

Good Practice Regulatory Change: Appendix

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Discussion guide

Background for moderators

The FSA has commissioned Ipsos UK to conduct research to better understand how other industries and regulatory bodies have introduced their own regulatory change programmes, and how the FSA can use some of these ideas for their own future programme.

These interviews will involve engaging with key stakeholders from different regulatory bodies and highlighting the different approaches they have taken in actioning their own regulatory change programme. We are speaking with representatives from different regulatory bodies, who witnessed and were involved in change processes.

The interviews will help inform our key findings and identify case studies to illustrate the different aspects that emerge in regulatory change programmes and how different organisations approached related challenges.

The focus of discussions should be on what challenges regulatory bodies faced while introducing programmes, and how they overcame them. There should also be a focus on how effectively the regulatory body operates now that it has gone through this period of change, and how they have managed relationships with key stakeholders, of different sizes and influence, before and after the regulatory change.

This interview discussion guide is designed to deepen our understanding and build on what we learnt during the desk-based research. The guide first introduces the purpose of the discussion and confirms consent. It then goes on to capture contextual background about the participant's current role and the service their organisation provides. The guide then asks about how the organisation initially approached planning and implementing their regulatory change programmes. It will then consider how relationships with different stakeholders were affected by the regulatory

change programme, before considering how successful the programme has been and what advice they could offer to someone who is planning to introduce their own regulatory change programme.

1. Introduction and consent (5 minutes)

Thank you very much for agreeing to take part in this interview. My name is [xxx], and I will be conducting the interview with you.

To begin with I'll tell you a bit about who I am, what the purpose of this interview is, and what to expect. After that you can ask me any questions before we make a start.

I work for an independent research organisation called Ipsos UK, and the Food Standards Agency (FSA) have commissioned us to speak with a number of stakeholders across different industries and regulatory bodies. The Food Standards Agency regulates food in England, Wales, and Northern Ireland to ensure that the food we eat is safe and what it says it is. Achieving Business Compliance (ABC) is one of the FSA's flagship programmes, aiming to make sure that consumers continue to have food that they can trust but in the rapidly evolving sector, acknowledges a need to regulate in smarter way. The food landscape has changed dramatically in the three decades since the current regulatory system was introduced. Although regulation has continued to evolve, our assurance model has not kept pace with the significant changes in the food industry. ABC endeavours to design new, responsive, regulatory approaches which are innovative and make best use of technology, data, and relationships.

The purpose of this research is to better understand how other regulatory bodies have approached their own regulatory change programmes. It also seeks to understand if there any lessons that the FSA could learn from when introducing their own change programme.

Please be reassured that the purpose of this interview is not to scrutinise you or [ORGANISATION]. By participating in this interview, you will help the FSA better understand regulatory change programmes across different sectors and identify ways to work alongside their various stakeholders.

Information shared during interviews will be published externally in an anonymised report. This report will not identify any individuals who have been involved in the research. We will also produce a report with case studies of different organisations. If we would like to include your organisation as a case study in the report, we will provide you with an opportunity to review your contribution and suggest amendments before publication. This is because there is a chance that participants could be identifiable based on the case study write-up. You will also be able to request that the case study is not published and only used internally by the FSA.

Any quotes that we use will be completely anonymous, with any identifying details omitted from the quote. Only the Ipsos project team will have access to your information, and this will be securely stored and deleted once the research has been completed.

I do have a set of questions to guide us through this conversation, but we are mostly interested in your views and experience of working within [ORGANISATION] and approaching your own regulatory change programme, so we will let this conversation be led by you and what you have to say.

This interview is completely voluntary, and so you are free to pause or end the interview at any point if you wish to. You can also decline to answer any question if you wish to or ask to come back to it later in the interview.

If it is okay with you, I'd like to audio record the interview so that I can listen back to make sure that my notes accurately reflect what you have said. The recording will be saved securely in an

encrypted folder, only accessible by the Ipsos project team, and will also be deleted once we have completed our report.

Are you happy for me to make this recording? TURN ON RECORDING

Can I confirm that you are happy to proceed with the interview?

Now that I have talked through the approach, do you have any questions?

? If you don't right now, please do feel free to ask me any that come to your mind as we go through the discussion.

Are you currently in a comfortable and quiet space to start the discussion?

If not, I am happy to call back in 5 minutes once you are.

2. Background (10 minutes)

Would you be able to introduce yourself for the recording and tell me a bit about your role?

How long have you worked at [REGULATOR]?

What areas does your agency/ department regulate?

What was/is your role within the change programme?

I've got a number of questions designed to understand more about specific elements of [PROGRAMME]. First, it would be great to have a summary of the programme and the wider context for regulatory change.

Would you be able to summarise what the programme was trying to achieve?

When did the change programme begin and finish [if relevant]?

What timescales were involved? Was this phased at all?

What was the scale of change involved in the programme?

How many organisations were affected?

Probe if relevant: What different approaches were taken to inspection:

Changes to inspection frequency?

Virtual or in person inspections?

Changes to unannounced inspections?

What was the key problem(s) the programme was trying to solve?

What did the evidence base look like? How did you go about building this evidence base?

Were there any wider contextual factors that influenced the design or delivery of the programme at the time?

Probe if relevant: Did COVID-19, and any changes you were forced to make as a result of the pandemic, influence the intentions of the regulatory change programme?

3. Planning and implementation (15 minutes)

Thank you, that's really helpful to understand. I'm now going to ask some questions about how [ORGANISATION] went about planning for the new regulatory change programme, and how [ORGANISATION] implemented it.

Moderators to adapt based on the type of organisation e.g. international.

How did you approach designing the change programme?

- How did you engage with internal stakeholders during the design phase?

- o Probe if relevant: Did you encounter any major challenges/ pushback from internal stakeholders?

- Did you commission any research?

- o Probe: with industry? Experts? Public?

Did you identify any risks or challenges at the outset?

How did you approach mitigating them?

Probe: Information, infrastructure, technology, legislative changes, behaviour change

What influenced the decision to implement the programme when you did?

Why was it the right time for this kind of change?

Had this change been considered previously/ have there been any previous attempts to introduce the change programme?

What was needed to deliver the programme? What were the critical components and dependencies?

Probe: information needs, infrastructure, technological changes, behaviour changes (businesses/ public)

Was legislative change required? How did this affect delivery?

Overall, what key challenges did you face in implementing the changes?

In practice, what were the key issues for delivery? How similar/different were these to the risks and challenges you identified?

PROBE: resourcing, external stakeholders, internal organisational change, perceptions of certain businesses/ groups (for example, SMEs), public sector organisations (e.g. schools/ hospitals etc) being disadvantaged by the changes

What would you do differently if asked to deliver the programme again?

What would you not change?

4. Relationships (15 minutes)

Thank you, that's very useful. The next area I'd like to explore further, is how you managed relationships as part of the change programme.

Can you provide a brief overview of the different stakeholders connected with [PROGRAMME]?

- Who were the key stakeholders involved?
 - o Probe if relevant: Businesses (small, medium, large), Government Departments, Local Authorities, Public Services, Public
 - o Did any have more power or interest than others?
- What type of relationship did they have with [REGULATOR]?

How did you manage the relationship with industry/regulated organisations during the changes?

[If not covered above]: how were they engaged in the design stages of the programme?

How were they engaged during the early stages of implementing the programme?

What kind of relationship did you want to develop between regulators and industry?

Probe: Did the changes require industry/regulated organisations to take greater responsibility, ownership, accountability?

If so, how did you encourage behaviour change?

Were there shared objectives, or did industry and regulated organisations have different priorities? How/to what extent was this overcome?

Probe if relevant: How do you maintain clarity about your role as a regulator/enforcer while building partnerships and encouraging cooperation?

How successful were you in managing these relationships?

What kinds of challenges did you face? How did you overcome these?

Probe if relevant: Were there any challenges that could not be overcome and how did this impact the change programme?

How did your relationships with stakeholders change during the implementation of the programme?

What, if any, challenges remain?

How did you communicate the changes in regulation to the public?

Are the public aware of the changing relationship? Why/why not? Does this matter?

What level of public interest was there before introducing the changes?

? Probe if relevant: If you did not communicate with the public, what factors influenced this decision?

What challenges did this raise and how did you overcome them?

Probe if relevant: How did you make sure the public were clear that you still have a role as the regulator (for example, not self-regulation)?

5. Outcomes (10 minutes)

To what extent did the programme achieve the intended outcomes?

Probe: High level view of the impact of change on the industry, regulator, and other key stakeholders.

Did any risks arise that you had not anticipated?

How did you measure the final benefits and value of the programme?

Qualitative/ quantitative methods? Another method?

What (if any) unforeseen / unintended consequences resulted from the changes?

How were these overcome?

If the consequences were positive, how did you get the maximum potential out of this?

What advice would you give to someone involved in implementing a regulatory change programme?

6. Wrap up (5 minutes)

Thank you so much. We are nearly at the end of our conversation. Reflecting on what we have spoken about:

Has your regulatory change programme worked as intended?

What was the biggest challenge to introducing regulatory change?

If you were to have the time again, is there anything you would do differently?

Are there any other regulatory bodies and regulatory change programmes, either national or international, that you are aware of and think we should be speaking to?

Before we finish, is there anything else there anything you feel is important that we haven't covered today that you'd like to share?

Explain next steps of research and recontact:

We are producing a report to share with the FSA that describes how other bodies have approached their own regulatory change programmes.

We would like to know if we can contact you again if there is anything further we'd like to ask you or to get your feedback on findings to ensure it reflects all of the relevant detail. For example, we would like to get back in touch if we are considering using your organisation or change programme as a case study, to check you are happy for us to do so as this could be identifiable in the report. Are you happy for us to contact you in the future, either via phone or email?

The FSA is interested in building relationships with other regulators who have been through similar change programmes to act as 'critical friends'. Would you be happy for us to pass on your contact details to the FSA team? This will not change the anonymity of your contributions today as we will not be sharing any identifiable details from the interview with the FSA.

Thank You.