

Post Implementation Reviews

Introduction

This section updates the previous RPC case histories guidance on post-implementation reviews (PIRs) to reflect new DBT guidance on PIRs.¹ It provides examples that illustrate the individual requirements of the guidance. It identifies examples of good practice and areas where PIRs have fallen short, setting out what additional evidence and analysis would improve them.

Legal Background

The Small Business, Enterprise and Employment Act 2015 ('the SBEE Act') requires either the inclusion of a statutory review clause in secondary legislation that creates or amends Regulatory Provisions or a statement on why a review clause is not appropriate. The inclusion of a review clause requires policy officials to undertake a "post-implementation review" (PIR) in line with the legislative timetable specified in the secondary legislation review clause and in a way that responds to the review requirements in the Act. Reviews will normally be completed within five years of the regulatory measure coming into force and on a repeating five-year cycle thereafter, or according to any statutory deadlines. Further information can be found in DBT statutory guidance.²

What is a PIR?

A PIR is a process to review a regulation or policy decision after it has been implemented and operational for a period of time. A PIR should assess if the objectives of the regulation have been achieved, if the objectives are still relevant and if they could be achieved in a less burdensome way. Good-quality evaluations play a vital role in setting and delivering on government objectives and helps to improve future decision making. The [RPC proportionality guidance](#)³, produced in collaboration with DBT provides advice on conducting proportionate PIRs.

This section provides practical advice on the key analytical questions to consider when undertaking a PIR. It outlines a proportionate approach to the evidence and analysis used to evaluate the impacts of a regulatory measure, and to support a department's preferred policy option. It draws upon information from various government guidance and documents.⁴

Framework

¹ [Producing post-implementation reviews: principles of best practice - GOV.UK](#)

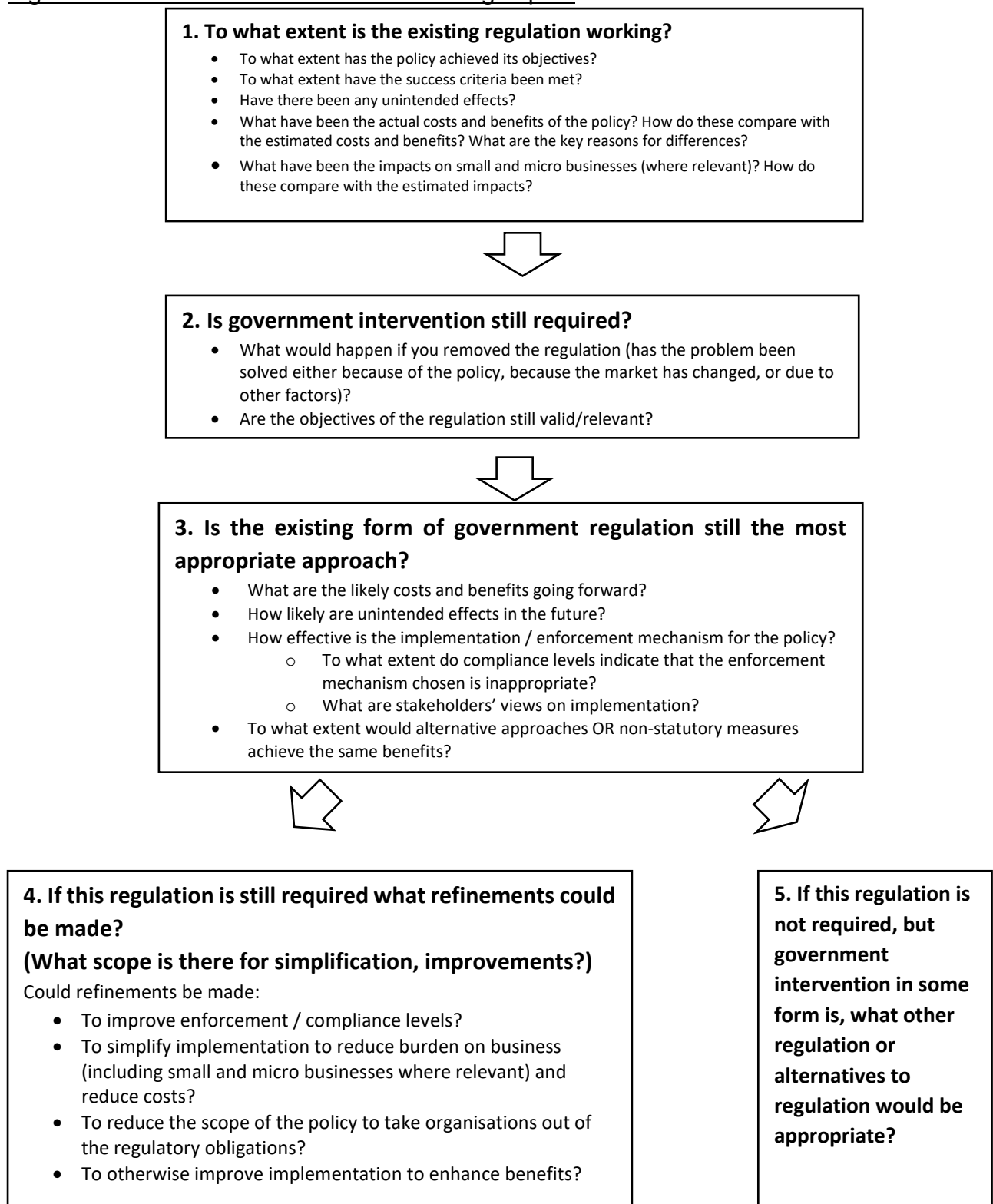
² [Business regulation: statutory review requirements - GOV.UK](#)

³ <https://www.gov.uk/government/publications/proportionality-in-regulatory-submissions-guidance>

⁴ The above documents plus the [Magenta Book](#).

This section is structured around the five analytical questions from the framework set out in DBT's Principles of Best Practice guidance.

Figure 1: Overview of structure for assessing impact



Flowchart from Better Regulation Executive: Producing post-implementation reviews: principles of best practice, July 2018.

Section 1: To what extent is the existing regulation working?

1.1 To what extent has the policy achieved its objectives?

The PIR should state clearly the intended purpose of the policy, as set out in the original options/impact assessment and/or associated documentation. It is important that the PIR does not simply restate the purpose of the policy with the benefit of knowing what has happened. This is crucial in determining the ex-post impact of the policy, and hence the extent to which the existing regulation is working. ‘Policy impact’ refers to the change in outcome caused by the policy, whereas ‘impact evaluation’ attempts to answer whether an intervention was effective in meeting its objectives.

According to the [Magenta Book](#), there are three main types of evaluation.⁵

Types of evaluation	Explanation
Process evaluation	Assesses whether a policy is being implemented as intended, what is working well and what could be improved
Impact evaluation	Attempts to provide an objective test of what changes have occurred, and the extent to which these can be attributed to the policy
Economic evaluation	Compares the benefits of the policy with its costs, this is commonly termed as “cost-benefit analysis”

The key characteristic of a good impact evaluation is that it recognises that most outcomes are affected by a range of factors, not just the policy. To test the extent to which the policy was responsible for the change, it is necessary to estimate what would have happened in the absence of the policy, this is known as the counterfactual. In order to capture the full impact of a measure, it is important to design a monitoring and evaluation plan early in the policy-making process.

The importance of early preparation for PIRs

⁵ The Magenta Book, Section 1: Types of evaluation (pg. 14), March 2020.

Data and evidence should be gathered as early as practicable in order to be able to establish the cost-effectiveness of the measure. The case below illustrates best practice by collecting data before and during the policy implementation stage.

Post Implementation Review of the “Free-Flow” Road User Charging at the Dartford-Thurrock River Crossing (Renew with some changes to implementation) (RPC-DfT-4225): This proposal aims to reduce the overall journey time at the river crossing whilst maintaining cashflows to the Highways Agency. The Department took a high-evidence approach to evaluation, which is considered to be proportionate for this high-impact measure (net present value of £1.6 billion).

The method for data collection was designed during the appraisal period. The Department collected data both before and during the implementation of the scheme and was, therefore, able to set an appropriate counterfactual and present robust evidence in support of its recommendation. The PIR can be improved by further stakeholder engagement, in particular consulting local residents and business, and users of the scheme to strengthen their estimates. Given the scale of the measure, it could be proportionate to run focus groups or “town hall” meetings in the local area.

It is important to set clear objectives and consider how they would be measured at the appraisal stage. The case below did not set fully clear objectives in the original IA, which presented problems at the evaluation stage.

Post Implementation Review of Motor Vehicle (Driving Licences) Regulation 2011 (Amend) (RPC16-3563(1)-DfT-DVLA): The proposal introduced four amendments to the minimum medical standards for driving with diabetes and changed entitlement to driving licences for a significant number of bus and lorry drivers. The Department did not set fully clear objectives for the regulation in the original IA, and how the objective would be measured. It was, therefore, more difficult for the PIR to assess whether the policy had achieved its objectives and how successful the intervention was at addressing the underlying problem.

As best practice, the Department should consider and incorporate a plan for monitoring and evaluation early in the policy-making process to ensure that objectives are measurable. The PIR could also have been improved significantly by evaluating several key impacts of the measure, including the impacts on road safety.

1.2 To what extent have the success criteria been met?

Departments should assess clearly to what extent, and for what reasons, the proposal met its objectives/success criteria. In order to do so, departments should

consider carefully the most adequate and proportionate choice of evaluation method. The Magenta Book and the Cross-Government Evaluation Group guidance⁶ provide discussion and advice. For best practice, policy objectives should be well-defined in the options/impact assessment and measurable, such that actual outcomes can be compared against the objectives. The PIR below compared the actual impacts against the estimated impacts and demonstrated that the proposal has met its success criteria.

Post Implementation Review of The Cattle Compensation (England) Order 2012; The Individual Ascertainment of Value (England) Order 2012 (Renew)

(RPC16-3589(1)-DEFRA): This proposal relates to changes to the level of government compensation following the slaughter of cattle that were infected with bovine tuberculosis (bTB). It aims to reduce the number of overdue bTB tests and ensure fairer levels of compensation.

The PIR compared the actual impacts against the estimated impacts in the original impact assessment. It presented an appropriate level of analysis to demonstrate the achievement of the set objectives, and to support its decision to renew the regulations. The PIR shows that there has been a larger than anticipated decrease in overdue bTB tests, and amendments to compensation have resulted in a fairer level of compensation being paid. The Department demonstrated best practice by consulting with relevant stakeholders to ensure that the policy is working as intended and that the objectives have been achieved. The PIR would benefit from additional analysis on infection rates, which is a factor that drives the number of bTB tests taken and the level of compensation paid.

1.3 Have there been any unintended effects?

The existence of unintended effects may alter the extent to which the existing regulation is assessed to be working effectively. Departments should include a proportionate discussion of any significant unintended effects that were not anticipated in the original options/impact assessment. This should include a discussion of the significance of these effects for meeting the policy objectives and their implications for the department's preferred option. In this, departments should consider unintended impacts that arise as a result of the policy itself or its implementation, and wider unexpected developments that may have affected achievement of the objectives of the policy. Departments should consider the extent to which such effects were reasonably foreseeable at the time the policy was implemented. Unintended consequences are outcomes that were not foreseen or

⁶ <https://www.gov.uk/government/publications/guidance-and-resources-for-evaluating-policy-in-government/guidance-and-resources-for-evaluating-policy-in-government-html>

intended at the time of implementation, these should be addressed in the PIR. Below is an example of a case where the impacts of the measure were significantly affected by an unintended consequence, the description of this measure is in section 1.1.

Post Implementation Review of Motor Vehicle (Driving Licences) Regulation

2011 (Amend) (RPC16-3563(1)-DfT-DVLA): The PIR identified an unintended consequence of the measure, whereby individuals who only experience hypoglycaemic attacks during sleep (“night time hypos”) were banned from driving for at least a year, despite posing little risk to road safety.

To address this unforeseen issue, the DVLA revised the Directive and recommended a three to six months ban as a replacement for night time hypos. The amendment received support from stakeholders and medical experts.

Given the level of support from stakeholders, and the explanation of unintended consequences, the RPC concluded that the PIR contains sufficient evidence to support the decision to amend the measure.

The case below did not fully take account of the particular circumstances of a certain group of the population. Some employees who wanted to opt-out of the automatic enrolment scheme were unable to do so.

Post Implementation Review of the Automatic Enrolment into Workplace

Pensions: Seafarers and Offshore Workers (Renew) (RPC-4257(1)-DWP): The proposal extended the scope of the automatic enrolment programme for workplace pensions to include seafarers and offshore workers in the UK. The policy aims to ensure seafarers and offshore workers are covered by the programme.

Consultation with stakeholders suggests that the specific employment conditions of offshore workers, such as intermittent and costly internet connections, meant that workers were unable to opt-out within the required time and suffered an unwanted transfer of income. The Department provided an appropriate assessment of the unintended effects based on stakeholder engagement. The RPC welcome the Department’s intent to gather more effective evidence to inform future reviews of the legislation.

1.4 What have been the actual costs and benefits of the policy? How do these compare with the estimated costs and benefits?

The RPC have seen very few PIRs that provide a comparison of the actual costs and benefits against the estimated impacts. In order to determine the ex-post impact of the policy, departments should focus on the additional effects resulting directly from the policy, i.e. the incremental costs and benefits. Whilst it may not be proportionate in some cases to do a detailed comparison, at least some assessment of overall

costs and benefits against those originally expected is good practice, particularly for more significant measures. As noted in the Magenta Book, establishing the counterfactual, or what would have happened in the absence of the policy, is not easy given that, by definition, it cannot be observed, and often a large number of factors drive the outcomes that are observed. Thinking about monitoring and evaluation in the early stages of the policy design and planning process has benefits, which may include helping to establish the counterfactual. Monitoring the variables of interest throughout the policy cycle should help to identify what the actual outcomes over time and may help to explain some of the reasons for divergence between expected and actual outcomes.

The case below initially did not address why the actual costs to business was significantly different to the estimated costs in the impact assessment. The revised PIR provided an explanation of why a particular element in the impact assessment was under-estimated, which resulted in higher cost to business.

Post Implementation Review of Reforming the Air Travel Organisations' Licensing (ATOL) Scheme 2012 (Renew) (RPC17-DfT-3659(1)): The measure updated existing UK legislation to meet the requirements of the Package Travel Directive by creating a new Flight-Plus category and enforced a requirement for holiday providers to issue an ATOL certificate to passengers.

The initial submission was not fit for purpose as the Department did not analyse the evidence base in sufficient detail to support their recommendation to renew the regulation. In particular, the PIR did not provide a clear explanation as to why the ATOL Protection Contributions (APC) rate of £2.50 did not reduce after the first two years of the measure, as anticipated in the original impact assessment. Thus, the actual cost to business of the measures was higher than originally estimated.

The revised PIR provided sufficient assessment of impacts and explained why the APC rate was not reduced. The Department explained that the fund associated with the APC rate faced higher risks than expected and the fund experienced deficit in the early years of the scheme. The CAA demonstrated best practice in the revised PIR by explaining the difference between the actual and estimated cost and by providing evidence to support their recommendation to renew.

Clarity regarding the time frame is important because short term impacts may be very different to longer term effects, and there may be a time lag between implementation and when initial impacts materialise. Departments should also compare the actual impacts against the estimates in the appraisal and explain any significant differences. For example, the Department could address how much the EANDCB has changed compared to that estimated in the options/impact assessments and explain the reasons for this change. It is important that this is done on a like for like basis, taking into account any significant differences in base, price

years etc. A good PIR will consider whether any of these changes provide lessons for future options/impact assessments or PIRs.

Below is one of the few examples that did compare the actual monetised impacts against those estimated in the original impact assessment, although the aggregate comparison masked significant variations in the composition of impacts.

Post Implementation Review of the Sale of Registration Marks (Amendments)

Regulations 2008 (Renew) (RPC13-DFT-PIR-1738): Although the PIR was considered fit for purpose, it could have been improved by assessing further the specific impact of the ending of the contracted out tele-sales link and by bringing together lessons learned under one heading.

In the PIR the termination of the contract was credited with saving nearly £1m per year, compared with an expected saving of £847,000 in the 2008 impact assessment. This accounted for about 80% of the overall estimated savings from the proposal. Combining all the savings together somewhat masked the fact that benefits elsewhere were substantially lower than estimated. Also, the PIR could have addressed whether ending the contract might have had a negative effect on sales. It appeared that in 2008 the number of transactions was considerably over-estimated, leading to a sharp fall in sales revenue.

For best practice, the Department should include a table that shows the actual and estimated costs and benefits, and a column explaining the reasons for the differences and whether this divergence can provide any lessons for future submissions.

1.5 What have been the impacts on small and micro businesses (where relevant)? How do these compare with the estimated impacts?

When evaluating a regulation, departments should consider how small and micro businesses have been affected by the policy and how this compares with the impacts estimated in the impact assessment. Departments should also consider whether mitigations or exemptions were applied, whether they were successful in reducing the impact on small businesses and if they gave rise to any market distortions. The PIR below could be improved by including a further discussion of the small and micro businesses affected by the regulation and whether mitigations or exemptions for smaller businesses would be proportionate. See section 4.2 for more details related to this proposal.

Post Implementation Review of Restriction of the use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 (Amend)

(RPC18-DEFRA-4245(1)): The PIR stated that the survey responses from business stakeholders suggest that the regulations are working. However, the Department

could have been clearer on how representative the sample is and whether the views of small and micro businesses were obtained.

For best practice, the Department should provide an estimate of the number of small and micro businesses which are affected by this regulation. The PIR could also address what the actual costs for smaller businesses were and whether these costs were disproportionate. Furthermore, the PIR should include a section on whether exemption or mitigation for small businesses would be appropriate and proportionate.

Types of research methods for a PIR

The RPC proportionality guidance sets out the level of evidence and analysis expected according to the scale of impact of a measure. In general, for a high-impact (for example, EANDCB greater than +/- £50 million) and/or contentious measure, the RPC would expect to see a particularly rigorous approach to evaluation. The case below commissioned good quality (in this case external) research to review the impacts and effectiveness of the policy.

Post Implementation Review of the Reports on Payments to Governments Regulations 2014 (Renew) (RPC-4218(1)-BEIS):

To inform the PIR, the Department commissioned PricewaterhouseCoopers (PwC) to undertake a full review of the impacts of the new reporting regime. The regulation places a requirement for UK companies that are involved with the extraction of natural resources to disclose, on an annual basis, payments made to government regarding extraction activities. This will impose on-going annual costs on a significant number of businesses.

The commissioning of (external) research is considered proportionate as this is a relatively high-impact and contentious measure. Given the public profile of this policy, an independent assessment of the policy impacts will provide public assurance that policy objectives are being met. Overall, the PwC research has resulted in useful and fairly-detailed information on costs incurred by businesses for far. The actual costs are higher than the impact assessment estimates, however, the Department explains that this difference is due to underestimating costs to subsidiaries compared to their parent companies. This finding is useful in estimating the likely costs of the policy in the future and should help to improve future implementation of the policy.

The following cases used a variety of research methods in their assessment to improve the robustness of their evidence base. This is considered best practice for high-impact and contentious measures.

Post Implementation Review of the Default Retirement Age (DRA) 2016

(Renew) (RPC-4211(1)-BEIS): Given the inherent difficulty of attributing changes in labour supply (age 65 and above) to the removal of the DRA, the Department provided sufficient analysis to support the recommendation to renew the measure.

The Department has used a variety of research methods to inform their recommendation, including analysis of data on labour market participation and evaluation of primary data collected from the British Social Attitudes Survey. The Department demonstrated best practice by adopting a proportionate approach for a relatively high-impact measure.

From their research, the Department found that some employers were uncertain on how to discuss retirement plans with their staff. It recommends, therefore, the provision of better advice and guidance in this area. This should ensure that more employees are informed about the regulatory changes and should improve policy implementation and enhance benefits.

Post Implementation Review of the Control of Asbestos Regulations 2012

(Renew) (RPC-3527(1)-HSE): Health and Safety Executive (HSE) has undertaken a detailed and comprehensive PIR commensurate with the high impact and profile of the policy, including economic, process and impact evaluation. The PIR uses a good range of research methods, including focus groups, questionnaires and telephone interviews of duty holders. This is considered best practice and it helps to compensate for the low response rate to some of the questionnaires. The PIR provides an important and useful comparison of overall costs and benefits. The identification of specific areas where further guidance would be beneficial is also particularly useful for to improve future policy implementation.

Section 2: Is government intervention still required?

The PIR should include a section which discusses whether the objective of the regulation is still relevant and if government intervention is still required. The following questions in this section address these issues. Departments should think carefully about whether the regulation is still needed. Best practice would be a PIR that presented good evidence that the problem had either gone away or that the regulation was no longer necessary, possibly leading to a recommendation to withdraw or amend the regulation. An example might be a regulator who removes price cap regulation because the market is now sufficiently competitive to no longer require it.

2.1 What would happen if you removed the regulation (has the problem been solved either because of the policy, because the market has changed, or due to other factors)?

If the objectives of the regulation have been achieved, the policy may no longer be required either because the problem has been solved or the market has changed. The Department should provide evidence to support the retention of legislation in the PIR. When considering whether government intervention is still required, departments should make sure they compare the current regulatory regime to the appropriate baseline, i.e. the position before the legislation began, taking account of any subsequent changes that are independent of the policy proposal. The case below provides an example of a measure which is replaced following changes in EU legislation.

2.2 Are the objectives of the regulation still valid/relevant?

If the objectives of the regulation are no longer relevant, or if the regulation is ineffective in achieving the objective, government intervention may no longer be required, or different types of regulation may be more appropriate. Departments should provide evidence that the objective is still relevant by considering what would happen if the regulation were to be removed. Relevant factors to consider include whether the problem has been solved, perhaps because behaviour has changed as a result of the policy, or the market has changed.

Nearly all of the PIRs seen by the RPC have a recommendation to renew the regulation. Even in the very few instances where there is a recommendation to amend or even replace the regulation, this has involved the replacement of one form of government regulation with another. The RPC, therefore, does not currently have examples to best illustrate these two questions.

Section 3: Is the existing form of government regulation still the most appropriate approach?

An important part of a PIR is to inform whether the existing regulation is still the most appropriate approach. The PIR below recommended replacement of the regulation because the existing form of regulation is no longer appropriate due to a change in an EU Directive.

Post Implementation Review of the Merchant Shipping (Passenger Ships on Domestic Voyages) High speed Craft Regulation 2000 and 2004 and (Amendment) Regulations 2012 (Replace) (RPC-DfT-4156(1)): The PIR relates to the “Passenger Ships on Domestic Voyages Regulations” and the “High Speed Craft Regulations”. The measure implemented more stringent safety standards and allowed more flexible trading opportunities for UK ships.

The related EU Directive (2009/45/EC) has been replaced in 2018 by a new directive and, consequently, the DfT recommends that the regulation is replaced. Although the Department explains that the objectives of the regulation have been achieved, the PIR identifies some unintended consequences in the form of disproportionate burdens when travelling in low-risk seas or operating smaller ships. These unintended consequences are expected to be addressed by the forthcoming EU directive. Overall, the PIR has presented sufficient analysis to support its recommendation to replace the regulation.

3.1 What are the likely costs and benefits going forward?

Having analysed the impacts of the policy to date, departments should consider the extent to which they expect the costs and benefits of the existing form of regulation to change in the future. This analysis will aid departments in deciding whether the existing form of regulation is still the most appropriate approach and will help to ensure that the conclusions in the PIR relate clearly to the analysis and evidence presented.

3.2 How likely are unintended effects in the future?

If there are likely to be significant unintended effects in the future, and these effects are likely to outweigh the benefits arising from the policy, the Department may want to consider an alternative approach.

3.3 How effective is the implementation/ enforcement mechanism for the policy?

Improving the implementation/enforcement mechanism for the policy is one way of achieving better outcomes. Departments should provide evidence on the extent to which the chosen enforcement mechanism is appropriate. This is likely to include consideration of compliance levels and stakeholders' views on implementation. In the case of EU regulations, this may also include consideration of member states' approaches to implementation.

3.3.1 To what extent do compliance levels indicate that the enforcement mechanism chosen is inappropriate?

The level of compliance with a regulation will often indicate the extent to which the measure is achieving its objectives. The PIR should, therefore, consider levels of compliance and what that could mean for the effectiveness of the chosen policy.

3.3.2 What are stakeholders' views on implementation?

Considering evidence from a wide range of stakeholders will help departments to understand the costs and benefits of the existing form of regulation, and the extent to which the existing form of regulation is the most appropriate approach. Departments should undertake a proportionate approach to data collection, taking into account the

effective use of their (and consultee) resources. Data collection can take many forms including, but not restricted to, administrative data collection, consultations, surveys and qualitative research. Departments should explain clearly their choice of evidence sources, say how the evidence is proportionate and highlight any potential limitations.

The case below could be improved by explaining more fully its use of the available consultation evidence to support its policy recommendation.

Post Implementation Review of the Animal By-Products (Enforcement) (England) Regulations 2013 (Renew) (RPC-3570(1)-DEFRA): The proposal aims to reduce burdens on business by simplifying the requirements involved in the use and disposal of animal by-products.

The revised PIR presented a detailed discussion of the available consultation evidence and explained the Department's attempts to improve the evidence base. Given the scale of the impacts, this approach was considered proportionate. The PIR sufficiently addressed the points highlighted in RPC's initial review and support its recommendation to renew the regulation. The PIR can demonstrate best practice by assessing the evidence from other countries to test the effectiveness of the measure.

The case described in section 1.1 can also be used to illustrate this question, in particular consultation with local residents and businesses (by holding, for example, focus groups) may be useful to assess the extent to which the proposal is the most appropriate approach.

3.4 To what extent would non-statutory measures achieve the same benefits?

To consider whether the existing form of regulation remains the most appropriate approach, departments should reconsider the extent to which alternatives to regulation could be used to achieve the policy objectives. Departments should consider whether the same objectives could be achieved through non-statutory measures and/or whether amendments could be made to reduce the cost to business, without reducing achievement of the policy objectives. Departments should also consider whether the same objectives could be met through alternative measures that may have additional advantages.

Section 4: If this regulation is still required what refinements could be made? (What scope is there for simplification, improvements?)

A PIR should assess whether the regulation is still required and if it remains the best option for achieving the objectives. If the policy remains the best option, the PIR should seek to establish whether, and to what extent, the regulation can be improved to reduce the burden on business and its overall costs.

Could refinements be made:

4.1 To improve enforcement / compliance levels?

A PIR should evaluate the compliance levels of the regulation and if it is below the expected level, departments should consider ways of improving the compliance level in a proportionate way.

4.2 To simplify implementation to reduce burden on business (including small and micro businesses where relevant) and reduce costs?

Where possible, Department should look for ways to simplify implementation to reduce cost to business. The case below was referred to in section 1.5 and provides an example of how the PIR could be improved by considering reducing regulatory burden on small and micro businesses.

Post Implementation Review of Restriction of the use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 (Amend) (RPC18-DEFRA-4245(1)):

The PIR states that the survey responses from business stakeholders suggest that the regulations are working. However, the PIR is not clear on how representative the sample was and whether the views of small and micro businesses were obtained. It was difficult, therefore, to assess whether the measure had different or disproportionate impacts on small and micro businesses.

To avoid costs falling disproportionately on smaller businesses, the PIR should identify the scale of small businesses which are in scope of this regulation. Furthermore, the evidence which the PIR refers to for reducing the burden on business is relatively brief and should discuss further whether mitigation or exemption for small and micro businesses would be proportionate.

4.3 To reduce the scope of the policy to take organisations out of the regulatory obligations?

Where possible, the scope of the policy should be minimised to reduce burden and costs to businesses without preventing the objectives of the policy from being achieved.

4.4 To otherwise improve implementation to enhance benefits?

The PIR should consider any other potential methods to improve implementation to enhance benefits to society and minimise costs to business.

Section 5: If this regulation is not required, but government intervention in some form is, what other regulation or alternatives to regulation would be appropriate?

If the department's recommendation is to remove the measure but government intervention is still necessary, other regulatory proposals or alternatives to regulation should be considered. There are currently no suitable cases to date that can be used to illustrate this.

Section 6: Options going forward

The questions above provide guidance on the analytical issues to consider in deciding whether to renew, amend, remove or allow to expire/replace the existing regulations. The following table draws upon information from Figure 5 in the revised Cross-Government Evaluation Group Guidance.⁷ It provides a summary of how the answers to these questions relate to the policy option chosen.

Figure 2: Options and PIR evidence

Option (and legislative label)	Evidence in support of option
1. Regulation should remain as is (Renew)	Q1: To what extent is the existing regulation working? - The policy is on course to achieve most or all of its objectives and key success criteria have been met - Costs have been proportionate to benefits Q2: Is government intervention still required? - government intervention is still required (if the policy were withdrawn, the problem would return). Q3: Is the existing form of regulation still the most appropriate approach? - compliance levels are sufficient to support achievement of objectives

⁷ Cross-Government Evaluation Group: Guide for conducting post implementation reviews (revised draft) (2018).

	- there are no alternatives that are less burdensome to business and/or overall Q4: If this regulation is still required what refinements could be made? - If appropriate, the policy should consider whether proportionate refinements can be made
2. Regulation should remain but implementation should be revised or improved (Amend)	Q1: To what extent is the existing regulation working? - The policy is achieving most or all of its objectives, and success criteria have been met Q2: Is government intervention still required? - government intervention is still required (if the policy were withdrawn, the problem would return). Q3: Is the existing form of regulation still the most appropriate approach? Amendments could help to: - achieve further benefits; - reduce costs or burdens on business and/or overall; - simplify the implementation processes; - improve compliance; - reduce unintended or negative effects; and - reduce the scope of the policy to take organisations out of the regulatory obligations. Q4: If this regulation is still required what refinements could be made? The policy should consider making proportionate amendments, such that the implementation is improved.
3. Regulation should be removed without replacement (Remove or Expire)	<i>One or both of the following applies:</i> - The policy is not, or is no longer, achieving most of its objectives or key success criteria [Q1] - costs are disproportionate compared to benefits [Q1] <u>AND</u> <i>one of the following applies:</i> - Government intervention is no longer required (the original policy objectives are no longer relevant <u>or</u> it is

	clear that if the intervention was withdrawn the problem would not return) [Q2] • compliance levels are insufficient to support achievement of its objectives and are unlikely to be improved [Q3] • alternatives to regulation can now be considered to achieve the objectives [Q3]
4. Regulation should be replaced or redesigned (Replace)	<i>One of the following applies:</i> • The policy is not, or is no longer, achieving most of its objectives or key success criteria [Q1] • costs are disproportionate compared to benefits [Q1] • compliance levels are insufficient to support achievement of its objectives and are unlikely to be improved [Q3] <u>AND:</u> • Government intervention is still required to address the problem [Q2] <u>AND:</u> The same or better performance could be achieved using a regulation or alternative to regulation, which: • costs less [Q3] • creates less burden on business and/or overall [Q3] • creates fewer negative impacts [Q3] • increases benefits [Q3]