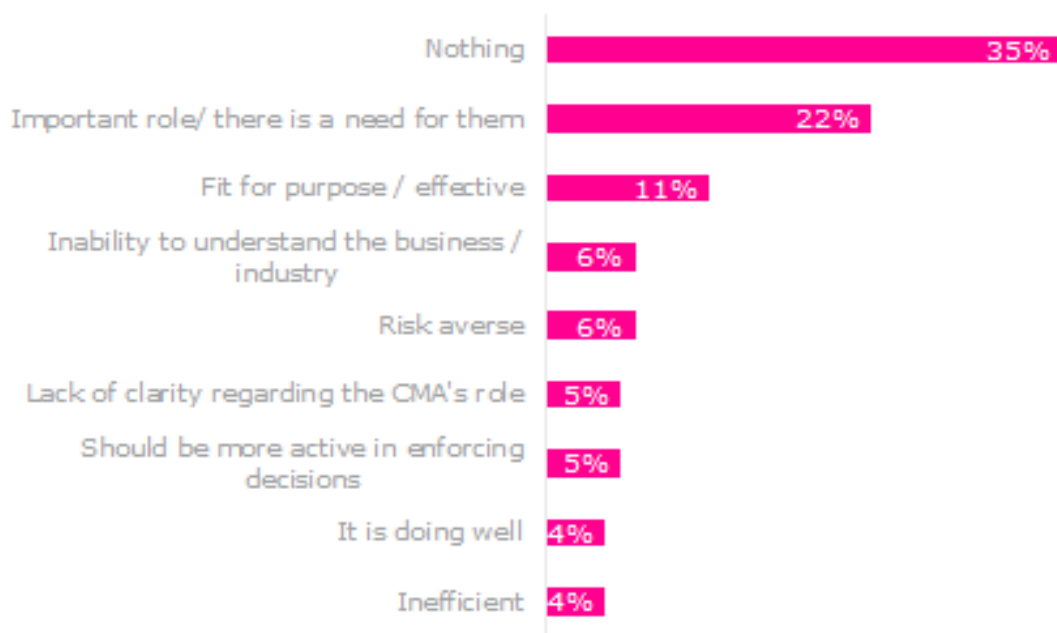


Q24. In terms of the role of the CMA, do you agree or disagree that...?

When asked if they had any further comments to make on the CMA's role, a third (35%) state that they have nothing to say. A further fifth (22%) state that they have an important role to play and that there is a need for them. A small percentage (6%) say that the CMA has an inability to understand the business / industry, which ties in with the relatively high disagreement (above) that the CMA demonstrates good commercial awareness and sector expertise. Results for general views on the CMA's role are shown below (figure 28).

Figure 28: The CMA's role

Base: all respondents (329)



Q25. Do you have any comments on the CMA's role?

Verbatim comments reflect the view mentioned by over a third, that there is nothing more to say about the CMA's role:

"They are doing everything they should be doing so there's nothing to comment on regarding their role."

Interested party

There are also a number of verbatim comments supporting the view that the CMA has an important role and purpose:

"It's a valuable body and is very much needed as its processes enable stakeholders to exert some influence on inquiry outcomes."

Interested Party

"They are good - it is better consolidated and in one place - it was more fragmented in the past."

Interested Party

"It is good to have an independent organisation that looks at market failure, we look on it positively."

Representative Body

While negative views on the CMA's role tend to be case specific, a number of themes are apparent such as the CMA being risk averse and having a lack of business understanding:

"Having gone through the engagement in the way we did with the CMA , I'd say their role does not fit well with complex and technically difficult industries. They are not in a position to perform well. The level of technical expertise required to understand all the nuances of the energy market - from a cold start - is impossible."

Interested Party

"It's a bit over cautious and a bit too risk averse."

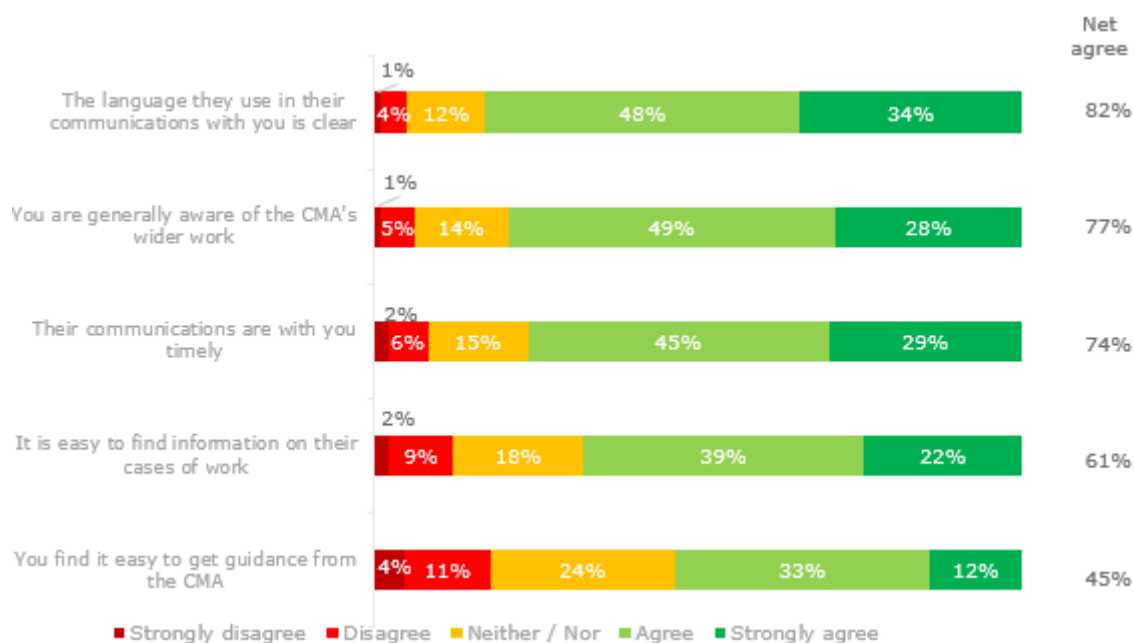
Representative Body

Engagement with the CMA

When asked about engagement with the CMA, overall, stakeholders are generally positive across a range of specific attributes. Improvements, however, could be made with regard to the ease of getting guidance from the CMA (figure 29).

Figure 29: Engagement with the CMA

Base: all respondents (329)

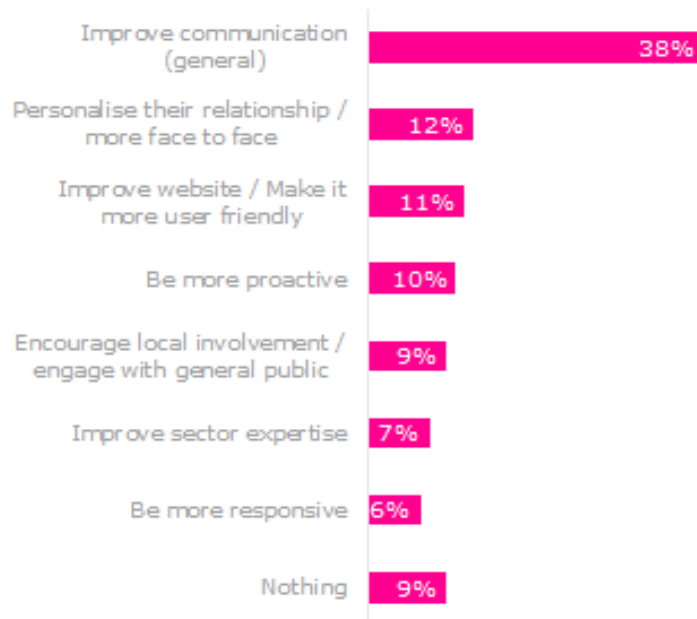


Q26. In terms of engagement with the CMA, do you agree or disagree that...?

When asked more generally about what the CMA could do to improve engagement, stakeholders make a number of suggestions, the main one being an improvement in general communication. This is suggested by nearly two fifths (38%) of all respondents, and includes comments relating to a wish for plain English and less jargon/legalese. Related to improved communication is a desire for more face to face contact and greater personalisation of the relationship (figure 30).

Figure 30: Improving engagement

Base: all respondents (329)



Q27. What could the CMA do to improve engagement?

These views are supported by verbatim comments:

“Offer more face to face contact and the appointment of relationship people in the team - like a case officer for example - who we would liaise with directly throughout the inquiry process. When we were working with them there was no continuity in terms with who we dealt with; we never had contact from the same person.”

Representative body

“Although their language is very clear it is very legalistic and not written in plain English and it is not always easy to follow...”

Main party

“They should use more plain English in communication, do more media about priorities and consult more on them.”

Interested party

Processes

When asked about processes, those who *do not* work directly with the CMA (base=8) make few comments on how the CMA can improve them. However, similar to comments made by those who *do* work directly with the CMA, further communication, transparency and involvement in the process are mentioned:

“As someone who works in this area full time and has a strong knowledge of this area, I have a better understanding than the general public. If it were more transparent for the general public, the CMA would have more loyalty, it appears to the public a little bit removed and they don’t understand its relevance, if they were aware of its relevance in competition issues affecting consumers, then they would receive more support from the general public.”

Other

“More transparent and communicative about their processes. When we didn't understand the process, and we wanted to finalise a piece of work, it wasn't clear to us, that if they would need more time to provide the information that we needed. If they had been clear we could have changed the deadline; as it was, it was late.”

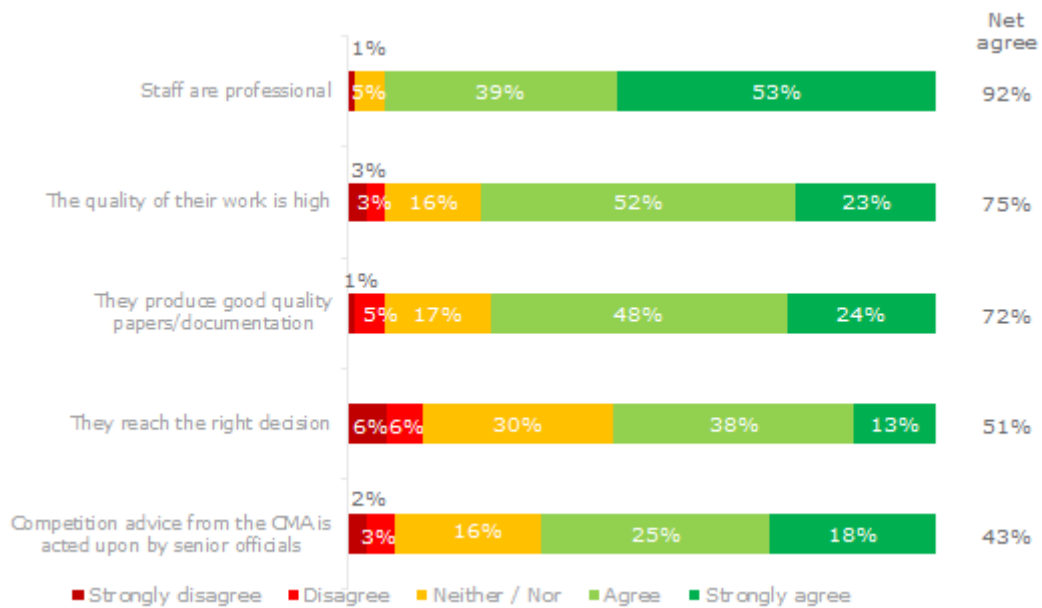
Other

Outputs

There is extremely high positivity towards the professionalism of staff at the CMA, with just over 9 out of every 10 (92%) agreeing that staff are professional. The quality of outputs is also viewed positively with three quarters (75%) agreeing that the quality of the CMA's work is high (figure 31).

Figure 31: Outputs

Base: all respondents (329)

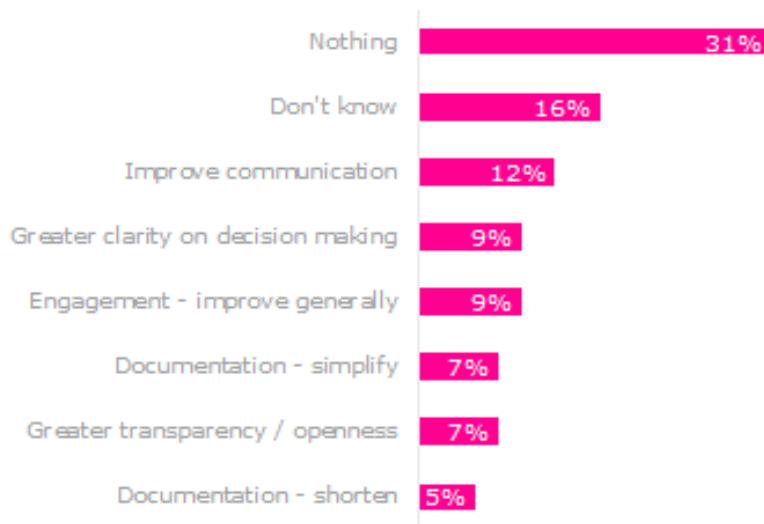


Q30. In terms of outputs from the CMA, do you agree or disagree that...?

This positivity towards outputs is reflected by the nearly half of all respondents (47%) who, when asked what the CMA could do to improve outputs, say that there is nothing the CMA can do to improve them/they don't know (figure 32).

Figure 32: Improving outputs

Base: all respondents (329)



Q31. What could the CMA do to improve outputs?

Spontaneous suggestions that are given relate to improving communication, better resourcing, improved engagement and a greater clarity on decision making:

"I think that they need more engagement with the media to increase the profile of their work. The actual reports should be prevented from being too long."

Professional Advisor - Lawyer

"It took a few weeks for the written documentation to be published. If they could be a bit quicker in publishing their findings, that would be helpful."

Main Party

A desire for plain English in the CMA's outputs is again apparent from the comments made:

"I think there has been an awful lot of outputs, sometimes outputs are very legalistic, like a draft legal order but they need to try harder to translate it into usable and user friendly documents."

Main party

"I guess training in writing reports. I think they do try and do this but there is always room for report writing training, myself included. Their findings need to be accessible if they want their decisions to be acted upon by senior officials."

Professional advisor – lawyer

6. Drivers of satisfaction

As in previous surveys, key driver analysis was used to identify which variables were significantly impacting overall satisfaction. The analysis was conducted at a total sample level.

We have used data modelling techniques to calculate the importance of the main aspects of service in driving overall satisfaction. This informs which aspects of service should be focused on to improve stakeholder satisfaction, and where improvements will be of greatest benefit to the stakeholder.

Initially, 59 variables were considered for inclusion in the model. This list was further reduced by de-duplicating variables which were identical and also by removing any variables with large numbers of missing values. An initial regression analysis reduced the list further as variables which did not contribute significantly (at the 10% confidence level) were removed from the model leaving a list of 25 possible drivers.

These 25 variables were investigated to identify a stable and consistent model of overall satisfaction.

The final model includes 10 Key Drivers (table 7). They are listed in order of importance with the most important driver 'Quality of papers / documentation produced'. The variable 'taking into account the burden...' is the least important of the drivers, however, this still contributes significantly to the model of overall satisfaction. The remaining 15 variables are still related to overall satisfaction but they do not improve the model significantly on top of the 10 Key Drivers.

The measure of goodness-of-fit is very high ($R^2=77.5\%$). In market research, an R^2 between 40% and 60% means that the aspects tested are a good explanation for the findings. Values >60% are classed as very good.

Further detail on the key driver analysis process can be found in the appendix.

Table 7: Drivers of overall satisfaction

Questionnaire number	Variable	IMPORTANCE	PERFORMANCE (MEAN SCORE)
q14.14	Quality of papers / documentation produced	0.290	7.29
q14a.19	Working in a collaborative way	0.263	7.38
q12.6	Giving clear requests for information	0.222	7.54
q12.7	Providing clear advice and guidance	0.178	7.20
q14a.21	Being open minded	0.170	6.87
q14.16	Understanding the nature of your business or organisation	0.157	6.46
q10.4	Providing a timetable of appropriate length	0.147	6.90
q16.24	Reaching the right decision	0.080	6.77
q24.2	Their activities are clear and comprehensible*	0.066	7.69
q12.10	Taking into account the burden that their processes and decisions put on your business or organisation	0.044	5.85

The key drivers were plotted onto a matrix against importance and performance which created clear quadrants (Monitor, Action, Maintain and Promote) to demonstrate areas of focus for the CMA in order to improve overall satisfaction.

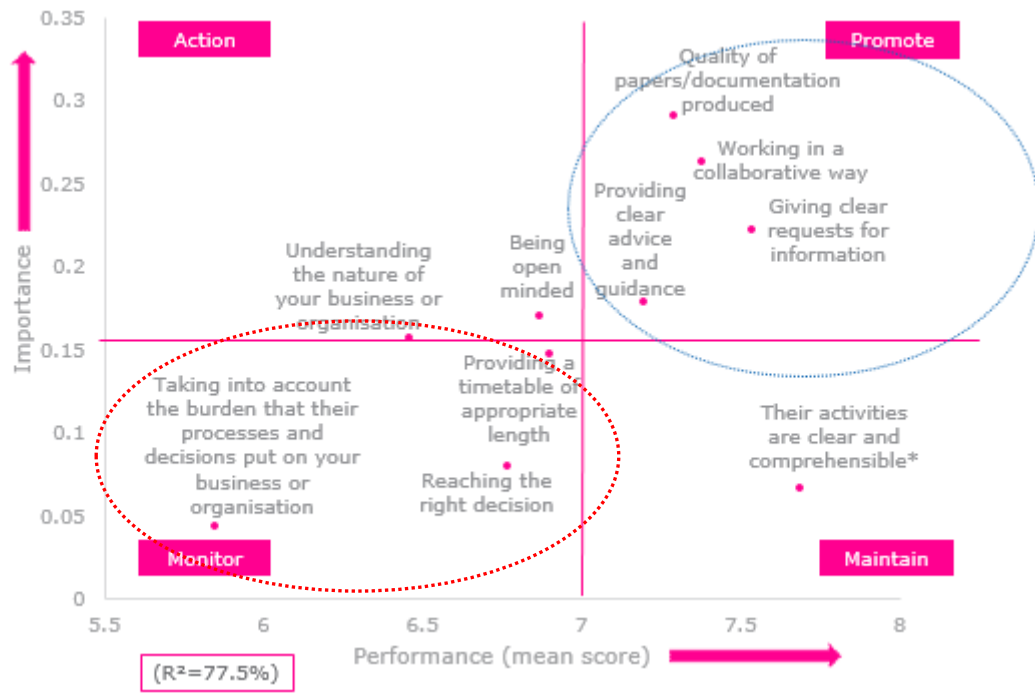
As expected, areas to be monitored and for action are in line with themes we have seen reflected in the data and verbatim comments. The areas for key focus (within the red circle on figure 33) are:

- *Taking into account the burden that their processes and decisions put on your business or organisation*
- *Providing a timetable of appropriate length*
- *Reaching the right decision*

Areas which should be promoted and maintained are related to those stakeholders who are generally satisfied with throughout (figure 33).

Figure 33: Drivers of overall satisfaction

Base: all respondents working directly with the CMA (321)



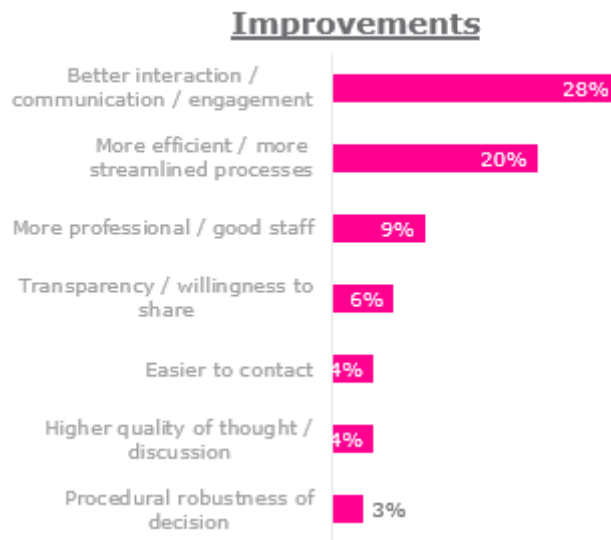
7. Changes to the CMA

Stakeholders who had previously worked with the CC and / or the OFT were asked specifically if they had noticed any changes since the formation of the CMA.

Broadly, changes that are mentioned in terms of improvements reflect the reasons that stakeholders give for liking working with the CMA. These include better interaction, communication and engagement, and a more efficient and streamlined process (figure 34).

Figure 34: Improvements since the formation of the CMA

Base: respondents who have previously worked with the CC and / or the OFT (169)



Q32a. What would you say has improved?

Verbatim comments reflect these findings:

“Interaction is much better and they communicate more effectively. They explain themselves more (they let us know why they are asking the question rather than just asking the question). So they build the trust more than they used to.”

Main party

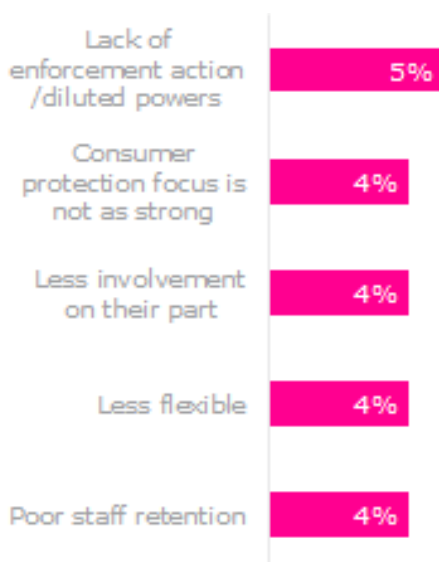
“The processes are more efficient and streamlined and more transparent.”

Lawyer

Small numbers of people mention things that have got worse since the formation of the CMA, and the mentions are across a diverse range of areas (figure 35).

Figure 35: Declines since the formation of the CMA

Base: respondents who have previously worked with the CC and / or the OFT (169)



Q32b. What, if anything has got worse?

When asked if they had any other comments to make about the CMA, the majority (70%) say that they have nothing further to add. Any additional comments are generally positive towards the CMA:

“The CMA is a worthwhile organisation and important that they are concerned about consumers’ rights, this is vital; my only criticism is how they impose time pressures. They are very professional, and their communications are good letting us know what is going on.”

Govt. stakeholder

“Very happy to see excellent staff working with projects, with EU member states and being a driving force in consumer protection, and the personal commitment of the staff and their professionalism.”

Other

8. Conclusions and recommendations

Conclusions

Overall, stakeholder perception of the Competition and Markets Authority has remained constant. Overall satisfaction has resulted in a mean score of 6.9 out of 10, similar to previous years. There have, however, been some notable improvements in some areas.

- The CMA retains key strengths in its communication, the clarity of its purpose and process and professionalism of its people.

There are a number of key issues with the CMA, which include:

- Underestimating the burden to the business
- Not sufficiently understanding the complexities of a sector applying one box solutions

Most seem to be happy with the transition from the CC / OFT to the CMA and broadly find processes efficient and streamlined, although some question whether their powers have been diluted.

Additionally, the CMA is perhaps viewed as being a theoretical body and efforts should be made to communicate its role and application in the real world.

A summary of improvements and declines since previous waves of the research can be seen below (table 8).

Table 8: Improvements and declines summary

Statements with significant improvement

Being up to date on policies and practices in the industry and market sector

Providing you with a clear timetable at the start

Giving you enough time to submit all the information they asked for

Being sensitive to the commercial context of the inquiry or investigation

Taking into account the burden that their processes and decisions put on your business or organisation

Statements with decline

Thoroughly reviewing all the information submitted to them

Recommendations

Main recommendations arising from this research are:

- Understanding the nature of the business or organisation
- Being open minded
- Taking into account the burden on businesses

Suggestions for improvement include:

- More emphasis on understanding the realities of the sector, listening to the parties and taking more time to review the information submitted
- Consider recruiting / making use of people with real experience in the industry
- Adopt a more tailored approach, avoiding single box solutions where required
- Listen to and understand the scale of a request and likely burden on the business and adapt the request if felt to be disproportionate

9. Appendix

Appendix A – Questionnaire

Introduction

Participants:

Good morning / afternoon. My name is....., and I am calling from DJS Research Ltd, an independent research consultancy. Please may I speak to <NAMED CONTACT>?

We are conducting a survey on behalf of the Competition and Markets Authority (the CMA). You should have recently received an email about it **INTERVIEWER: RESEND EMAIL IF NECESSARY**. The aim of this important research is to understand the CMA's performance, and results will be used to review future procedures and strategy.

We would like to interview you for around 20-30 minutes.

DJS Research operates under the code of conduct set out by the Market Research Society (MRS) and will therefore treat anything you say in the strictest confidence. In accordance with MRS guidelines, unless you give your express permission for your organisation to be attributed, all information you give will be treated in the strictest confidence, and reported to the CMA on an aggregated and anonymous basis. There will be no sales or other comeback from the call.

ADD REASSURANCES IF NECESSARY:

- We have only been given your name and contact details in relation to your dealings with the CMA, and we will only be asking about your business relationship with the CMA.
- The interview will be recorded but this is purely for our own quality assurance purposes and the recordings will not be kept.

Would you be willing to take part?

IF PARTICIPANT SAYS:

- **THEY HAVE NOT HAD CONTACT WITH THE CMA FOR A LONG TIME:** We are interested in talking to you if you have had contact with the CMA since April 2014, and would still be interested in your general opinions.
- **THEY HAVE HAD LITTLE CONTACT WITH THE CMA AND SUGGEST WE SPEAK TO SOMEONE WHO HAS HAD MORE CONTACT:** We are interested in talking with people who have had direct contact with the CMA, even if they feel someone is more relevant. Establish that they have had direct contact with the CMA.

- THE PERSON WE WISH TO SPEAK TO HAS LEFT: ask if this person has taken over their role and if they have direct contact with the CMA. If no, ask for forwarding details of the person we wish to speak to.

IF YES, CONTINUE

If not able to continue, make an appointment to call back.

QUOTAS –TOTAL 300 MINIMUM INTERVIEWS

Screeners

We would first of all like to ask some questions to establish the type of contact you have had with the CMA.

S01.

All participants

Have you worked with the CMA on a specific piece of work since April 2014?

SINGLE CODE, PROMPT FROM SAMPLE IF NEEDED

Code	Answer list	Scripting notes	Routing
1	Yes		CONTINUE
2	No, but I do have a relationship with the CMA or interest in its work		GO TO S3
3	No, and I have no involvement with the CMA or interest in the CMA		CLOSE

S02.

All participants working directly with the CMA (S1, code 1)

For our reference later in the survey how can we refer to your most recent work with the CMA?

PROMPT FROM SAMPLE IF NEEDED

INTERVIEWER: IDEALLY JUST A WORD OR TWO OF DESCRIPTION

Open

Code	Answer list	Scripting notes	Routing
1		OPEN TEXT BOX	
85	Don't know (do not read out)		CLOSE

S03.

All participants

And which of the following would describe your involvement with the CMA? Were you a...?

<PULL THROUGH CONTACT TYPE FROM SAMPLE>

Read out list. Tick one only

SINGLE CODE, ORDERED, PROMPT FROM SAMPLE

Code	Answer list	Scripting notes	Routing
1	Main party – anyone who was directly affected by the CMAs decisions e.g. as a merging party		
2	Interested party – anyone who had a consultative role with our work or have been involved as a third party to one of our decisions		
3	Professional advisor – Lawyer – any lawyer who worked directly in a case, perhaps advising main parties or what was otherwise involved with our work		
4	Professional advisor – economist - any economist who worked directly in a case, perhaps advising main parties or what was otherwise involved with our work		
5	Professional advisor – other - any other professional advisor		
6	Government stakeholder – a governmental organisation		
7	NDPB (Non departmental public body) – a body which has a role in the processes of national government, but is not a government department or part of one		
8	Regulator– a body responsible for regulation in a specific industry		
9	Representative body – any organisation that has worked with the CMA that represents a body of membership		
80	Other – other small distinct groups with whom the CMA may have had engagement. This includes QCs acting as the CMAs Standing Counsel, academics who have been involved in their work, clerks and other Court employees, and other	OPEN TEXT BOX	

	international stakeholders with whom the whom the CMA has engaged on policy (please specify)		
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S04.

All participants

Where is your business or organisation primarily based?

Read out list. Tick one only

SINGLE CODE, ORDERED, PROMPT FROM SAMPLE

Code	Answer list	Scripting notes	Routing
1	England		
2	Wales		
3	Scotland		
4	Northern Ireland		
5	Outside of the UK		

S05.

HIDDEN QUESTION: PULL THROUGH PROJECT TYPE FROM SAMPLE (FOR QUESTION FILTERING LATER ON IN THE QUESTIONNAIRE)

Code	Answer list	Scripting notes	Routing
1	Advocacy		
2	Call for information		
3	Competition Act		
4	Compliance Review		
5	Consumer enforcement		
6	Legal		
7	Market inquiry		
8	Market study		
9	Merger phase 1		
10	Merger phase 2		
11	Policy/guidance		
12	Regulatory appeal		
13	Remedies		
14	Remedies review		
15	Attended a roundtable		

Background of work with the CMA

I am now going to ask some questions about the nature of your work with the CMA...

Q01.

All participants

Please could you describe the nature of your relationship with the CMA and the contact you typically have with them?

Open

Code	Answer list	Scripting notes	Routing
1		OPEN TEXT BOX	
85	Don't know (do not read out)		

Q02.

All participants

Did you work with the Competition Commission and/or the Office of Fair Trading prior to the formation of the CMA?

Read out list. Tick one only

MULTI CODE, ORDERED

Code	Answer list	Scripting notes	Routing
1	Yes, the Competition Commission		Q03
2	Yes, the Office of Fair Trading		Q03
3	Yes, both		Q03
4	No		Q04
85	Don't know		Q04

Q03.

All participants who had worked previously with the Competition Commission or Office of Fair Trading (Q02/1, 2 or 3)

For how many years overall did you work with <INSERT RESPONSE FROM Q02 [COMPETITION COMMISSION] / [OFFICE OF FAIR TRADING] / [BOTH THE COMPETITION COMMISSION AND THE OFFICE OF FAIR TRADING]>?

Read out list. Tick one only

SINGLE CODE, ORDERED

SEPARATE RESPONSES FOR CC AND OFT IF USE BOTH AT Q2

Code	Answer list	Scripting notes	Routing
1	Less than 1 year		
2	1-2 years		
3	3-4 years		
4	5-6 years		
5	7-8 years		
6	9-10 years		
7	10+ years		
85	Don't know		

Q04.

All participants

And how many completed pieces of work have you personally been involved in during the time that you have worked with the CMA?

Read out list. Tick one only

SINGLE CODE, ORDERED

Code	Answer list	Scripting notes	Routing
1	None		
2	1		
3	2		
4	3-5		
5	6-9		
6	10-14		
7	15-19		
8	20 or more		

Q05.

All participants

Thinking of your **most recent involvement** with the CMA, how large a part of your role was it? Would you say...

Read out.

SINGLE CODE, ORDERED

Code	Answer list	Scripting notes	Routing
1	I had hardly any involvement with the CMA		
2	Working with the CMA was a minor part of my role		
3	Working with the CMA was the main part of my role, but not all of my role		
4	My role was focused on the involvement with the CMA		
85	Don't know		

Q06.

All participants

Thinking of the contact you had with the CMA in your **most recent involvement**, how often were you in touch with the CMA using the following methods?

GRID, SINGLE CODE PER METHOD

Read out list, tick one frequency per method

Code	Frequency (horizontal)	Scripting notes	Routing
1	Not at all		
2	A little		
3	A lot		

Q07.

All participants

Based on your knowledge and understanding of the CMA and its processes, how would you rate your overall satisfaction with their performance? Please give your answer using a scale of 1 to 10, where 1 means you were very dissatisfied and 10 means you were very satisfied.

SCALE 1-10, NO EXPERIENCE OF THE CMA, DK

Code	Answer list	Scripting notes	Routing
1	1-10 scale		
2	No experience of the CMA (do not read out)		CLOSE
85	Don't know (do not read out)		

Q08.

All participants

What would you say you like most about the CMA and the way it works?

Probe fully

OPEN, DK

Q09.

All participants

What would you say you dislike most about the CMA and the way it works?

Probe fully

OPEN, DK

Direct work with the CMA

All participants involved directly with the CMA (S01, Yes)

I am now going to ask some questions relating to the most recent CMA work or project that you were involved in. As a reminder, at the start of the interview, you clarified that your most recent involvement with the CMA was <INSERT RESPONSE FROM S02>, please bear in mind that your answers should relate just to this.

Q10.

All participants involved directly with the CMA (S01, Yes)

Firstly, I'm going to read out a list of statements and for each one I'd like you to tell me how you rate the CMA's performance. Please give your answer on a scale of 1 to 10 where 1 means you think they gave a very poor performance and 10 means you think they gave a very good performance.

Thinking first about **timing**, how do you rate the CMA's performance in terms of...?

Read out, prompt with scale if necessary

ROTATE STATEMENTS, SINGLE CODE PER STATEMENT

Code	Scale list	Scripting notes	Routing
1	Very poor performance		
2			
3			
4			
5			
6			
7			
8			
9			
10	Very good performance		
11	No experience		
85	Don't know		

Code	Statement list	Scripting notes	Routing
1	Providing you with a clear timetable at the start		
2	Sticking to the timetable it set or providing reasons for any changes to it		
3	Giving you enough time to submit all the information they asked for		
4	Providing a timetable of appropriate length		
5	Responding in a timely manner		

Q11.

All participants involved directly with the CMA (S01, Yes) who rated 1, 2 or 3 in previous question

ASK FOR ANY STATEMENT GIVEN A SCORE OF 1, 2 or 3 at Q10

Why do you feel the CMA gave a poor performance in terms of <INSERT STATEMENT>?

Probe fully

OPEN, DK

Q12.

All participants involved directly with the CMA (S01, Yes)

And now thinking about **process**, how do you rate the CMA's performance in terms of...

Code	Statement list	Scripting notes	Routing
6	Giving clear requests for information		
7	Providing clear advice and guidance		
8	Thoroughly reviewing all the information submitted to them		
9	Having transparent processes		
10	Taking into account the burden that their processes and decisions put on your business or organisation		

11	Being flexible in its approach		
12	Being innovative in its approach		

All participants directly involved with the CMA except for advocacy, legal, policy/guidance or roundtable (S01/1 and S05/2,3,4,5,7,8,9,10,12,13,14)

13	The demands on our business or organisation in terms of time and cost are proportionate to the outcome		
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Q13.

All participants involved directly with the CMA (S01, Yes) who rated 1, 2 or 3 in previous question

ASK FOR ANY STATEMENT GIVEN A SCORE OF 1, 2 or 3 at Q12

Why do you feel the CMA gave a poor performance in terms of <INSERT STATEMENT>?

Probe fully

OPEN, DK

Q14.

All participants involved directly with the CMA (S01, Yes)

...And thinking about **expertise**, how do you rate the CMA's performance in terms of...

Code	Statement list	Scripting notes	Routing
14	Quality of papers/documentation produced		
15	Being up to date on policies and practices in the industry and market sector		
16	Understanding the nature of your business or organisation		
17	Being internationally respected		

Q14a ...And thinking about **people**, how do you rate the CMA's performance in terms of...

Code	Statement list	Scripting notes	Routing
18	The professionalism of the staff team		
19	Working in a collaborative way		
20	Staff listening to what you have to say		
21	Being open minded		

Q15.

All participants involved directly with the CMA (S01, Yes) who rated 1, 2 or 3 in previous two questions

ASK FOR ANY STATEMENT GIVEN A SCORE OF 1, 2 or 3 at Q14 or Q14a

Why do you feel the CMA gave a poor performance in terms of <INSERT STATEMENT>?

Probe fully

Q16.

All participants involved directly with the CMA (S01, Yes)

...And thinking about **decision making**, how do you rate the CMA's performance in terms of...

Code	Statement list	Scripting notes	Routing
22	Making well-reasoned decisions based on sound analysis		
23	Clearly explaining its decisions in plain language		
24	Reaching the right decision		

All participants involved directly with the CMA (S01, Yes) and working in market inquiries, mergers phase 1 or 2, regulatory appeal, remedies or remedies review (S05/7,9,10,12,13,14)

Code	Statement list	Scripting notes	Routing
25	Reaching decisions as quickly as is practical and fair		
26	Being sensitive to the commercial context of the inquiry or investigation		
27	The right mix of experience in the staff team		
28	Being clear how the roles of the CMA members and CMA staff differ		
29	Independence of members		
30	Pre-judging an outcome		
31	Decisions are influenced by the threat of appeal from main parties		
32	Ensuring independence between phase 1 and phase 2 of the process		
33	Unnecessarily restricting companies in their practices during an inquiry or investigation		

All participants involved directly with the CMA (S01, Yes) and working in competition act, compliance review, consumer enforcement, legal (S05/3,4,5,6)

Code	Statement list	Scripting notes	Routing
34	Reaching decisions as quickly as is practical and fair		
35	Being sensitive to the commercial context of the inquiry or investigation		
36	Unnecessarily impacting on companies during investigation		

37	Decision makers being accessible to you		
38	Pre-judging an investigation outcome		
39	Decisions are influenced by the threat of appeal from main parties		
40	Considering the issue with an appropriate level of rigour		
41	Displaying confirmation bias in its decisions		

Q17.

All participants involved directly with the CMA (S01, Yes) who rated 1, 2 or 3 in previous question

ASK FOR ANY STATEMENT GIVEN A SCORE OF 1, 2 or 3 at Q16

Why do you feel the CMA gave a poor performance in terms of <INSERT STATEMENT>?

Probe fully

OPEN, DK

Q17a

All participants involved directly with the CMA (S01, Yes) and working in advocacy, policy/guidance (S05/1,11)

I am now going to read out two statements, and I would like you to tell me to what extent you agree with these statements. Please use a 3 point scale, where 3 is agree to a great extent, 2 is agree to some extent and 1 is not at all agree.

Code	Statement list	Scripting notes	Routing
1	Not at all agree		
2	Agree to some extent		
3	Agree to a great extent		
85	Don't know (do not read out)		

Code	Statement list	Scripting notes	Routing
42	Advice from the CMA is taken on board by the policy team		
43	Advice from the CMA is acted upon by senior officials and/or ministers		

Q17b.

All participants involved directly with the CMA (S01, Yes) and working in advocacy, policy/guidance (S05/1,11), who rated a statement as 1 at Q17a

ASK FOR ANY STATEMENT GIVEN A SCORE OF 1 AT Q17a

Why do you disagree that <INSERT STATEMENT >?

Probe fully

OPEN, DK

Q18

All participants involved directly with the CMA (S01, Yes) and all government stakeholders (S03/6)

I'm now going to read two statements about the importance of changes resulting from your involvement with the CMA. I would like you to rate the importance of these changes on a scale from 1 to 5, where 1 is very unimportant and 5 is very important.

How important would you say the resulting changes are...?

SINGLE CODE, RANDOMISE

Code	Statement list	Scripting notes	Routing
1	Very unimportant		
2	Quite unimportant		
3	Neither important nor unimportant		
4	Quite important		
5	Very important		
85	Don't know		

Code	Statement list	Scripting notes	Routing
1	...to the policy approach		
2	...to the policy objectives		

Q19a.

All participants involved directly with the CMA (S01, Yes)

Thinking back, if you could rewind the clock, what would you have done to improve your involvement with the CMA? Please answer as fully as you can.

Probe fully

OPEN ENDED. DK

Q19b.

All participants involved directly with the CMA (S01, Yes)

And what, if anything, could the **CMA have done** to improve their involvement with you? Again, please answer as fully as you can.

Probe fully

OPEN ENDED. DK

Positive or negative impact on the business

Q20.

All participants involved directly with the CMA (S01/1) AND affected by the outcome (S03/1,2)

And thinking about the decision overall would you say it was good or bad from your business' perspective? Was it...?

Read out

SINGLE CODE

Code	Scale list	Scripting notes	Routing
1	Very bad for your business		
2	Bad for your business		
3	Neither good nor bad for your business		
4	Good for your business		
5	Very good for your business		
85	Don't know		

Q21.

All participants involved directly with the CMA (S01/1) AND whose client would be affected by the outcome (S03/3,4,5)

And thinking about the decision overall would you say it was good or bad from your client's perspective? Was it...?

Read out

SINGLE CODE

Code	Scale list	Scripting notes	Routing
1	Very bad for your client		
2	Bad for your client		
3	Neither good nor bad for your client		
4	Good for your client		
5	Very good for your client		
85	Don't know		

Q22.

All participants involved directly with the CMA (S01/1) AND whose industry would be affected by the outcome (S03/8,9)

And thinking about the decision in the project, overall would you say it was good or bad from the industry's perspective? Was it...?

Read out

SINGLE CODE

Code	Scale list	Scripting notes	Routing
1	Very bad for your industry		
2	Bad for your industry		
3	Neither good nor bad for your industry		
4	Good for your industry		
5	Very good for your industry		
85	Don't know		

General views

We would now like to ask some more general questions about the CMA. We would like you to think about these in an overall context, and not in relation to any direct involvement that you might have been involved in, so please bear this in mind when answering the questions.

Q23.

All participants

First of all, what are your views on how well the CMA works with people like yourself?

Probe fully

OPEN ENDED. DK

Q24.

All participants

I'm now going to read out some statements that others have made about the CMA and its work, and for each one I'd like you to tell me if you agree or disagree with it. Please answer using a 5 point scale where 1 is strongly disagree, 2 is slightly disagree, 3 is neither agree nor disagree, 4 is slightly agree and 5 is strongly agree.

First of all, in terms of the **role of the CMA**, do you agree or disagree that...

Code	Scale list	Scripting notes	Routing
1	Strongly disagree		
2	Slightly disagree		
3	Neither agree nor disagree		
4	Slightly agree		
5	Strongly agree		
85	Don't know / no experience		

Code	Statement list	Scripting notes	Routing
1	They consult in an open and fair way		
2	Their activities are clear and comprehensible		
3	They make strong enforcement decisions		
4	They use their regulatory powers effectively		
5	They demonstrate good commercial awareness and sector expertise		
6	They are risk averse		

Q25.**All participants**

Do you have any comments on the CMA's role?

Probe fully

OPEN, DK

Q26.**All participants**

And in terms of **engagement** with the CMA, do you agree or disagree that...

Code	Statement list	Scripting notes	Routing
7	Their communications with you are timely		
8	It is easy to find information on their cases of work		
9	You find it easy to get guidance from the CMA		
10	The language they use in their communications with you is clear		
11	You are generally aware of the CMA's wider work		

Q27.**All participants**

What could the CMA do to improve engagement?

Probe fully

OPEN, DK

Q28.**All participants, except those working directly with the CMA at S1 (S01/2)**

...And now in terms of **processes within the CMA**, do you agree or disagree that...

Code	Statement list	Scripting notes	Routing
12	They work in a collaborative way		
13	Their demands on other organisations are proportionate		
14	They stick to the timetable set or give fair reasons to change it		
15	It is easy to understand how the CMA operates		
16	They are flexible and innovative in approach		
17	They are open minded and listen, changing their mind if appropriate		

Q29.

All participants, except those working directly with the CMA at S1 (S01/2)

What could the CMA do to improve processes?

Probe fully

OPEN, DK

Q30.

All participants

And in terms of the **outputs** from the CMA, do you agree or disagree that...

Code	Statement list	Scripting notes	Routing
18	Competition advice from the CMA is acted upon by senior officials		
19	Staff are professional		
20	The quality of their work is high		
21	They produce good quality papers/documentation		
22	They reach the right decision		

Q31.

All participants

What could the CMA do to improve outputs?

Probe fully

OPEN, DK

Changes to the CMA

I'd now like to ask you about the CMA since its formation from the CC and the OFT.

Q32.

All participants who worked with either the CC or the OFT prior to the formation of the CMA (Q02/1, 2 or 3)

You told us that you had had business dealings with the Competition Commission / OFT before the CMA...What changes, if any, have you noticed since the formation of the CMA? We would like to completely understand any views that you have, so please answer as fully as you can.

Probe fully

OPEN ENDED. DK

Q32a.

What would you say has improved?

Probe fully

OPEN ENDED. DK

Q32b.

What (if anything) has got worse?

Probe fully

OPEN ENDED. DK

Q33.

All participants

Do you have any other comments?

Probe fully

OPEN, DK

Attribution

Thank you for your time today. I just have a few more questions before we finish the survey.

Q34.

All participants

Would you be happy for your comments to be used verbatim in the report that will be given to the CMA?

SINGLE CODE

Code	Statement list	Scripting notes	Routing
1	Yes		Q35
2	No		Q36

Q35.

All participants who code 1 at Q34

And are you happy for these comments to be attributed to you, or would you rather remain anonymous?

SINGLE CODE

Code	Statement list	Scripting notes	Routing
1	Happy for my comments to be attributed to me		
2	I would rather remain anonymous		

Q36.

All participants

Would you be willing to be re-contacted by any of the following regarding this research?

MULTI CODE

Read out; ask for each in turn

Code	Answer list	Scripting notes	Routing
1	Competition and Markets Authority (CMA)		
2	DJS Research		
3	Another agency		
86	None	EXCLUSIVE	

END MESSAGE: Thank you for your time today – that is the end of the survey

Appendix B – Key driver detail

Key Driver Analysis was used to identify which variables were significantly impacting overall satisfaction.

Initial analysis was conducted on 59 variables to identify which should be shortlisted for inclusion in the Key Driver Analysis model. Various regression methods were considered to identify a stable and consistent model of overall satisfaction.

The final model includes 10 Key Drivers. The measure of goodness-of-fit is very high meaning 77.5% of the variation in overall satisfaction is explained by this model.

The variables which make up the final model are listed in order of importance below. The most important driver is 'Quality of papers/documentation produced'. The variable 'taking into account the burden...' is the least important of the drivers but still contributes significantly to the model of overall satisfaction.

Questionnaire number	Variable	IMPORTANCE	PERFORMANCE (MEAN SCORE)
q14.14	Quality of papers/documentation produced	0.290	7.29
q14a.19	Working in a collaborative way	0.263	7.38
q12.6	Giving clear requests for information	0.222	7.54
q12.7	Providing clear advice and guidance	0.178	7.20
q14a.21	Being open minded	0.170	6.87
q14.16	Understanding the nature of your business or organisation	0.157	6.46
q10.4	Providing a timetable of appropriate length	0.147	6.90
q16.24	Reaching the right decision	0.080	6.77
q24.2	Their activities are clear and comprehensible*	0.066	7.69
q12.10	Taking into account the burden that their processes and decisions put on your business or organisation	0.044	5.85

*The scaling of Q24 (gathered on the questionnaire as a 5-point Likert scale) was turned into a 1 to 10 scale to match the other variables in the model to allow comparison of the performance.

As with previous surveys, we have used data modelling techniques to calculate the importance of the main aspects of service in driving overall satisfaction. This informs which aspects of service should be focused on to improve stakeholder satisfaction, and where improvements will be of greatest benefit to the stakeholder.

The main outcome variable was overall level of satisfaction (based on a score of 1 to 10). One respondent did not offer a valid response to this question so is excluded from the analysis.

The analysis was conducted on the remaining n=328 sample. The majority (98%) of these respondents have worked directly with the CMA (S01=yes), hence have answered the set of questions aimed at this group of respondents (for example, Q10).

In total, a list of 59 variables were considered for inclusion in the Key Driver Analysis model. This included questions: 10, 12, 14, 14b, 16, 17, 24, 26 and 30.

This list was further reduced. Variables which were identical but asked of 2 different audiences (for example, Q16_24 'Reaching decisions as quickly as is practical and fair' is matched with Q16_34 where we have the same statement but asked of slightly different sub-sample).

Any variables with large numbers of missing values were also excluded at this stage.

An initial regression model reduced the list of variables even further. At this step the variables which did not contribute significantly (at the 10% confidence level) were removed from the model leaving a list of 25 possible drivers.

These 25 variables were investigated further and various regression methods were considered to identify a stable and consistent model of overall satisfaction.

The final model includes 10 Key Drivers. The measure of goodness-of-fit is very high ($R^2=77.5\%$).

They are listed in order of importance with the most important driver 'Quality of papers/documentation produced'. The variable 'taking into account the burden...' is the least important of the drivers BUT this still contributes significantly to the model of overall satisfaction.

Questionnaire number	Variable	IMPORTANCE	PERFORMANCE (MEAN SCORE)
q14.14	Quality of papers/documentation produced	0.290	7.29
q14a.19	Working in a collaborative way	0.263	7.38
q12.6	Giving clear requests for information	0.222	7.54
q12.7	Providing clear advice and guidance	0.178	7.20
q14a.21	Being open minded	0.170	6.87
q14.16	Understanding the nature of your business or organisation	0.157	6.46
q10.4	Providing a timetable of appropriate length	0.147	6.90
q16.24	Reaching the right decision	0.080	6.77
q24.2	Their activities are clear and comprehensible*	0.066	7.69
q12.10	Taking into account the burden that their processes and decisions put on your business or organisation	0.044	5.85

*The scaling of Q24 (gathered on the questionnaire as a 5-point Likert scale) was turned into a 1 to 10 scale to match the other variables in the model to allow comparison of the performance.

The remaining 15 variables (the 'short list' that do not make it to the final-cut) are still related to the overall satisfaction but they do not improve the model significantly on top of the 10 Key Drivers.

Definition of R²:

R² is an index ranging from 0 to 100%.

It is the proportion of the overall satisfaction that is explained by the different aspects of the CMA work.

When R² is a small number e.g. less than 20% this means that the drivers (i.e. aspects of CMA work) do not explain a high proportion of satisfaction – thus they are less useful in predicting and modelling the dependent variable.

In market research, an R² between 40% and 60% means that the aspects tested are a good explanation for the findings. Values >60% are classed as very good.

Appendix C - Letter sent to usable sample



I am writing to ask for your participation in a survey of the Competition and Markets Authority's (CMA) stakeholders which will shortly be undertaken by DJS Research on behalf of the CMA.

The CMA is now in its third year of operation. We are keen at this juncture to establish the perceptions of stakeholders who work directly with us on a range of projects, so that we can continue to refine how we carry out our work. We have commissioned DJS Research, an independent market research agency, to conduct a series of telephone interviews on our behalf with key stakeholders who have been involved in our projects. The feedback will be considered by the CMA senior team and the Board.

Please be assured that in accordance with the Market Research Society Code of Conduct, all your answers will be treated in the ***strictest confidence*** by DJS, unless you indicate to us that you are content for your comments to be attributed. Your name and details will be kept separate from your answers and will not be passed on to any other organisation.

Your participation will be extremely valuable but if you wish to decline at this stage so that you are not contacted, please contact DJS Research by clicking on this link by 13th November 2016. On clicking the link [to be inserted by Data team at DJS Research] you will be directed to a page where you can leave your details and you will not be contacted by DJS Research.

If you have any questions for the survey team, please email DJS via stakeholder@djsresearch.com. They will be happy to answer your questions. If you would like to speak to anyone at the CMA, please contact Rachel Christopher at the CMA on 020 3738 6928.

We very much hope that you will be able to take part in this research, to help us understand how we can refine how we carry out our work.

Many thanks

(Signed)

Andrea Coscelli
Acting CEO, Competition and Markets Authority