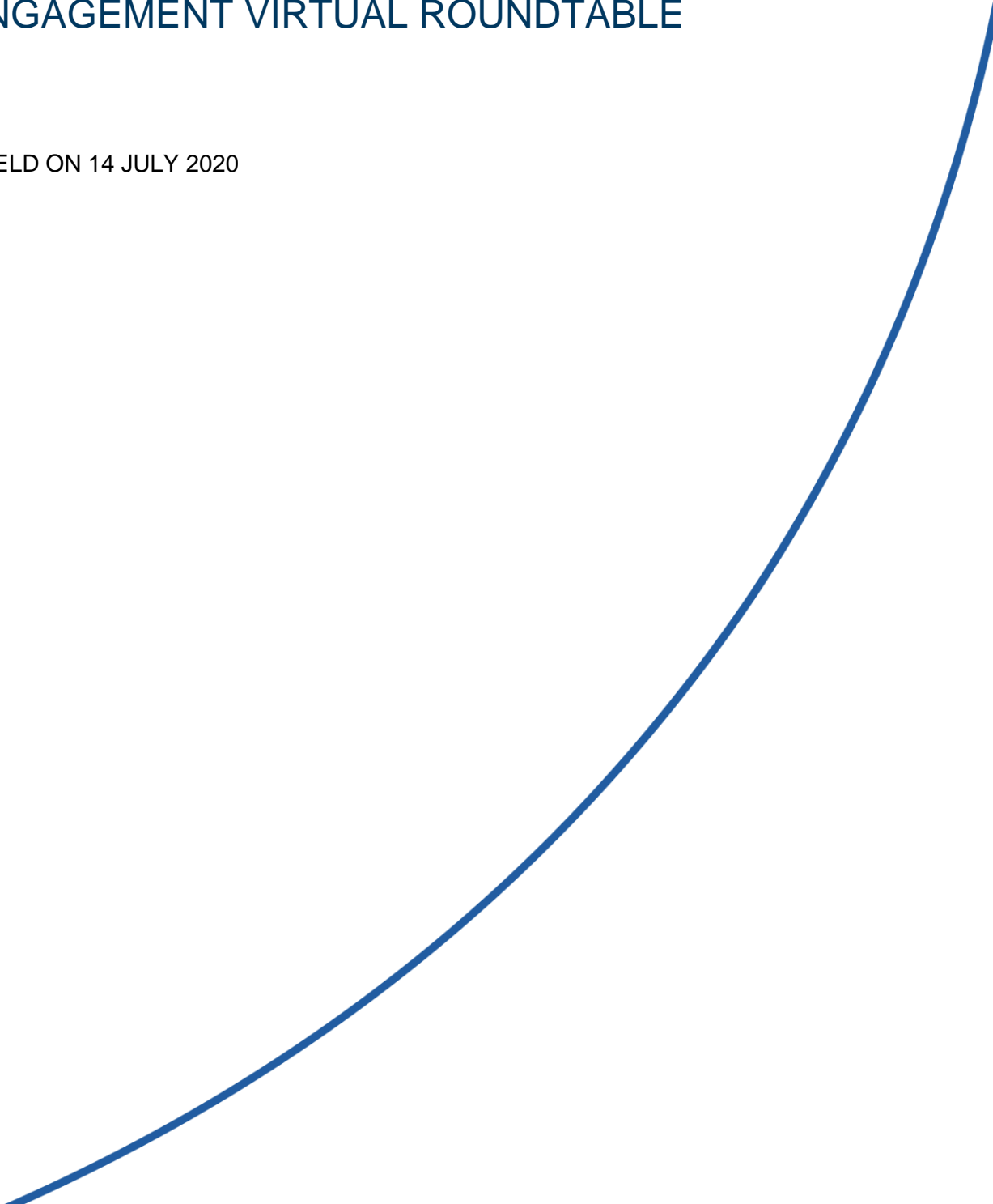


REGULATORY
HORIZONS
COUNCIL



REGULATORY HORIZONS COUNCIL (RHC) PUBLIC ENGAGEMENT VIRTUAL ROUNDTABLE

DISCUSSIONS HELD ON 14 JULY 2020



List of Attendees

Chair

Cathryn Ross, Chair of the Regulatory Horizons Council

Attendees

Harry Armstrong, Nesta

Simon Burall, Sciencewise

Chris Burn, PA Consulting Group

Professor Jason Chilvers, University of East Anglia

Imran Khan, Wellcome Trust

Carly Kind, Ada Lovelace Institute

Seema Mistry, UK Regulators Network

Jack Pilkington, Royal Society

James Selwyn, Government Office for Science

Dr Jack Stilgoe, University College London

Hilary Sutcliffe, Inside Society

Peter Thompson, Human Fertilisation and Embryology Authority

Amélie Treppass, Traverse

Anthony Whitney, Department for Business, Energy, and Industrial Strategy (BEIS)

Observers

Kalavati Patel, Kim Wager, Ali Arif, Tristan Bishop, Samuel Omolade

Better Regulation Executive, Department for Business, Energy, and Industrial Strategy

Purpose and Background

This virtual roundtable is part of the Regulatory Horizons Council's (RHC) engagement with a range of stakeholders involved in public engagement and the regulation of innovation.

Regulatory systems traditionally struggle to cope with the nature and speed of technological change. Increasingly, we are having to think about how governments and regulators can become more anticipatory in their approach to disruptive emerging technologies and innovation. Gaining public trust is critical in ensuring public acceptability of new and emerging technology innovation.

Regulatory reform, in its broadest sense is not just limited to legislation and standards. It includes activities to ensure that the many "publics" have trust and confidence in disruptive innovation and emerging technology that is both rapid and pervasive.

Emerging technologies and their applications can span existing business and regulatory arrangements and can also give rise to ethical or other challenges. They may be poorly understood in some quarters, and there may be an instinctive and legitimate backlash to the technologies. Public engagement is critically important to ensure regulation is in the public interest and may be a vital ingredient in creating the regulatory environment required to bring new technologies to market.

Within this fast paced and transformative environment, we wanted to consider if we also need to be disruptive in the way we engage with the public on how new and emerging technological innovations are regulated.

This document provides a summary of the key messages from the roundtable.

If you have any questions, please contact the regulatoryhorizonscouncil@beis.gov.uk

Introduction by Cathryn Ross, Chair of the Regulatory Horizons Council

The main focus of the RHC is to get best value out of technological innovation but its role differs from that of regulators in a number of ways:

- The RHC is focussed wholly and exclusively on regulatory change and without the distraction of the "day job" facing regulators, the RHC can be more disruptive and see how the regulatory system needs to evolve.
- The RHC has a licence to look across the entire regulatory system and is not confined to a specific regulatory institution or regulatory sector.
- The role of the RHC is also "future back"; looking down the pipeline in terms of what is coming in the shape of technological innovation and potentially would be advantageous for the UK economy and society to develop and utilise. However, more importantly, the RHC wants to consider whether the regulatory landscape is best set up to enable that innovation to deliver value for the UK.

An important driver for the RHC is not to look at token regulation. Getting best value from technological innovation is not just about enabling financial value, competitiveness, and productivity but also more widely about environmental sustainability and social inclusion.

One of the barriers to delivering benefits of technological innovation is if that innovation is not taken up. If societal concerns are not addressed then that will damage the legitimacy of the innovation, damage the take-up of that innovation, and damage the benefit from that innovation. Regulation has a very important role to play in giving society comfort that its potential concerns are being acknowledged and addressed.

The government's commitment to establishing the Regulatory Horizons Council is outlined in the White Paper "Regulation for the Fourth Industrial Revolution"¹. The RHC does not have a particular interest in the status quo and its role is to bring some disruptive element in the regulatory system by working in a different way. The RHC is looking at innovations that are happening far, far away and from the usual policy and regulatory divide.

If the RHC is to get this right, it needs to engage with a range of stakeholders -innovators, academics, civil society groups, special interest groups that policymakers and regulators usually speak to but also get a flavour of what the public at large thinks in terms of getting best value out of technological innovation so that innovation can proceed with legitimacy. The RHC is interested in examples where public engagement has worked well and where it has not.

This roundtable is an example of how the RHC works. The RHC is very keen to get views from outside and share the RHC's thinking by making it publicly accessible, get feedback and learn to help the RHC progress its work.

Discussion on public engagement

- Participants felt there should be a change in dynamics from public engagement, which is seen as an extractive process into which the public are invited towards citizen involvement of appropriation and co-production. Involvement was seen to be more than consulting the public and giving policymakers and regulators authority to take action. Instead, involvement was seen as seeking help from the public to solve tricky problems.
- Participants considered the attributes of effective public engagement:
 - Engagement has to be highly specific to the issues.
 - It is vital to recognise that engagement takes time; any engagement exercise is unlikely to take less than a standard twelve-week consultation.
 - It is important not to strive for absolute perfection.
 - Engage the public where it matters.
 - Select the issues where there is proper space for the public to influence.
 - Engage early and at a point where there are real choices to be made.

¹ <https://www.gov.uk/government/publications/regulation-for-the-fourth-industrial-revolution>

- Give a reason why the public should give up their time.
 - It is best to engage when the government is not already committed to one position or another.
 - Policymakers should not bring their prejudices to the engagement exercise.
 - Engagement should take place regularly so that there is learning each time and organisations can improve and refine methodological issues from well used models off the shelf.
 - The inevitability of technology advancement is a perception that needs to be challenged when conducting public engagement.
 - Recognise that there is a considerable amount of uninvited public engagement happening around emerging technologies.
 - Appreciate that the public is very sophisticated in its understanding of trade-offs and recognises that benefits come with costs.
 - Minority interests need to be listened to the most when technologies are likely to exacerbate inequalities for them more than they do for the majority.
- Participants thought that there were lessons to be learnt from past public engagement exercises, in particular from the genetically modified foods (GM) debate:
 - It is important not to think in terms of good and bad public engagement as it depends on perspectives. If the GM foods debate was seen as accelerating the path of technology then it will be seen as a failure whereas for those having concerns about the technology, the debate could be seen as a success.
 - The GM outcome could be regarded as a failure of institutional listening rather than a failure to engage.
 - There was a very, very narrow focus on technological risks whereas the public had a wider set of questions; ranging from who is going to benefit? what do you mean by benefit? all the way to what does it mean to be natural?
 - Participants considered other recommendations for policymakers in government, regulators, and the public:
 - Traditionally governance frameworks including regulation have difficulty keeping up with the speed and pace of emerging technologies. It has not always been possible to undertake public engagement in perfect time and more needs to be made of “anticipatory” approaches to regulation.
 - There is extensive expertise in the actual processes of conducting public engagement exercises in the UK, but the involvement of policymakers can slow down these processes.
 - For policy makers in government and regulators, there is considerable specific and practical guidance from participants in this discussion on why and when to engage with the public.

- Some regulators appreciate the need to be aware of when and how to engage and the need to engage early and continually as technological development evolves.
 - The public should encourage regulators to be more pro-active beyond innovation and technology to greater societal issues and strategies.
 - Some regulators have engaged well with *industry* to shape regulation and encouraged innovation but engagement with the affected public is also critical.
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- Conclusion
 - The RHC should recognise that technology could be considered to be insufficiently disruptive and what it can do is to exacerbate existing inequalities and structures in society.
 - Traditional methods of engagement, such as public dialogues, may be especially suitable for horizon scanning activities that are able to take a long-term view of technologies.
 - Finding evidence of the effectiveness and impact of public engagement is difficult. There needs to be a map of the diverse forms of engagement exercises on technological innovation and what that means for regulatory decisions and reform of regulatory systems. The Better Regulation Executive has commissioned an external consultancy to undertake this mapping exercise.
 - In its engagement, the RHC should think about who is defining public interest or the interests of multiple publics not forgetting that the public will identify their own sets of benefits and interests that may be very different from those promoting the technologies. The public will have a complex and nuanced perspective in terms of benefits and risks than a narrow set of stakeholders.
 - The engagement has to be twofold: as a first step engage effectively with stakeholders but do it in way that helps to frame the public engagement.
 - Narrow technological risk versus wider social harms and benefits is crucial when thinking about the role of the RHC. It is going to have to make a choice as to whether it is regulating those narrow risks, or is it regulating with particular futures in mind, one is reactive and risk focused, the second is wide, positive, and proactive.

Introduction to the RHC's prioritisation list of technologies

A small team in the RHC undertook horizon scanning over a six-week period using a variety of technology communication sources and a ten-year time horizon. The exercise generated a list of 544 distinct innovations which were then mapped into 143 broad groupings. These were prioritised by external consultants into the prioritisation list according to economic potential, societal benefits, and scope for regulatory change over three time periods 2025, 2030, 2050.

Key conclusions from the discussion on RHC's prioritisation list

- Participants felt that the technologically determined prioritisation list was a starting point, but it unduly concentrates on the benefits of those technologies. The downsides also need to be given weightings.
- Participants suggested that the RHC might want to consider alternative approaches in arriving at its prioritisation:
 - Use a principles-based approach.
 - Discard those technologies that can do no more than existing, tried, and tested ones.
 - Identify existing technologies that are enhanced by new technologies and which present new regulatory challenges.
 - Identify those technologies that potentially present moral hazards and ethical issues that can benefit from public engagement.
 - Identify other technologies that are trying to solve the same problems as those on the list.
 - Look at the interface between technologies and society and think about how society will change over the RHC's horizon.
 - Map these technologies to public concerns.

Next steps

- The RHC and the public engagement team in the Better Regulation Executive will conduct follow up conversations with attendees, to unpack some of the discussions here.
- Cathryn thanked attendees for their time, for a productive discussion, and hoped to continue this conversation and create an ongoing community.



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