RRAC

Risk & Regulation
Advisory Council

Tackling Public Risk
A practical guide for
policy makers

Contents

Executive summary

The Risk and Regulation Advisory Council has been leading an **experimental offensive against the mishandling of risk** in society. It looked at how **distorted perceptions of risks can encourage poor policy-making and unnecessary laws**, leading people to feel that Government is interfering too much in their lives.

Through its experimental work programme and research the Council has developed an approach to help tackle public risk issues in an increasingly risk-averse environment, and has **shown how successful this can be**. This approach means **taking a step back** from the immediate concern, recognising the **wide range of groups that can combine to influence responses to a risk**, and incorporating them actively into the policy-making process. It allows policy-makers to get to grips with risk issues, developing a common understanding with a wide range of interested people and groups leading to more positive outcomes. It can be used by policy-makers in **developing policy, in implementing policy and in evaluating and refining policy**. It will help **build a policy that is robust and widely supported**, reducing **the chance of unintended consequences** and the policy being unnecessarily criticised.

The approach places an emphasis on three key disciplines:

- **Understanding the risk in context** – getting to the bottom of how perceptions of the risk have been shaped, including through mapping the landscape around the risk.

- **Engaging with a broad community** – actively engaging the many different groups of people who have an interest in the issue and its outcomes, from an early stage, using the map of the risk landscape to develop a common understanding of the issues and to explore together how the issues can be tackled.

- **Effective communication** – quickly restoring focus to the underlying nature of any given risk, provoking insightful debate amongst the public about interventions and trade-offs.

This document compliments the Risk and Regulation Advisory Council's report "Response with Responsibility – Policy-making for public risk in the 21st century" which summarises the results of its programme of work and recommends the wider use of its approach by providing a high-level practical guide to tackle public risk issues. It captures and communicates the experience, knowledge and good practice developed by the Risk and Regulation Advisory Council during the last 15 months in a practical guide for policy makers. This guide **explains how policy-makers can apply this approach to their own public risk issues**, and what they should consider when doing so. It also **provides details of tools developed and tested by the Risk and Regulation Advisory Council to support this approach** as well setting out where to go for further help.

This chapter introduces the Risk and Regulation Advisory Council and the scope of its work, explaining the concept of public risk and its key characteristics.

Chapter one
Introduction

Tackling public risk

The Risk and Regulation Advisory Council – through its experimental work programme and research – has designed and delivered **positive and practical methods** to approach risk issues in an **increasingly risk-averse environment**. The Council have championed a successful approach to public risk that actively involves the widest possible range of people in the process of building, understanding and finding appropriate solutions.

The Risk and Regulation Advisory Council define Public Risk as:

Those risks that may affect any part of society and for which government is expected to respond.

The successfully tried and tested practical methods set out in this guide will allow policy-makers to get to grips with risk issues, developing a common understanding with a wide range of interested people and groups, leading to more positive outcomes.

The Council's approach can be used by policy-makers in **developing, implementing, evaluating and refining policy**. It will be particularly helpful where risks are complex or uncertain, where trust in government is low, or where there are a wide range of perspectives on the issue. It will help **build a policy that is robust and widely supported, reducing the chance of unintended consequences** and the policy being unnecessarily criticised.

Since the Risk and Regulation Advisory Council started its work in January 2008 it has helped provide new **impetus, focus and direction** in several public risk issues including **red tape in policing**, the **difficulties small organisations have in understanding health and safety requirements,** and **promoting community resilience**. They have built up, through these, a better understanding of what characterises public risk and the approaches and disciplines needed to more effectively manage it.

The Council's approach involves a process of exploration and learning that constructively reviews policy and the environment in which it is implemented, allows internal and external stakeholders to learn from each other, and achieves **a better balance between protecting citizens and maintaining personal freedom**.

In researching a risk issue, it is critical to identify and talk to as broad a community of interests as possible – to include all those who are affected by, or can affect, the risk or how it is handled. It is vital that the conversation is not restricted to the usual suspects or the loudest voices, that it includes people at all levels, and includes both those who claim to know the answer and those who don't.

Characteristics of Public Risk

Public risk and its management is characterised by six key features.

1. Risk is a social phenomenon

Risk involves far more actors than we expect and freedom from legislation does not mean freedom to manage risks in our own way. New regulations create new markets or opportunities that a whole range of intermediaries will exploit. The media, special interest groups, commercial companies, standard setters, academics and parliamentarians may have as much influence on how risk is managed, and perceived, as regulators or individuals.

2. Managing risk is about managing complexity

Complex systems respond to interventions in ways that are difficult to predict. Perfect data to describe these systems does not exist and experience and wisdom must be considered alongside 'hard' data.

Successful solutions often involve a process of making small changes to probe the system and monitoring the response before moving on to the next step.

3. Managing risk is also about managing anxiety

Perceptions of risk are shaped as much by emotion as by reason; it is not therefore enough to be purely rational when dealing with anxiety. It is important to understand what is causing the anxiety, separate fact from emotion, and respond appropriately to each.

4. Managing risk is a shared responsibility

The cumulative effect of many government interventions can take away our right as individuals and communities to decide what risks we want to take. Effective policy making recognises this and seeks to promote a shared understanding of these responsibilities.

"There needs to be an end to the constant changing of directives and the passing of new laws when things go wrong. The government should pass responsibility to… the relevant local force."

Delegate at the Policing forum

5. Communications about risk should restore the voice of reason

Faced with a society that appears to be increasingly intolerant of failure and inconsistent in its demands for protection, it is important to explain the trade-offs implicit in any risk decision openly and honestly in communications with the public. There is a need to prompt a more considered dialogue on what really needs to be done whenever "something must be done".

6. An independent perspective can help communicate and manage risk

An independent voice can more effectively:

• Take a step back from the immediate issues

• Create an environment in which rational debate can be encouraged

• Communicate the risks and rewards

• Generate trust

Who are we?

The Risk and Regulation Advisory Council is an **independent advisory group**, set up by the Prime Minister, which aims to improve the understanding of public risk, and how best to respond to it, in making and implementing policy. They aim to find the appropriate balance between government and others in taking responsibility for risks, and to promote community resilience. The Council were asked to work with government and all relevant stakeholders throughout British society in doing this.

The Council have been helped in their work by **hundreds of people from across society** – a host of people who have given their time and energy to helping us better understand risk – and to whom we are indebted for their help.

How to use this guide

This report is structured as follows:

- **Chapter 1** introduces the Risk and Regulation Advisory Council and the scope of its work, explaining the concept of public risk and its key characteristics.

  Use this chapter to **gain an appreciation of the context in which the approach has been developed** and to **help develop a broad understanding of public risk**.

- **Chapter 2** describes the Risk and Regulation Advisory Council's approach to tackling public risk issues in outline, setting it within the policy-making context. It also sets out the high-level principles that underpin the approach.

  Use this chapter to **get a broad understanding of the key things you should consider** when tackling public risk issues and when developing a strategy to address them. Use it also to **help determine whether this approach is suited to your problem / situation** or whether an alternative approach should be used.

- **Chapter 3** provides further detail on the Risk and Regulation Advisory Council's approach, explaining each of the three key disciplines. It describes practical steps to consider when applying the disciplines. Tools developed by the Risk and Regulation Advisory Council are introduced that support each discipline and the principles behind the approach. Other tools are mentioned here to provide further support.

  Use this chapter to **get advice on what things you should be considering** when applying each discipline and when you are looking for **advice on which practical tools to apply**.

- **Chapter 4** describes and provides guidance on the application of the tools developed and tested by the Risk and Regulation Advisory Council.

  Use this chapter to gain a more **detailed appreciation of how these tools can help and how to use them**.

- **Chapter 5** presents case studies that illustrate the Risk and Regulation Advisory Council's approach. These case studies demonstrate that the approach can be applied to a diverse range of public risk issues. They compliment the description of the approach provided elsewhere in this document by providing a practical and detailed illustration of how the disciplines and tools were applied in each particular case.

  Use these case studies to **improve your understanding of how the approach was applied to practical issues** and to **get ideas on how to tackle your own problems**.

This chapter describes the Risk and Regulation Advisory Council's approach to tackling public risk issues in outline, setting it within the policy-making context.

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Chapter two
The Risk and Regulation Advisory Council's approach to public risk

The Council's work has been driven by their belief in the principles they stand for:

- Fostering a more thoughtful and pre-emptive policy making culture with a real focus on outcomes, even in times of crisis:

  - Fighting zero tolerance of risk, encouraging a better understanding of public risk and a considered balancing of risks, costs and benefits

  - Understanding and engaging the wide range of groups that can combine to influence society and government's response to risk, and incorporating them into the policy-making process

  - Recognising and working with complexity and uncertainty as part of the policy-making process

- Supporting people in taking back responsibility, to build a more resilient society that can respond better to the risks that it faces

From the policy maker's perspective this approach means taking a step back from the immediate concern, recognising the wide range of groups that can combine to influence responses to risk, and incorporating them actively into the policy making process. **It may mean stepping back from the issue entirely.**

How can I best manage this risk?

Is this really an issue? Is it my job to tackle it?

The approach places an emphasis on three key disciplines:

1. **Understanding the risk in context** – When an issue arises in relation to a risk, it needs to be properly understood. This increases the chance that any response to that issue is appropriate, will have minimal unintended consequences, and will be supported by stakeholders and the public. To do this, it is necessary to take a step back from the issue and focus on the underlying risk. It is vital that the risk is approached with an open mind and without preconceptions.

2. **Engaging with a broad community** – To increase the chance that a policy intervention will have support and be successful, it is necessary to actively engage the many different groups of people who have an interest in the issue and its outcomes, from an early stage – allowing them to share perspectives, to develop a common understanding of the issues and to explore together how these issues can be tackled.

3. **Effective Communication** – High-quality communication can quickly restore focus to the underlying nature of any given risk, provoke insightful debate amongst the public about interventions and trade-offs, as well as making it easier to implement policies by helping people understand why they are being implemented. It can help the public understand particular risks, and enable them to understand the wider issues. It can provoke debate and allow people to understand why having a zero tolerance of risk may not be productive. It can reduce the chance of scares about public risk, which can have an enormous impact on policy making and regulation, particularly when they concern children, human health and large-scale tragic events.

> "**Risk aversion inhibits innovation. Central government should empower front line staff to make more decisions and take more risks.**"
>
> Learning from the front line[1]

This approach has many synergies with recent themes in policy making, for example:

Learning from the front line – the Public Service Reform Conference 2007 emphasised the need to more effectively engage customers in the design of public services and to empower front line workers in their delivery.[2]

Focus on place – the November 2008 meeting of the Top 200 took as its theme "place" encouraging policy makers to take as their starting point place, people and communities and not their own department.[3]

Evidence based policy making – the importance of evidence, and of assimilating beliefs, perceptions and values, alongside "science".

And of course the aims and achievements of the **better regulation agenda**.

When to use the Risk and Regulation Advisory Council's approach

The three key disciplines should be an implicit part of any policy making process. The tools that support them can be applied at any and all points in the policy making cycle, for example, to:
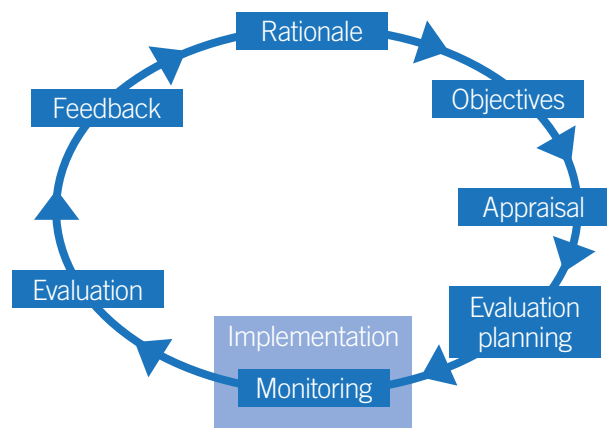
The policy making cycle

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1 Summary of Public Service Reform Conference 2007, 21st Century Public Services – Learning from the Front Line, National School of Government,

2 Same as previous footnote
3 The Top 200 was set-up in 2006 as the corporate leadership group for the Civil Service.

Rationale and objectives:

- Gain a broader and shared appreciation of the issue and who is involved in it

- Establish an agreed (and common) set of objectives

Appraisal and evaluation planning:

- Improve recognition and handling of complexity and uncertainty

- Think through more clearly all the potential implications of a particular intervention

- Enable a more considered balancing of risks, costs and benefits

Implementation and feedback:

- Encourage a more considered debate about the risk reward balance, the trade-offs that lie behind decisions and the need for communities and individuals to take back responsibility for the management of risk

- Create a body of advocates outside government that can assist in the design, testing, communication, roll-out, implementation and monitoring of initiatives

Use proportionately…

Not all the tools described here are appropriate to all situations, for example the effort required to design and run a risk forum involving 50 people would not be justified where an issue is well defined and uncontroversial.

Where issues have stalled due to their complexity or have become buried in a tangle of conflicting agendas and emotion – so-called **wicked problems**

– this approach can help inject breadth, pace, enthusiasm and direction. If used when issues emerge it can prevent such situations arising in the first place.

Characteristics of wicked problems[4]

- There is no unique, 'correct' view of the problem just different perspectives

- Data is uncertain or missing, there is considerable uncertainty or ambiguity

- The problem has many interdependencies and may be multi-causal

- The consequences are uncertain or difficult to imagine

- Attempts to address the problem have lead to unforeseen consequences

- Legislation, scientific evidence, resources or political alliances are constantly evolving

- The problem has no simple, clear solution

- The problem is socially complex – involving coordinated action by a range of stakeholders

- The problem does not sit conveniently within the responsibility of any one organisation

- The solution requires groups of individuals to change their mindsets and behaviours, often in the face of resistance to change

- Previous attempts to solve the problem have failed

- Problem solver(s) have lost touch with the problems and potential solutions

4 Tackling Wicked Problems : A Public Policy Perspective, Australian Public Service Commission,

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This chapter provides further detail on the Risk and Regulation Advisory Council's approach, explaining each of the three key disciplines.

Chapter three
The three key disciplines

Understanding the risk in context

Exploring the issue

What: Explore what appears to be the issue, how it arose, who has had a part in its creation and who benefits from maintaining it.

Why: Stepping back and taking time to understand the origin of a concern, and setting your own role and that of others in context, helps reduce the temptation to take over-hasty action and be seen to be "doing something" when "something must be done".

Is there a concern?
Concerns may come to light through:

- MPs via surgeries

- Media storms

- Inquiries

- Internal reviews

- Research

- Horizon scanning

Take a step back: Issues identified by policy makers are often framed in ways that make policy the obvious solution. Better engagement and more innovative methods of identifying issues can break this cycle. Take a step back and ask: is this really an issue, NOT what do I need to do about this issue?

How did we get where we are today?
Define the concern:

- An emerging risk issue?

- Ineffective policy or unforeseen outcomes e.g. due to the action of intermediaries?

- A flood of emotion leading to disproportionate response?

- Erosion of civil liberties?

Determine how this came about:

- Be honest about the situation – this is not an exercise in blame, but in understanding

- Map out the origins of the issue and who has been most influential in its creation or maintenance

- What appears to be the concern, and why? What do we know about the issue? What don't we know?[5]

- How did we get where we are today? How did this issue come about? Who has been most influential in the creation or maintenance of this issue? (Not: who is to blame?)

- Who is currently involved with this risk? What motivates these people to get involved? What might each group potentially do to escalate, maintain or reduce the issue?

5 There are a number of existing tools that can help policy makers establish the context and understand the evidence. The National School of Government's Policy Hub provides a range of resources that can help with this.

Ask: What is in it for others, what is in it for me?

Policy interventions create markets and opportunities that organisations will seek to exploit in ways that may not have been anticipated. Use the **risk landscape** tool to help you understand the motivations of the various risk actors and how they have affected the way the risk is perceived and managed.

- Who is currently managing this risk? Who might manage it?

- What solutions or options have already been proposed? What are the advantages and disadvantages of these? What about the "do-nothing" option? Who has proposed each option, and what are their motivations?

In researching a risk issue, it is critical to identify and talk to as broad a community of interests as possible – to include all those who are affected by, or can affect, the risk or how it is handled. It is vital that the **conversation is not restricted to the usual suspects or the loudest voices**, that it includes people at all levels, and includes those who claim to know the answer, those who don't, and those who have solved similar problems.

It will be useful to draw on academic research and published work by other groups, remembering that these may be looking from a single perspective. Thinking should be kept open, remembering that everyone's understanding of their own perspective is valid. It is crucial to be honest about any

uncertainty and to be as systematic as possible in assembling the information to **ensure that the loudest voices don't dominate the conclusions**. The core facts should be established, as well as the range of different perspectives and emotions, the outstanding uncertainties and key areas of divergence or disagreement. This is not a once-only activity. Understanding will develop and evolve.

Where to go to for more help
There are a number of existing tools that can help policy makers establish the context and understand the evidence. The National School of Government's Policy Hub provides a range of resources that can help with this.

Mapping the issue
What: Draw together a systemic understanding of the forces shaping the perceptions of risk and its management – **the risk landscape** – separate fact from emotion, re-inject evidence-based thinking.

Why: Develops a fuller appreciation of the underlying certainties and uncertainties and enables identification of the key questions to be tackled through dialogue.

This isn't a once and for all activity, understanding will develop with time as engagement deepens, and the situation itself evolves.

Begin researching the issue – identify and talk to as broad a community as possible:

- Who are the key players? How do they interact with each other and with me? Understanding the objectives of the various groups who are involved with the risk – the risk actors and risk-mongers – is vital to understanding the risk properly[6]

- You need to understand the **whole system** if you are to truly understand where perceptions of the risk come from, how responses are being influenced, and **to separate fact from emotion**

- To do this, the Risk and Regulation Advisory Council strongly recommends mapping the system in which the issue takes place – the risk actors and their influences on each other in terms of perceptions and responses. Mapping helps develop a fuller appreciation of the underlying certainties and uncertainties, and makes it easier to identify the key forces and questions that need to be tackled. It has been very powerful in the analysis of the topics that the Risk and Regulation Advisory Council has considered. Establish your own risk landscape – the Risk and Regulation Advisory Council's risk landscape tool will help you do this

Draw a broad brush:

- Don't confine yourself to the usual suspects or the loudest voices

- Include people at the margins, this is where innovation happens

- Include those who claim to already know the answer, and those who don't

- Include people at all levels, from the minister to workers at the coal-face

> Keep thinking broad and open
>
> Remember all perspectives are valid

- Aim to talk to around 100 contacts to create a forum community of 50

- You will in general be pushing against an open door – people outside government want to be involved, but need to know that they will benefit too

- Draw on the department's research, academic research and published work by other groups, but remember that these may be looking from a single perspective

Be honest about the uncertainty – there are better ways of treating it than ignoring it:

- Use expert knowledge and experience – but understand its potential shortcomings

- There are formal methods for using expert judgement and belief that capture and express the uncertainty – use them

Develop a clear articulation of:

- The core facts, the range of different perspectives and emotions, the outstanding uncertainties and key areas of divergence or disagreement

- The key questions to address through dialogue Exactly what are the issues? What would success look like? What has to change to achieve success?

> The problems small businesses have meeting health and safety challenges are well understood – the question here is "what do we have to do to achieve this?" But what does a resilient community look like? Here the first question to answer is "what are we trying to achieve?"

Be as systematic as possible in assembling the information to ensure that the loudest voices don't dominate your conclusions.

6 The Risk and Regulation Advisory Council call groups that get involved with risk, 'risk actors'. They include for example: media, interest groups, the judiciary, standard setters. Risk actors generally make a positive contribution to society by solving real problems however in certain circumstances their behaviour may also cause problems. In these cases risk actors become risk mongers – people or groups who conjure up or exaggerate risks.

Where to go to for more help

There are a number of existing tools that can help policy makers establish the context and understand the evidence. The National School of Government's Policy Hub provides a range of resources that can help with this. Produce your own risk landscape – the Risk and Regulation Advisory Council's risk landscape tool will help you do this. As well as landscape mapping, synthesis techniques such as mind mapping and influence diagrams may be useful. See also the HMT guidance on risk.[7]

Engaging with a Broad Community

What: Actively engage the many different groups of people who have an interest in the issue and its outcome in order to explore options for risk management and allowing them to share perspectives, to develop a common understanding of the issues and to explore together how these issues can be tackled.

Why: To increase the chance that a policy intervention will have support and be successful. Help break out of silo thinking, reveal new insights, share perspectives, develop understanding, achieve better outcomes, create a body of advocates.

A spectrum of methods

Where the issues are straightforward, uncontroversial and the number of interested parties small, bi- or tri-lateral conversations in conventional forums (meetings, correspondence, formal consultation) may well be adequate. We are principally concerned here, however, with problems we have described as 'wicked'. This type of problem requires deeper engagement with a broader community of interest.

7 Public spending & reporting – Risk Guidance,

Theme or topic led, independent, self determining

Community of practice (CoP): An informal, self-organised, network of peers with diverse skills and experience in an area of practice or profession sharing and learning from each other. Successful CoPs deliver benefits for all the participants and show interest, trust, openness, and a capacity to accept unexpected results. CoPs are usually centred around a particular topic or issue.

Risk Forum: Developed and tested by the Risk and Regulation Advisory Council, these create a facilitated dialogue amongst groups of around 50 people. Use where issues have become stalled, are complex, involve many actors and where the likely consequences are high if policy fails to 'kick-start' the dialogue.

Core group of stakeholders: A standing group from a range of backgrounds, recognised leaders in their fields. They have a specific interest in the issue and its management, and work in partnership with policy makers to develop solutions in an evolving environment.

Task force: A temporary group of people formed to carry out a specific mission or project, or to solve a problem that requires a multi-disciplinary approach.

Department led, highly specified task, mandated outcomes

Some guiding principles – whatever the method

- Get more than the usual suspects involved, at all levels and from other endeavours, that have insights to share

- Use a range of methods to stimulate discussion and maintain dialogue:

  Set very clear aims and be honest and upfront about things that dialogue cannot change

  – Use the risk landscape to help people see how they fit in to the wider picture, appreciate other perspectives and challenge misconceptions

  – Stimulate debate by challenging key perceptions, illustrating underlying tensions, moving people outside their comfort zone

  – Take a step back from time to time to refocus debate or explore alternative lines of thought and re-energise the community

  – Make sure everyone derives benefit from the dialogue

  – Agree who will take responsibility for making sure things happen as a result of the dialogue and be sure to feed back results

- Allocate resources to ensure activities are effective (e.g. secretarial support, expenses for participants travelling long distances)

Where to go for more advice
The Risk and Regulation Advisory Council's "The risk landscape: Interactions that shape responses to public risk".

Effective Communication

What: Promote high quality, consistent communications.

Why: Restore focus on the underlying nature of any given risk, provoke debate about interventions and trade-offs, bust myths, enable the successful implementation of policy.

Communications about risk should be fully integrated with policy making processes

Communication should neither be treated as a bolt-on extra, nor approached solely in the context of one-way provision of public information. It should be an integral part of every process for the management and regulation of risk.

Respect your audience, their perceptions and concerns

Be honest about the trade-offs that lie beneath every risk management decision but remember that communications that focus entirely on the 'science' can easily appear to take little account of people's values and preferences.

- Show empathy with your audience – be open and responsive to emotions and concerns

- Show you are credible, competent and committed

- Set out the pros and cons of any approach and explain how people can play their part in the control of the risk

"This is the right kind of snow, it's just the wrong kind of quantities …"

Mayor of London, Boris Johnson on BBC news explaining why it was uneconomic for London to maintain the capability to deal with the sort of snowfalls that only occur once every 18 years.

Tailor messages to your audience

Remember that what matters about delivering a message is what people hear and understand this can be quite different to what you thought you said. Seek professional help when designing a campaign. For more limited or direct communications make sure you:

- Identify the key messages you need to convey in order to meet your objectives

- Do not presume that one message will meet the needs of all audiences

- Remember each audience's current attitudes and perceptions will shape the way they interpret and respond to the message – think through how different people might react

- Match the language and the media you use to the audience

- Test the message on your intended audience whenever possible

Manage communications

Don't let communication just happen – set goals, allocate responsibility, plan carefully, commit resources, monitor outcomes and feed lessons back.

- Identify the 'fright-factors' that might trigger major societal concern and plan engagement and communication accordingly

- Develop a pool of communicators based on their empathy with your target audiences, knowledge and communication skills

- Manage timing and co-ordination carefully so that people receive consistent messages

- Brief likely points of contact on emerging issues in your organisation and others

- Build a dialogue with people who can reinforce, or may erode your message

- Develop a trusted voice within your organisation and give them space to lead communications on your behalf.

- Use good practice in communications, the Risk and Regulation Advisory Council has produced a short, practical guide to the essentials of risk communication to help government get its public risk messages across effectively, building on forty years of academic cognitive science.[8,9]

- Consider how your message will be received by your audience, it is not enough for Government to communicate well. If there is to be a quality discussion around public risk between the government and the public, individuals and society need to understand the messages that they receive, both from Government and from other risk actors.[10]
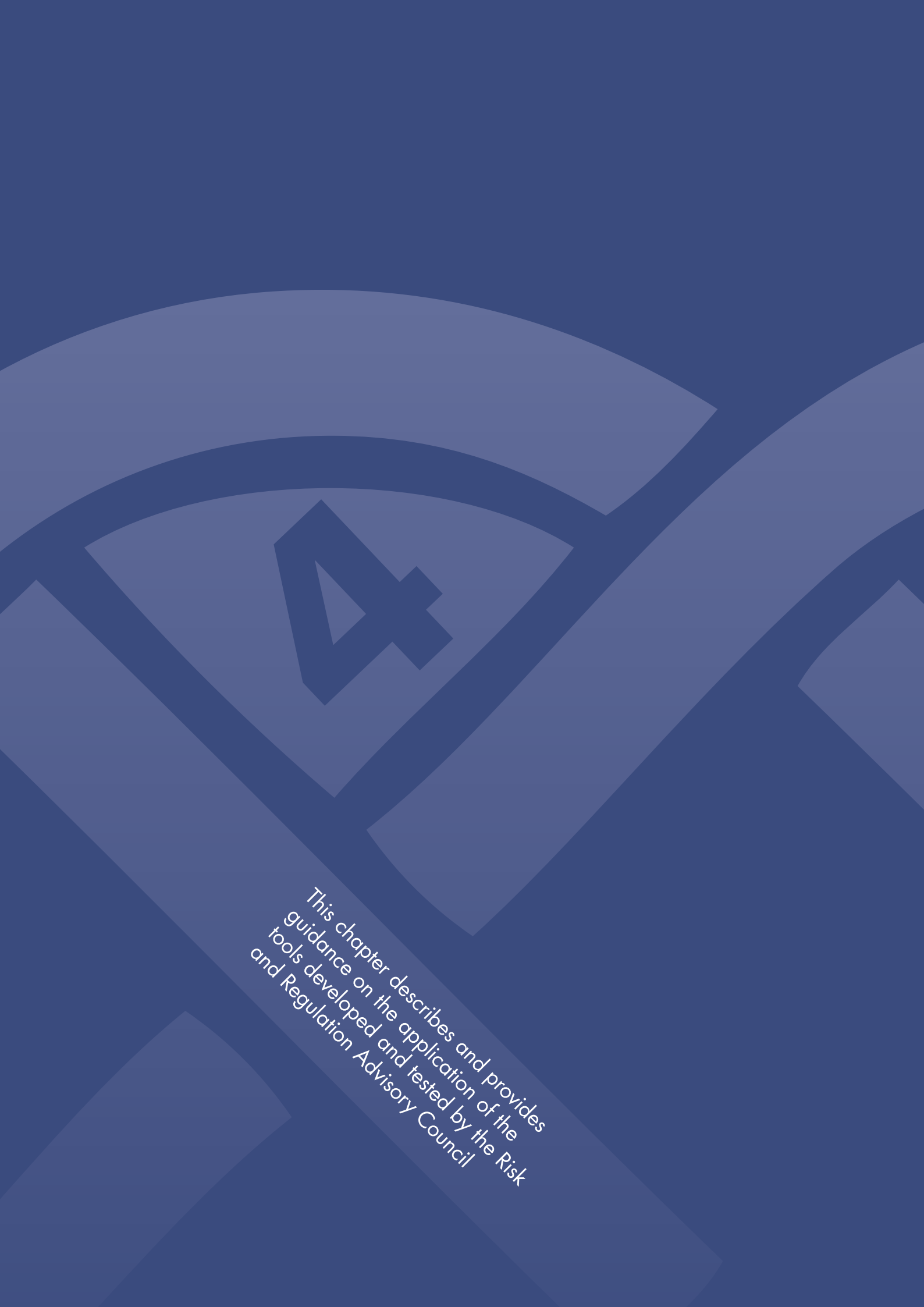
Where to go for more help

The Risk and Regulation Advisory Council "A practical guide to public risk communication".

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8 This guide was written by Dr Frederic Bouder, who was supported and sponsored by the Government Office for Science and the Economic and Social Research Council, as well as the Risk and Regulation Advisory Council.

9 Risk Communication – A Guide to Regulatory Practice, Inter-Departmental Liaison group on Risk Assessment,

10 'A Worrier's Guide to Risk', developed by David Spiegelhalter, Professor of Public Understanding of Risk at Cambridge University, in collaboration with the Risk and Regulation Advisory Council.

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This chapter describes and provides guidance on the application of the tools developed and tested by the Risk and Regulation Advisory Council

Chapter four
A toolkit for policy makers

The Risk and Regulation Advisory Council have developed a range of tools for policy makers that support application of the three key disciplines. Some will be useful in general, some in particular circumstances. These tools include:

- The risk landscape tool – use at both the context setting and mapping stage to understand who has helped shape an issue and how they are continuing to influence how risks are perceived and managed

- The risk forum – is a very powerful method of rapidly facilitating dialogues amongst groups of up to 50 people

- Guides to risk understanding and risk communication – use to help design communications about risk and deliver them effectively

It is important to remember that what we are presenting here is not a linear process. It is way of thinking about risk and its management that can, and should, be applied to any public risk issue. The key disciplines should be integral to any policy making process.
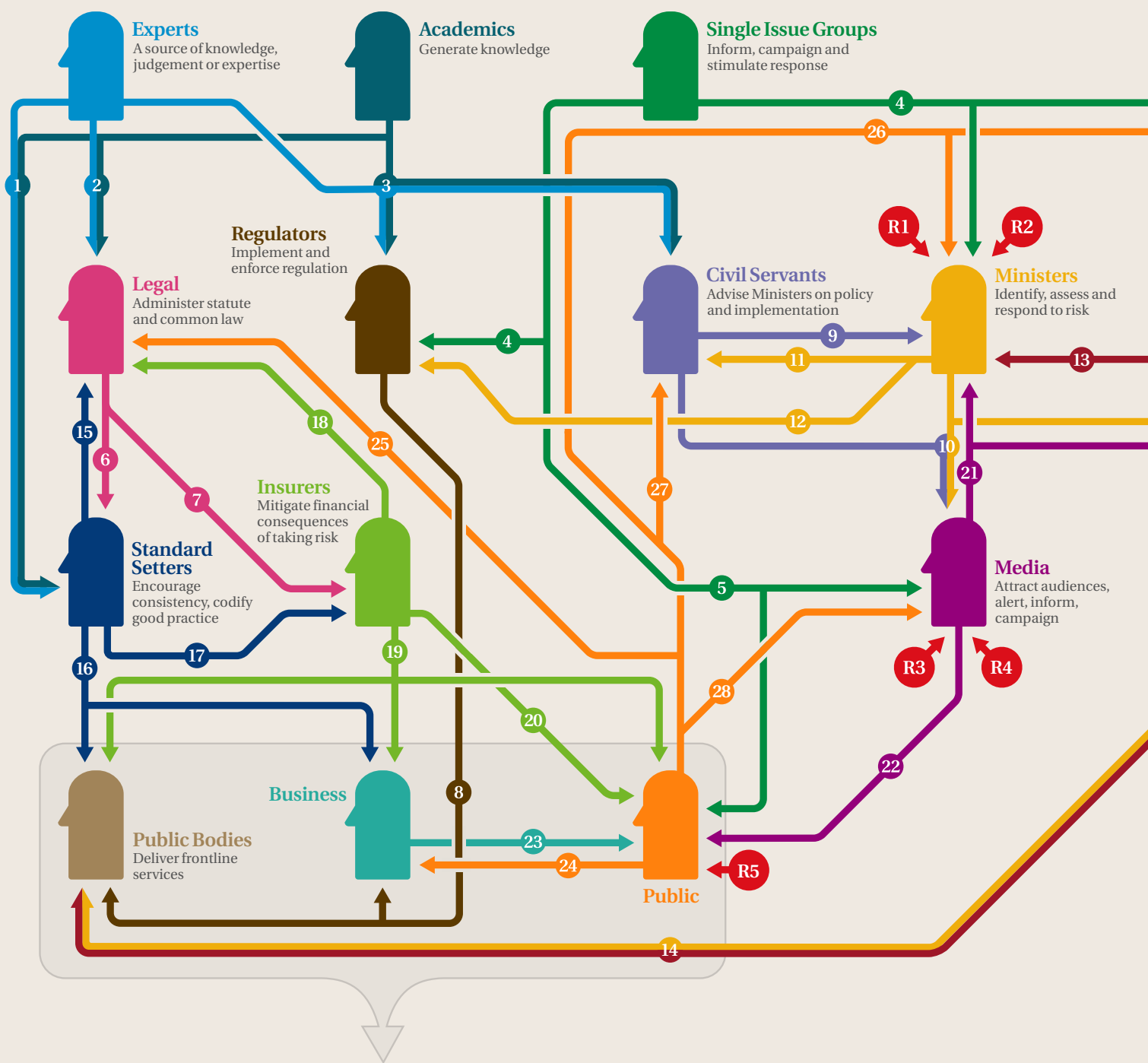
The risk landscape

The government of the day is but one 'risk actor' in a complex ecology that shapes any given policy impact on each citizen. Numerous bodies play their part in framing the risk landscape, including Ministers, civil servants, parliamentarians, the judiciary, the insurance sector, the media, subject matter experts, single issue lobby groups, standards setters, compliance officers, risk managers and so on. Some of these have, at times, a vested and entrepreneurial interest in actively managing perceptions of, and responses to, risk in search of ends including power, financial gain, job security and reduced liability.

In order to understand and highlight some of the most important relationships and how they influence perceptions of, and responses to, public risk, the Risk and Regulation Advisory Council has produced a map of the risk landscape.

The risk landscape map is necessarily generic. It represents only the most important interactions to ensure that the complexity of the diagram does not become a barrier to understanding. For any given public risk some parts of the diagram will be more important than others and some may be irrelevant. However, the diagram shows some of the ways in which risk actors can influence responses to public risk that have emerged through the work carried out by the Risk and Regulation Advisory Council.

The Risk Landscape

Experts
A source of knowledge, judgement or expertise

Academics
Generate knowledge

Single Issue Groups
Inform, campaign and stimulate response

Regulators
Implement and enforce regulation

Legal
Administer statute and common law

Civil Servants
Advise Ministers on policy and implementation

Ministers
Identify, assess and respond to risk

Insurers
Mitigate financial consequences of taking risk

Standard Setters
Encourage consistency, codify good practice

Media
Attract audiences, alert, inform, campaign

Public Bodies
Deliver frontline services

Business

Public

The behaviour and actions of Business, Public Bodies and the Public
are shaped by the interactions shown in the Risk Landscape

Other Politicians

Identify, assess and respond to risk, challenge Ministers

Influences

1. Standards informed by specialist knowledge
2. Court decisions informed by specialist knowledge
3. Policy informed by specialist knowledge
4. Pressure Ministers, Regulators and Other Politicians to take action
5. Raise awareness/concern about issue
6. Legal uncertainty can create opportunity for standards creation
7. Judgments partly determine insurance risk and inform premiums
8. Set and enforce rules and provide guidance
9. Policy decisions informed by advice
10. Encourage positive coverage of policy
11. Set policy direction
12. Set statutory remit
13. Scrutinize and challenge Ministers' actions, issue directives
14. Determine funding and set remit
15. Standards used as a guide to acceptable practice
16. Best practice and guidance made available
17. Pricing and offers of cover informed by compliance with standards
18. Out of court settlements prevent legal principles of case being tested
19. Actions affected by insurers' advice, availability and conditions of insurance
20. Out of court settlements encourage litigation
21. Pressure on Ministers and Other Politicians to act
22. Raise awareness of and sensitivity to risks
23. Raise awareness of risk and potential solutions
24. Demand for products or services to mitigate risk
25. Public opinion influences appeal court judgements
26. Pressure Ministers and Other Politicians to take action
27. Impact of policy on society influences Civil Servants' recommendations
28. Interests and concerns of Public influence Media content

Risk alarms

R1. Events raising or exposing risks
(e.g. 9/11, banking crisis, publication of WHO report highlighting health risks)
R2. Emerging risk issues
(e.g. security of energy supply, pandemic flu, domestic security)
R3. Newsworthy stories which highlight risk (e.g. flooding, bird flu, child abduction)
R4. Individuals or groups, who stand to gain from elevating concerns, raise anxiety/highlight issue (e.g. Conservation Groups, NIMBY campaigners)
R5. Issues of concern to the Public
(e.g. environmental, health, education, safety issues)

Compositions

Experts: Individuals widely recognized as reliable sources of technique or skill

Academics: Individuals from an academic institution who are widely recognized as reliable sources of technique or skill

Single Issue Groups: Formal and informal groups of individuals (e.g. charities, pressure groups)

Legal: Judges, courts and the legal profession

Regulators: Bodies set up by government with power to set and enforce rules in a particular area (e.g. HSE, FSA)

Civil Servants: Civil Servants of central government departments

Ministers: Central government Ministers

Other Politicians: National politicians who are not Ministers, local and international politicians

Standard Setters: Agencies which disseminate formal advice on how risk should be managed (e.g. BSI, ISO, professional bodies and industry groups)

Insurers: Insurance brokers and underwriters

Media: Print, broadcast or internet media

Public Bodies: Public Bodies, which are not part of central government (e.g. Local Authorities, NHS, NDPBs)

21

The risk landscape map can be used:

- As a starting point for policy-makers who want to explore direct and indirect influences on their own policy area, understand the motivations of, and influences on, the different risk actors and, by doing so, develop more effective policy or communication

- As a tool to help communicate some of the important interactions between risk actors that drive responses to public risk, and show where intervention and risk communication will be most effective. An interactive version of the risk landscape has also been developed and should be particularly helpful in presentations, allowing a presenter to highlight and focus attention on particular parts of the map

Where to go for more advice
The Risk and Regulation Advisory Council's "The risk landscape: Interactions that shape responses to public risk"

The risk forum
What: The risk forum brings people together from across the community of interest allowing a broad range of different 'voices' to be heard, perspectives shared and deep rooted opinions discussed and moved forward.

Why: Use as a tool to:

- Re-invigorate issues that have stalled, or

- 'Re-position' issues that have lost their way, or

- Kick-start dialogue on new issues as they emerge to prevent such situations arising in the first place

How: It does this by:

- Bringing groups of up to 50 people together to engage in a process of exploration and learning

- Creating a safe (non-judgemental) but stimulating environment that:

  – Gives individuals 'permission' to contribute

  – Encourages debate at the emotional as well as the rational level

  – Works with people's different ways of learning

  – Effectively extracts tacit knowledge from the group

- Focusing on outcomes in particular:

  – Developing a shared language and fuller understanding of a public risk issue

  – Achieving a better balance between protecting citizens and maintaining personal freedom

Planning

Careful preparation is essential. Planning of the forum must address three critical questions:

1. The **key questions** the forum will address: these might range from establishing a better definition of the problem, to actively seeking solutions. It is important that the questions are not simply covering old ground. The event should be designed to genuinely throw new light on the issue. It is also important not to be over ambitious, don't try to achieve too much.

   The questions will emerge through your research of the context and systemic mapping of the issue. You should also use interviews and dialogues established during these processes to identify forum participants and build enthusiasm for, and engagement with, the forum.

2. **Who should attend:** Aim to engage:

- A range of people from across the risk landscape including: central, regional and local government, charities and non-governmental organisations (NGOs), business, academic and other experts, and members of the public as appropriate

- Practitioners from the front line as well as decision-makers and senior policy makers

- Ministers and senior civil servants. However, they must be prepared to commit to attend all the session

3. **Next steps:** Decide how in broad terms outputs from the forum will be carried forward and how momentum will be maintained. The detailed decisions can be a matter for the forum if appropriate, but some idea of the next steps should be established to frame the discussions and to aid budget planning. It is also important to establish prior to the forum what license the forum has to make decisions, for example, to reconvene or refer issues to another body.

Design of the forum and conduct of the day

Professional facilitation is critical. Work in partnership with the experts to design the forum. The detailed design will depend on the issue under consideration, but typical features include:

- An achievable set of aims with a clear focus on outcomes

- All delegates actively participating for the full session – no observers

- A mixture of plenary and group sessions to get everyone contributing and to explore as wide a range of perspectives as possible

- Use of a range of techniques to help people look at the issue afresh, broaden their perspective to see the whole system, understanding the connections between issues and potential solutions and build consensus

- Exposing different perspectives of the problem – finding points of agreement / disagreement

- Use of time pressure to generate momentum that will lead to new and creative thinking

- A stimulating and interesting environment that encourages open and honest discussions – using music and other creative tools and dividing up the space into rooms

- Use of graphical facilitation to visually capture and document forum discussion[11]

- Displaying information relevant to the debate in a form that can be quickly assimilated and used within the discussions

- Tackling best practice from other organizations / domains to aid development of creative and innovative 'solutions'

- Synthesis of detailed and wide ranging discussion into a set of clear and succinct points – to focus efforts on priorities

- Agreement of actions, allocating owners to take the findings forward.

Introduction to a forum

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11 Graphic facilitators can be used to capture the results of any group discussion in cartoon or picture format – these were used at all the forums and you will find examples of their work throughout this document.

Design of the forum – examples

The Communities forum

Key issue: Here the challenge tackled by the forum was building resilient communities and in particular how to make it possible for individuals to take positive social action in their communities. There is a consensus that resilient communities are important but there is a difference of opinion about how best to encourage communities to be more resilient and manage their own risks.

Forum approach: focus on agreeing a shared vision of what success would look like and how to overcome the barriers to achieving more successes using real life examples.

- Walkabout – where delegates were encouraged to read stories capturing how different third sector organisations had successfully taken action to tackle risk issues in their community

- Understanding Success – where delegates split into nine pre-selected groups, each listening to a different third sector organisation telling their story and then discussed other similar projects to identify success factors and obstacles. These success factors were captured for subsequent discussion by the delegates as a whole

- Building Success – delegates again split into groups to discuss a number of common themes and identify actions that would most effectively enable individuals to take responsibility

The Health and Safety forum

Key issue: Here the basic problem was clear, the burden of health and safety management on many small businesses, and there was broad agreement on what success would look like. The difficult issue was how could this be achieved?

Forum approach: understand the drivers and expose the impact of behaviour of certain risk actors on the confidence of small organisations in managing health and safety risks, and build group consensus of mutually beneficial actions to improve situation.

- Walk In their Shoes – delegates split into groups representing various stakeholders (e.g. duty holders, insurers, policymakers, enforcers) to explore their behaviour

- Scenarios – delegates then split into different groups to discuss a number of scenarios (e.g. fear of litigation, media hype, insurance, procurement conditions) that are perceived to increase the burden on small organisations

- Themes – delegates stayed in the same groups to discuss how to avert an 'impending crisis for small organisations across themes such as communication about risk, quality of advice, risk actors driving good practice

The Policing forum

Key issue: Risk aversion and a 'do nothing wrong' culture have become embedded across the police service. This has resulted in burdensome, highly prescriptive processes. A hierarchal structure has made it difficult to achieve culture change.

Forum approach: Promote conversations around the high level issues, share individual perspectives and consolidate these to provide a group perspective that breaks through the organisational and hierarchical barriers:

- Take-a-Panel – delegates individually captured their personal responses to questions addressing how a new approach to risk in policing could be achieved. This allowed a picture of how different the delegates starting perspectives were

- Group Synthesis – delegates, in groups, synthesised their individual work into a consolidated model, helping to break down barriers and identifying points of agreement and disagreement

- High-Level Vision – groups were tasked to develop a consolidated vision that captured the essential points of the group's individual visions identifying areas of agreement and disagreement

- Design Challenges – delegates formed into different groups, each considering a different topic, e.g. Managing 'Emotive Tragic Events' Outside In, Creating a 'Non-Defensive' Approach to Risk, Accountability & Governance of Policing

The professional facilitator

- Should work with the project team to explore the relevant factors and evidence that relates to each specific risk domain and co-design the risk forum and help deliver an event which harnesses the expertise, experience and creativity of participants

- Must be able to demonstrate, relevant experience of the following:

  – Facilitation of large groups (50-60) from a diverse range of stakeholder groups

  – Facilitation of groups containing very senior members (i.e. Minister, Senior Civil Servant, Chief Executive level)

  – Facilitating open and honest dialogue between workshop participants, managing sensitivities of particular attendees, for example concerns about individual or organisation reputation

  – Creating an accelerated learning environment in which all participants are brought up to speed with the available evidence base relating to a particular problem situation

  – Guiding workshop participants through a systemic (holistic) evaluation of a problem situation, which ensures that the interconnections between issues are explored and their impact considered

  – Generating solutions to improve the problem situation, which take account of relevant evidence, the different stakeholder views, and represent a collective agreement of recommended action to change

After the forum

- Ensure that everyone takes away some benefit:

  – Make sure the attendees get to see any outputs from the day and are informed of any subsequent follow up

  – Provide materials in a form participants can use with their own wider networks

- Establish a mechanism, with a clear remit, to build on the work of the forum, for example, a planned sequence of similar events, a community of practice, a task force or a core group of stakeholders

The five key elements of public risk communication

Assembling the evidence – demonstrate you have a credible basis for your position

Acknowledgement of public perspectives – understand how those affected understand the risk

Analysis of options – consider a broad range of options and the associated trade-offs

Authority in charge – define the nature of your involvement with the risk

Interacting with your **Audience** – identify the audiences and the appropriate methods for communicating with them

Scares about public risk can have an enormous impact on policy making and regulation, particularly when they concern children, human health or large scale tragic events.

When a public risk is not properly addressed and communicated by government, it can also create distrust. This has been clearly demonstrated by high profile scandals and controversies such as those around BSE and the MMR vaccine. A decline in public trust means that government must often now do more than present well-crafted one-way messages on risk – it needs to develop a dialogue with key stakeholders and the public.

Approaches to public risk communication
The most appropriate approach to public risk communication depends on the nature of the risk being addressed and the how it is evolving. At times it will be important to reduce anxiety around risks (e.g. MMR, radiation and mobile phones, GMO's). At other times it will be useful to manage awareness of risks to ensure key stakeholders and the public remain engaged with the issue for times before a crisis arises (e.g. bird flu, flooding), and sometimes it will be necessary to raise awareness of those risks with which the key stakeholders and the public are not engaging (e.g. importance of wearing seat belts, climate change).

Ideally, public risk communication should be pro-active, carefully planned and based on an ongoing high-quality dialogue with key stakeholders and the public. Ultimately such a dialogue will support government in responding in a proportionate way to public risk issues and events as they occur.

In addition, government is sometimes required to respond quickly to an unanticipated public risk event and risk communication in these circumstances is often necessarily reactive.

When to use this guide

The purpose of this document is to provide a short, practical guide to help government get its public risk messages across effectively. It includes a list of key activities that will help decision makers and civil servants to adapt their standard processes to achieve effective risk communication. It is designed to supplement the excellent and comprehensive guidance that already exists on risk communication in government.

Where to go for more advice

The Risk and Regulation Advisory Council's "A practical guide to public risk communication"

Risk understanding

It is not enough for government to communicate well. If there is to be a quality discussion around public risk between the Government and the public, individuals and society need to understand the messages that they receive, both from government and from other risk actors.

'A Worrier's Guide to Risk', developed by David Spiegelhalter, Professor of Public Understanding of Risk at Cambridge University, in collaboration with the Council, provides questions that recipients of risk communication messages can ask to help them understand and assess how the messages relate to them. It can also help policy makers understand the information that they themselves are being given about risks. It is a starting point to assist people in understanding risk.

A Worrier's Guide to Risk

Stories about risk can be worrying or even frightening.
David Spiegelhalter's ideas can help you understand more and worry less.

Life's uncertain – we don't always know what will happen.

1. **Uncertainty can be fine.** Would you want to know exactly how and when you were going to die? Not many would.

2. **Stuff happens.** The overall pattern of events can often be predicted surprisingly well but not the detail. We can make a good guess at the number of car fatalities next year, but not who will be involved.

3. **Rare events are more common than you think.** There are so many possible rare events we know some will happen but not which ones – someone usually wins the lottery.

Evidence can mislead us – we often can't see the full picture.

4. **Jumping to conclusions.** The media reports crimes that make a good story – don't assume the amount and type of crime reported reflects true crime rates.

5. **Runs of good/bad luck happen.** Reduced accidents at an accident black spot may not be the speed camera but just a change from a run of bad luck.

6. **One thing may look like another.** It doesn't mean they are the same. Only a small fraction of the women who screen positive for breast cancer actually have the disease – the others are that much larger group of healthy women who just happen to have similar test results.

7. **The past is past.** Things change, and as the banks always say and the credit crunch has proven, 'past performance is not necessarily a guide to future performance'.

What about me – should I worry?

8. **Am I bovvered?** How does the danger relate to my circumstances? Seasonal flu is a serious risk to the elderly and chronically ill but not to healthy young adults.

9. **Can I do anything about it?**

   • **No?** So don't worry about things you can't change. The asteroid that will destroy the earth may be on its way.

   • **Yes, but …** there's more to life than maybe living a few extra days, weeks or months. "I would rather have the occasional bacon sarnie than be 110 and dribbling into my All-Bran"

10. **They would say that, wouldn't they?** Check who is making the claim. What is their interest in influencing me – personal, financial, commercial, religious, political, headlines etc?

11. **What am I not being told?** He may well have got better after he took this wonder treatment, but am I being told about the people who didn't get better?

12. **Size matters.** A big increase in a very small risk may not be important – twice almost-nothing is still almost-nothing.

The key point is to get the 'balance' right for your life.

5

This chapter presents case studies
that illustrate the Risk and Regulation
Advisory Council approach

Chapter five
Case studies

The following case studies demonstrate that the Risk and Regulation Advisory Council's approach can be applied to a diverse range of public risk issues. They describe how the Risk and Regulation Advisory Council, working with the community of interest, injected new energy into a series of important public risk issues during 2008, and demonstrate the real benefits that were realised.

The case studies compliment the description of the approach provided earlier in this document by providing a practical and detailed illustration of how the disciplines and tools were applied in each particular case.

Case studies are provided for the following public risk issues examined by the Risk and Regulation Advisory Council:

• Risk aversion in policing

• Health and safety in small organisations

• Building resilient communities

• Risk aversion and tree management

In addition a case study of Defra's assessment of the public risk posed by bluetongue virus demonstrates how this type of approach can become a fully integrated part of the policy making process.

Risk aversion in policing

Tackling the 'zero risk' culture

Risk aversion and a 'do nothing wrong' culture have become embedded across the police service. This has resulted in burdensome, highly prescriptive processes, far in excess of what is needed to provide accountability. Officers can feel under the media spotlight, that the public have unreal and conflicting expectations and that they are being personally blamed when things go wrong.

These issues had been recognised for some time but the system has proved resistant to change and little sustained progress had been made. In 2008 Sir Ronnie Flanagan in his independent review of policing recommended that:

"the recently established Risk and Regulation Advisory Council should examine the role of risk within the police service, and begin a national debate on risk aversion and culture change at a central government level."

In July 2008 the Risk and Regulation Advisory Council convened a risk forum **Freeing up Space to do What Matters Most,** bringing together a broad community of interest including ministers and officials from the Home Office, police representatives, senior police officers and 'beat bobbies', the Crown Prosecution Service, academics and members of the public. The forum was designed to help break down the silos that are an inherent feature of the service and improve understanding of the risks, costs and benefits of bureaucracy. The output would be practical proposals for improving the risk culture.

The event exceeded delegates' expectations, delivering outputs that didn't seem possible in the time available.

The outputs of the forum have been shared with the Home Office, ACPO and APA and used by the Home Office Police Reform Unit to inform their future work programme. Work is now underway in ACPO, NPIA and HMIC to take forward the work of the Risk and Regulation Advisory Council and embed it with new and existing work packages. To this end, a meeting was held with the Policing Minister on 17 March 2009 and the acting Chief Inspector of Constabulary on 27 January 2009. In addition, the ACPO President chaired a meeting of leaders in risk within the police service on 5 May to consider how best to drive forward the risk agenda within the police service.

"Records are made because of a requirement to do so not because they are useful or will ever be used."

Policing forum delegate

Setting the scene

Police service reform is always high on the political agenda. The Police (Health and Safety) Act 1997, and high profile cases where convictions have been overturned on the basis of flawed evidence, has resulted in a culture of risk aversion creeping into the police force. The most visible consequence of this has been increased bureaucracy with officers reported to be spending 20% of their time on paperwork. These issues, among others, had been

highlighted in a breadth of work, most recently by Sir Ronnie Flanagan's Independent Review of Policing (2008).

The Flanagan report concludes that the disproportionate use of process is underpinned by two drivers:

- Internally – a 'just in case' mentality

- Externally – a public approach, vocalised by the media and politicians, that 'this must never happen again'

At the national level, it will require all of those who contribute to the public debate about policing – in political parties, in the media and within the 'policing family' – to engage in an honest discussion about the future of policing.

Sir Ronnie Flanagan recognised that this problem was precisely the sort of challenge the Risk and Regulation Advisory Council was set up to address.

Understanding the risk in context

The Risk and Regulation Advisory Council set out to understand and map the issues through a programme of document review, an extensive series of interviews and a series of focus groups involving Police Community Support Officers (PCSOs), police constables, sergeants and inspectors.[12] Finally a day was spent with the Cheshire police force.

Through this process a comprehensive picture of the issues facing the police force, what it felt like to be working at the front line under the constraints of bureaucracy, and the pressures felt at the highest levels to prevent future incidents was built up. This showed that there were many different

perspectives of the issue, with some stakeholders unconvinced that there was a real problem to be tackled here.

Examples of key questions for debate

What is the approach to risk in policing now?

How does this approach to risk support use of discretion by the police?

How do the police talk to others about risk now?

How does this new approach to risk support illustrate the use of discretion by the police?

How are the police held to account for what they do?

How do the police show they are doing what the public wants?

How is the police service managed and developed?

How does this protect against inappropriate or unlawful police conduct?

How do police partners (e.g. Crown Prosecution Service, Office of Surveillance Commissioner, IPCC, HSE, Audit Commission, HMIC) work together now?

How does the new risk approach help determine the appropriate amount of necessary 'bureaucracy'?

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12 Organised by the Police Federation and West Midlands police force

With a range of potential questions looking for answers there was a need to focus down on the central issues. This was no easy task. Through a series of internal brainstorms, and crucially guidance from the external facilitator, key issues started to emerge, which were framed as a series of questions to be posed in the risk forum.

Mindmaps and influence diagrams were used to help frame and articulate the issues. Through this process a clear set of needs emerged.

These were translated into the following objectives to be tackled through a risk forum:

- To enhance the understanding of risk and hazard faced in policing and the impact that this has on behaviours and outcomes

- To improve understanding of the costs and benefits of bureaucracy in policing and the extent to which inappropriate, disproportionate local practices increases these costs

- To develop practical proposals for changing the risk culture in policing from risk aversion and avoidance to risk awareness and reduction

Tackling the risk in a systematic fashion – the risk forum

The next step was to design and run the risk forum **Freeing up Space to do What Matters Most**. Approximately 50 stakeholders were invited from across:

- Central government (e.g. Ministers and officials from the Home Office)

- Police service governance and operations (e.g. APA, ACPO, HMIC, NPIA, senior and frontline police, MPs)

- Criminal Justice System (e.g. Crown Prosecution Service)

- Academics and experts bringing best practice from other organisations

- Representatives of the public

The wealth of information drawn together from the research was boiled down into a series of 'bite-sized' chunks each relevant to tackling one or more of the objectives. A key need was to break down the silos existing between the many organisations that have a role in governance and delivery of policing. The forum was therefore designed to promote conversations around the issues, bring to light and share individual perspectives and consolidate these to provide a group perspective that would break through the traditional silos.

"This will be an intense session with no breaks. Participants will be deliberately stretched to generate pressure and a momentum that will lead to new and creative thinking."

Risk and Regulation Advisory Council briefing for forum

A series of short presentations provided context and a springboard for the subsequent activities. A graphic facilitator captured the essential elements of the presentations and subsequent discussion in a **risk landscape**. This illustrated the environment within which the police currently operate. The risk landscape was developed interactively throughout the day. Presenting the information in this visually rich way made it more interesting and fun, which in turn encouraged engagement and creativity.

Once this common ground had been established and agreed, delegates were split into groups. The makeup of the groups ensured a mix of perspectives, both vertically (Chief Constable down to front-line officer) and horizontally (a mix of organisations and representatives). Delegates were put under time pressure to help them make creative leaps as they battled to finish their tasks against the clock. Activities included:

- Take-a-Panel – delegates individually captured their personal responses to questions addressing how a new approach to risk in policing could be achieved. This painted a picture of how different the delegates starting perspectives were

- Group Synthesis – delegates, in groups, synthesised their individual work into a consolidated model, helping to break down barriers

- High Level Vision – groups developed a consolidated vision that captured the essential points of the group's individual visions identifying areas of agreement and disagreement

- Design Challenges – delegates formed into new groups, each considering a different topic, e.g. Managing 'Emotive Tragic Events' Outside In, Creating a 'Non-Defensive' Approach to Risk, Accountability & Governance of Policing

"This was the best facilitated event I have been to in 30 years of service."

Delegates at policing forum

These exercises used the technique of back casting. The groups were asked to imagine themselves in 2011:

Your team is reflecting back on the past three years and your involvement with the re-shaping of the policing system within England and Wales to achieve the vision created at this forum. How did you achieve this?

Back casting encourages people to step outside their current constraints and think creatively. Each group was then invited to feedback their findings and encouraged to do this in a concise and focused manner. The findings were then synthesised and captured in a plenary discussion and by interactive development of the cartoon landscapes used at the start of the forum.

Communicating

An initial summary of the key themes that emerged at the forum was produced and circulated to the forum participants for comment. Following a period of interaction and dialogue with key stakeholder groups a final agreed vision for policing was articulated as follows:

Vision for Policing

The high level objective is to create the conditions where 'risk-based decision-making' can thrive; i.e. allowing officers to assess and understand risks, consider the context, and make balanced and proportionate decisions in response to them.

It is accepted that there will be areas where officers' freedom to apply their judgement will and must be limited; there will always be a need for 'bureaucracy'. But in the future 'bureaucracy' will be used more as a supporting tool for officer's decision-making and not the driver of officer decisions.

This is not about promoting a uniform culture or standard response to risk across the entire police service. It is about creating a more flexible policing environment where frontline officers are equipped to exercise their professional judgement by evaluating risks and responding accordingly.

A set of objectives to deliver the vision were defined:

- Creating a more constructive leadership environment

- Enhancing and embedding the concept of the learning organisation in the police

- Delivering bureaucracy that is flexible, adaptable and appropriate

- Improving public confidence in policing

Each objective was supported by clear options for delivery. The Chairman of the Risk and Regulation Advisory Council wrote to the head of each of the tripartite organisations charged with governance and operation of the police (Home Office, ACPO, APA, NPIA and HMIC) to communicate the findings.
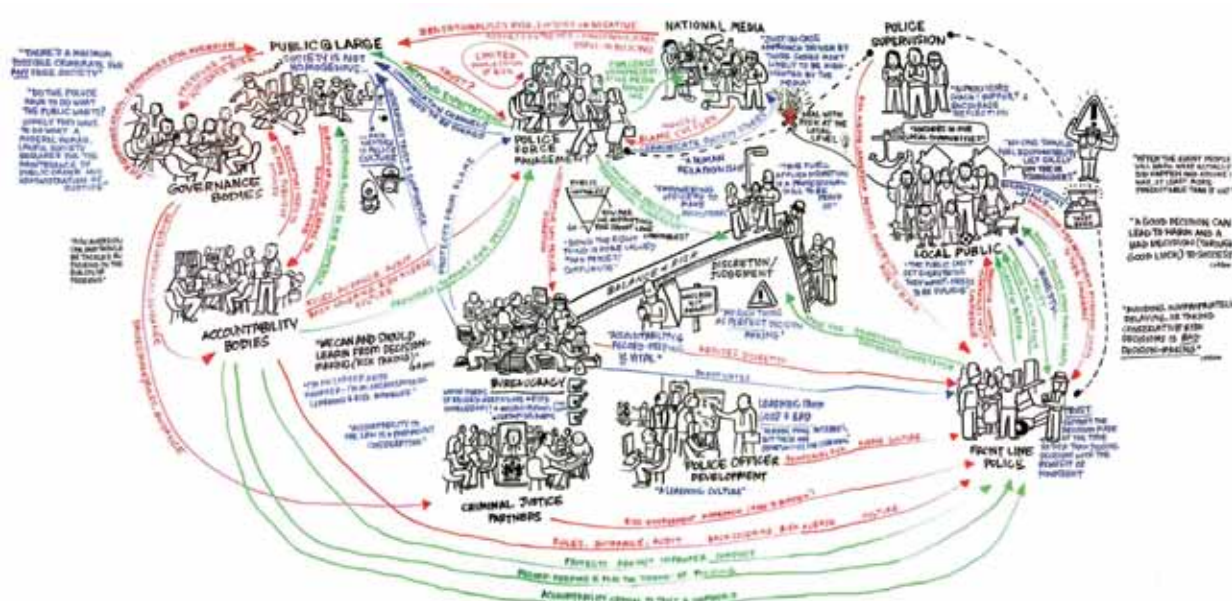
Risk aversion in policing risk landscape

> *"I am confident that the new, innovative approach applied here will ultimately deliver long-term and sustainable solutions."*
>
> Extract from letter from *Risk and Regulation Advisory Council* to HMIC

Achievements

The debate led by the Risk and Regulation Advisory Council has identified that:

- A set of risk-based decision-making principles should be developed that defines what constitutes a good operational decision – to distinguish an intelligent failure from an unintelligent mistake

- All levels in the police service should be fully consulted in a two-way dialogue to gain their full support, commitment and emotional buy-in to this change

- The principles must be consistently applied. This will help to redress the balance between use of professional judgement and application of rules and processes. It will help to improve effectiveness, build public trust and confidence, and ensure that the police deliver more of what the public wants

- The public should be engaged in a very transparent and open-minded discussion on the trade-offs involved in the decisions as to where best to put resources

- The conversation with the public should cover when it is acceptable for the police to fail; where they want the balance to lie between protecting the public and following processes to make sure the police do it appropriately; and what good police decision-making is

The outputs of the forum have been used by the Home Office Police Reform Unit to help shape their future work programme. Work is now underway in ACPO, NPIA and HMIC to take forward the work of the Risk and Regulation Advisory Council and embed it with new and existing work packages. To this end, a meeting was held with the Policing Minister on 17 March 2009 and the acting Chief Inspector of Constabulary on 27 January 2009. In addition, the ACPO President chaired a meeting of leaders in risk within the police service on 5 May to consider how best to drive forward the risk agenda within the police service.

> *"The forum was very innovative, attracted an impressive list of stakeholders, raised lots of interesting issues and contributed to the topic."*
>
> Delegate at the policing forum

> *"The forum exceeded my expectations and delivered outputs that I didn't believe could be realised in the time available"*
>
> Delegates at policing forum

Health and Safety in small organisations

UK Health and Safety management is addressed by the 1974 Health and Safety at Work Act and its supporting guidance: the Management of Health and Safety at Work Regulations. It is a principles based approach that sets out employer's obligations in a goal-setting form which indicates what must be achieved but not how it must be done. It is well regarded internationally and the UK has one of the best workplace safety records in the world.

For some time there has been a concern that some small organisations struggle to comply with this goal-based approach. There is a growing consensus that small organisations do not fully understand their health and safety obligations and do not have the internal skills and competences to undertake risk assessments. This lack of clarity, and confidence, of small organisations to manage health and safety risk in the workplace has real and unacceptable costs for business and society. The Better Regulation Executive (BRE) undertook a study for BERR that reported in August 2008 and in parallel with this, the Risk and Regulation Advisory Council undertook to consider the issue from the small organisation perspective.[13]

The Risk and Regulation Advisory Council risk forum **'Reducing Uncertainty – Building Confidence – Improving Outcomes'** used an innovative mix of graphical facilitation and workshop design to encourage delegates to identify all the influencing factors that affected how health and safety is managed in small businesses. The impact of these factors and how they were brought to bear was evaluated. A pictorial representation of the 'risk landscape' was developed interactively and in real-time, increasing common understanding of these influences.

The forum built on the work of the BRE and House of Commons Select Committee on Work and Pensions, developing a common appreciation that the health and safety environment in which small business operate is extremely complex and involves a lot of different stakeholders – 'risk actors'.[14] It has shown that government is not entirely responsible for the confusion felt by some small organisations, and that this is a result of the complex interaction between these risk actors. The Health & Safety Executive (HSE) have subsequently developed their organisational strategy to reflect the need to work with and leverage the activity of other stakeholders in the health and safety system to improve health and safety outcomes.

Setting the scene

The UK's Health and Safety regulatory system has one of the most successful records in the world. The system, which has been in place since the 1974 Health and Safety at Work Act, sets out what outcomes organisations are obliged to deliver, but is not prescriptive as to how to deliver them. But this poses difficulties for some smaller organisations who are uncertain about what

13 Improving Outcomes From Health And Safety, A Report to Government by the Better Regulation Executive, August 2008,
14 House of Commons Work and Pensions Committee, The role of the Health and Safety Commission and Health and Safety Executive in Regulating Workplace Health and Safety: Government Response to the Committee's Third Report of Session 2007–08 Third Special Report of Session 2007– 08,

actions are required of them and may under or over-respond to risk incurring unnecessary costs and putting the health and safety of the public and employees at risk.

In 2008 the Better Regulation Executive and House of Commons Select Committee on Work and Pensions both highlighted some of the problems encountered by small organisations in dealing with health and safety in major reports*. In its report, the House of Commons Select Committee recommended that the Risk and Regulation Advisory Council:

"…focuses on identifying the main causes of overly risk-averse behaviour [in the workplace] and introduces effective means of addressing them"

Subsequently, at the request of Lord McKenzie at the Department for Work and Pensions and Judith Hackitt and Geoffrey Podger at the Health and Safety Executive (HSE), the Risk and Regulation Advisory Council agreed to examine the challenges faced by small organisations when managing Health and Safety risks.

Understanding the risk in context

During 2008, the Risk and Regulation Advisory Council undertook an extensive programme of research including interviews with a wide range of stakeholders from the business, regulatory and not-for-profit communities. The outputs from all of this work were used to inform the design and development of the subsequent risk forum.

From the research a set of common themes and potential drivers of the confusion and uncertainty felt by some small organisations about what is

required to comply with Health & Safety legislation were identified:
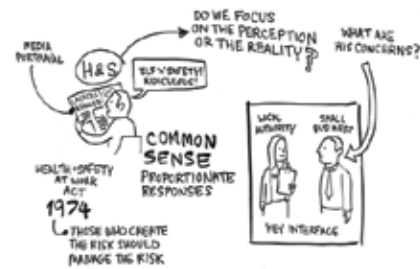
The problem situation

- The Health and Safety (H&S) system is perceived by some to have grown in complexity since the 1974 Health and Safety Act. Small organisations do not necessarily distinguish between H&S regulation and other regulations

- Risk actors are increasingly responsible for providing H&S advice and guidance to many small organisations.[15] Key actors include HSE, H&S consultants, insurers and trade associations

- Risk actors have a positive role to play but can also create further uncertainty as to what the law requires, through: inflating the level of health and safety standards required; influencing perceptions that the volume of health and safety regulation and the bureaucracy associated with it is increasing; raising costs of compliance

The Risk and Regulation Advisory Council's evidence gathering approach confirmed that many small organisations find it difficult to understand how to comply with health and safety legislation but found that there was no consensus on what causes this uncertainty. The lack of clarity, and confidence, felt by some small organisations has

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15 BERR report that the market in health and safety support services is one of the fastest growing business to business sales sectors and may be approaching £1billion per annum. Furthermore it is estimated that between 20% and 70% of businesses have paid for health and safety support. In addition Risk and Regulation Advisory Council undertook a limited survey of 150 SMEs that suggested that ~50% of them had used external health and safety consultants at least once in the last 5 years.

real and unacceptable costs for business and society, and makes good risk management all the more difficult for these organisations to achieve. A risk forum was needed to bring together the different stakeholders in the Health and Safety system to understand what drives this uncertainty and seek opportunities to leverage their support for mutual benefit.

Tackling the risk in a systematic fashion – the risk forum

The risk forum 'Reducing Uncertainty – Building Confidence, Improving Outcomes' was run on 18 October 2008. About 40 stakeholders were present with representation from SMEs, central and local government, employer associations, lawyers, and insurers. The risk forum was designed to ensure that stakeholders engaged with a diverse range of organisations as well as decision makers up and down the hierarchical decision chain. The environment encouraged open and creative discussion and interaction.

The health and safety risk landscape for small organisations

This schematic shows the output which had the biggest impression on participants. This was the 'risk landscape' that captured and synthesised the risk forum discussions. It was developed interactively and in real-time during the day and was particularly successful at conveying the complexity of the health and safety environment within which small organisations have to operate. The fact that it was developed as a cartoon was extremely memorable, left a big impression on the risk forum participants, and encouraged a more creative and innovative thinking atmosphere.

A primary conclusion from the risk forum was that any future discussion around sensible, proportionate and effective responses to risk is more likely to realise successful outcomes not by promoting a uniform culture or standard response to health and safety (i.e. compliance), but rather by supporting small organisations develop competence and the confidence to exercise judgement in risk evaluation and appropriate response. This will demand the development of better communication channels
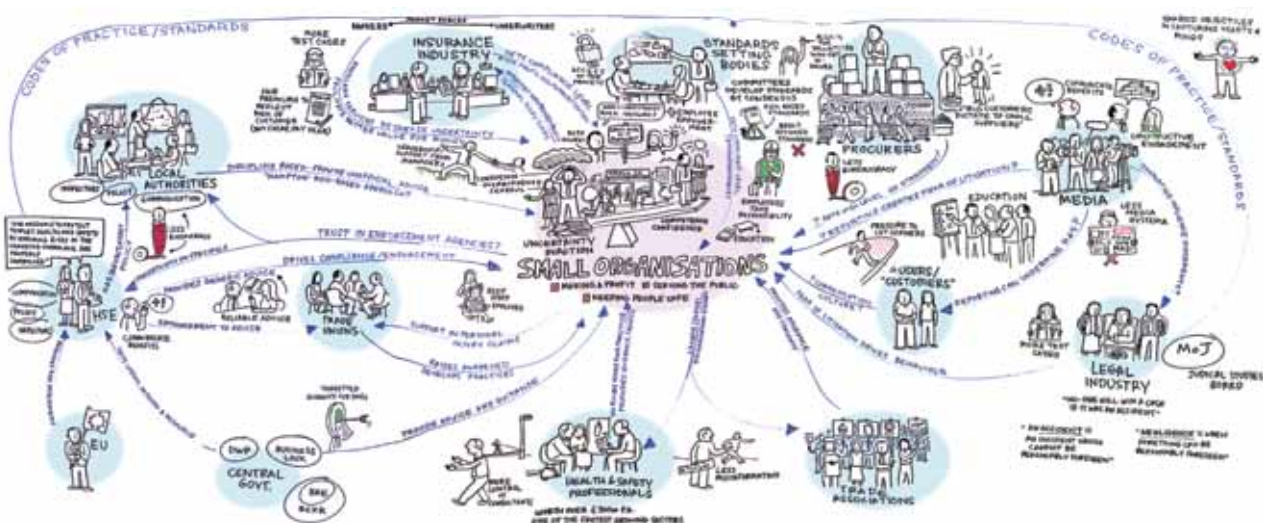
Health and safety in small organisations risk landscape

and it was noted that the HSE had been actively promoting their template risk assessments on their web-site with this objective in mind.

Communicating

An initial summary of the key themes that emerged at the forum was produced and circulated to the forum participants for comment.

Key Messages from the Health and Safety risk forum

Small organisations are not a single homogenous entity but a diverse group of organisations with very different health and safety risk profiles. The key purpose of the majority of these organisations is not health and safety but the creation of sustainable revenues, profits and delivering goods and services to consumers.
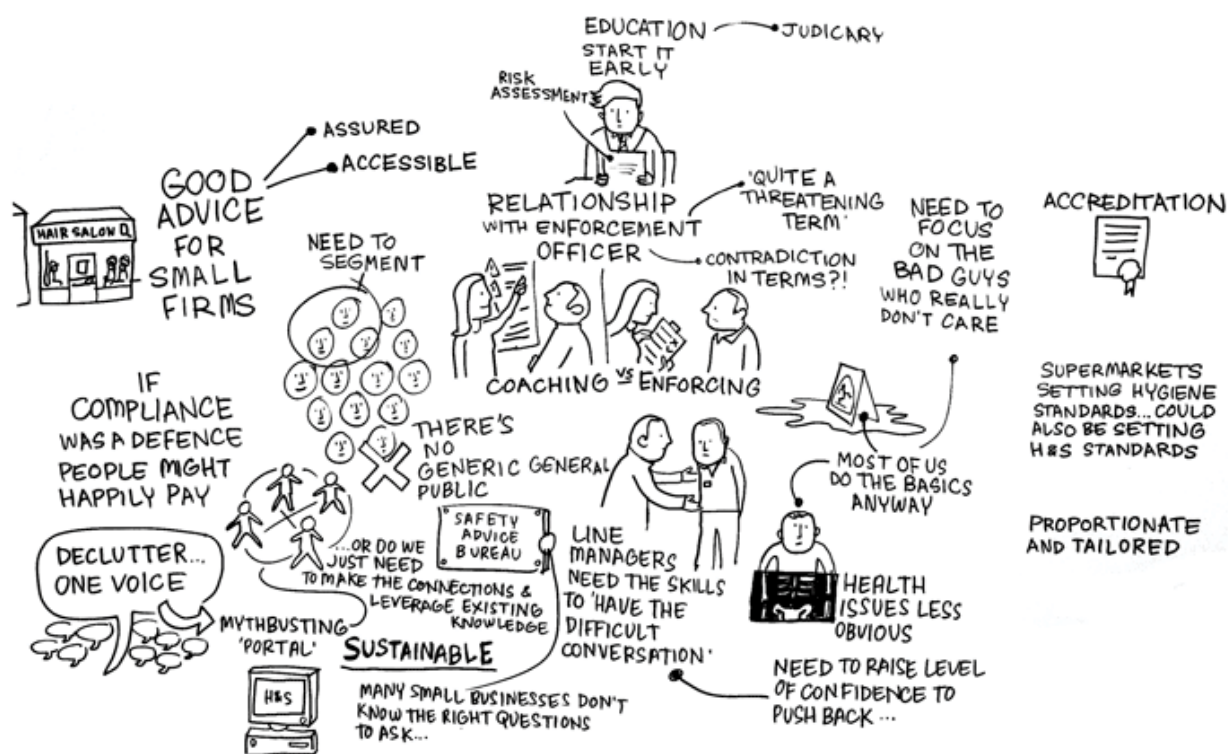
The discussion around sensible, proportionate and effective responses to risk should not be about promoting a uniform culture or standard response to health and safety. It is about allowing small organisations to have the confidence to exercise their judgement by evaluating risk and responding accordingly to ensure good health and safety outcomes. To facilitate this 'risk-based decision-making' approach to responding to health and safety requirements, strong leadership by government and within small organisations is essential as well as building a supportive community including all risk actors.

Following a period of interaction and dialogue with key stakeholder groups, facilitated through a web-based Community of Practice, the following priorities were agreed as a focus for future work in this area:

- Simplifying and delivering consistent health and safety messages

- Better communication of the benefits and tackling public attitudes of health and safety

- Building capacity, competence and confidence to manage risk

- Engaging risk actors in building competence and confidence

"I think the HSE have moved away from a position of 'How do we enforce compliance of SMEs?' to one of 'How can we best communicate with, and inform SMEs about their obligations?"

Risk and Regulation Advisory Council member

EDUCATION → JUDICARY
START IT EARLY

RISK ASSESSMENT

ASSURED
ACCESSIBLE

GOOD ADVICE FOR SMALL FIRMS

HAIR SALON

NEED TO SEGMENT

RELATIONSHIP WITH ENFORCEMENT OFFICER

'QUITE A THREATENING TERM'

CONTRADICTION IN TERMS?!

NEED TO FOCUS ON THE BAD GUYS WHO REALLY DON'T CARE

ACCREDITATION

SUPERMARKETS SETTING HYGIENE STANDARDS... COULD ALSO BE SETTING H&S STANDARDS

IF COMPLIANCE WAS A DEFENCE PEOPLE MIGHT HAPPILY PAY

COACHING vs ENFORCING

THERE'S NO GENERIC GENERAL PUBLIC

MOST OF US DO THE BASICS ANYWAY

PROPORTIONATE AND TAILORED

DECLUTTER... ONE VOICE

SAFETY ADVICE BUREAU

...OR DO WE JUST NEED TO MAKE THE CONNECTIONS & LEVERAGE EXISTING KNOWLEDGE

LINE MANAGERS NEED THE SKILLS TO 'HAVE THE DIFFICULT CONVERSATION'

HEALTH ISSUES LESS OBVIOUS

MYTHBUSTING 'PORTAL' SUSTAINABLE

H&S

MANY SMALL BUSINESSES DON'T KNOW THE RIGHT QUESTIONS TO ASK...

NEED TO RAISE LEVEL OF CONFIDENCE TO PUSH BACK ...

Capturing the forum debate: A vision of success

Achievements

The debate led by the Risk and Regulation Advisory Council has identified that:

- The uncertainty and confusion experienced by some small organisations is a result of the complex set of interactions between risk actors in the health and safety system

- A holistic approach that tackles the influences of all risk actors together, stretching beyond traditional boundaries is needed to build small organisation confidence and competence

- The HSE, with support from other government partners, must take responsibility for engaging with the risk actors to ensure that they actively contribute to building confidence and competence

- Action is needed from government in specific areas to improve small organisations confidence in managing Health and Safety risks in the work

place. This will enable small organisations to make the most of the flexibility at the heart of Health and Safety legislation, reduce the real and unacceptable costs from unnecessarily expensive demands, but most importantly ensure good risk management practice is applied more widely so employees and the public are protected from harm

The outputs from the forum have already been used by the HSE to help shape their strategy. The Risk and Regulation Advisory Council continue to work with the key stakeholders. In its final report, capturing the findings of its work and detailing recommendations for government action, the chairman of the Risk and Regulation Advisory Council calls publicly on the HSE and DWP to take on these recommendations and deliver the changes needed to improve health and safety outcomes in small organisations.

Building resilient communities

Empowering communities through individual action

There is a general recognition that individuals, as well as communities, can make a difference, that individual positive actions are central to the resilience of communities. However, the Government and other institutions need to enable this, by creating the conditions that will turn bright ideas into sustainable actions.

The importance of community resilience issues was considered by the Better Regulation Commission in its 2006 report "Risk, Responsibility and Regulation – Whose risk is it anyway". The BRC examined the relationship between risk, responsibility and regulation and looked at the dynamics which have been created by the perception and communication of risk by policy-makers, the media and each of us as individuals in society. They concluded that resilience, self-reliance, freedom, innovation and a spirit of adventure were critically important in today's society but that the approach to managing risk in society places an over reliance on Government to manage all risks.

In December 2008, the Risk and Regulation Advisory Council convened a risk forum **Building Resilient Communities: From Idea to Sustainable Action**, bringing together a broad community of

interest including officials from a number of Government Departments, community groups, funders, and voluntary and community sector agencies. The forum was designed to:

- Explore how people can use their talent, skill and dedication to make their communities stronger

- Identify the conditions that make it possible for individuals to take action

Summing up, Rick Haythornthwaite (Chair of the Risk and Regulation Advisory Council) confirmed that the forum was just the start of the discussion and that a Community of Practice (CoP) would be created to maintain momentum.

The CoP of 15 delegates from across the Government, funders and the third sector held its first meeting in March 2009 to agree the specific issues it will consider and how it will enable CoP members to take away actions for their individual organisations.

> "People and communities can take responsibility for, and in doing so change, the way things happen in society."
>
> Risk and Regulation Advisory Council

Setting the scene

In 2006, in its' first major report "Risk, responsibility and Regulation – Whose risk is it anyway", the Better Regulation Commission (BRC) focused on a growing disquiet about the management of risk

in society and what was seen by many as the rising tide of regulation. The BRC examined the relationship between risk, responsibility and regulation and looked at the dynamics which have been created by the perception and communication

of risk by policy-makers, the media and each of us as individuals in society. They found that everyone in society has been complicit in the drive to purge risk from our lives, and the drift towards a disproportionate attitude to the risks we take. To reverse the trend they believed that the Government should show leadership and take the first definitive steps, but that individual citizens and the media should also be encouraged to join in a public debate about the management of risk in society. They called for the Government to redefine the approach to risk management.

The Government in its response created the Risk and Regulation Advisory Council to look at these and related issues to address the mishandling of risk in society.

"In its policies, regulations, announcements, correspondence, targets, performance agreements and actions, the Government should:

- emphasise the importance of resilience, self reliance, freedom, innovation and a spirit of adventure in today's society;

- leave the responsibility for managing risk with those best placed to manage it and embark on state regulation only where it represents the optimum solution for managing risk…"

Risk, Responsibility and Regulation – Whose risk is it anyway, BRC 2006

Understanding the risk in context

Between May and November 2008, the Risk and Regulation Advisory Council held a series of meetings with a wide constituency of interest to ask advice on the scope for a communities-related project. A clear theme emerging from the discussions was that of resilient communities.

It was clear from the interviews however that there was consensus that resilient communities were important but a difference of opinion about how best to encourage communities to be more resilient and manage their own risks. Therefore a risk forum was designed to reach an agreed vision of success and to learn from the many people who are already taking action to make their communities more resilient in the face of change.

Tackling the risk in a systematic fashion – the risk forum

The forum, which was the Risk and Regulation Advisory Council's last major risk forum, was entitled **Building Resilient Communities: From Idea to Sustainable Action**. The objective of this forum was to identify the conditions that make it possible for individuals to take positive action in their communities. Approximately 40 stakeholders were invited from across:

- Central government (including a Minister and officials from the Office of the Third Sector, Civil Contingencies Secretariat and Defra)

- Community groups and activists

- Funders

- Voluntary and community sector agencies

The introduction outlined the challenges and included a video presentation by Kevin Brennan MP (Minister for the Third Sector). Delegates were then led through a series of activities designed to build a shared understanding of what the issues really are and what success would look like.

Real examples of where action has been taken in the community were used to inspire and show others that action can and are taken under the right conditions. These were then used to find out what blocks action being taken and what can be done to remove these blockages.

Extract from the timetable for the event

	Start	End
Introduction	13:30	13:45
Walkabout: Read stories	13:45	14:00
First group session: Understanding Success	14:00	15:00
Second Plenary	15:00	15:45
Second group work: Building Success	15:45	16:45
Third plenary	16:45	17:30

"**Delegates left the forum with a buzz.**"

Delegate at the Communities Forum

Activities included:

• Walkabout – where delegates were encouraged to read stories capturing how different third sector organisations had successfully taken action to tackle risk issues in their community

Example of group output from risk forum

• Understanding Success – where delegates split into nine pre-selected groups, each listening to a different third sector organisation telling their story and then discussed other similar projects to identify success factors and obstacles. These success factors were captured for subsequent discussion by the delegates as a whole

• Building Success – delegates again split into groups to identify actions that would create the most impact in communities

A graphic facilitator helped to produce a map of the key stakeholders and issues, the risk landscape, and how they inter-related which they updated throughout the session.

The community resilience risk landscape

The forum set some challenging objectives. A broad range of people came to the table, shared their perspectives and established a vision of what success would look like (captured visually here). It identified where action was needed to:

- Create a vision for shared information, best practice, ideas and contacts

- Explore new ways of funding positive social action

- Create effective new partnerships

It created real enthusiasm among the delegates to tackle the challenges.

Capturing the forum debate: A vision of success

Communicating

At the forum 15 delegates volunteered to form a Community of Practice (CoP). The CoP from across the Government, funders and the third sector held its first meeting in March 2009 to agree the specific issues it will consider and how it will enable CoP members to take away actions for their individual organisations. The chair of the Talent and Enterprise Task Force has volunteered to chair the CoP in the longer term.

Achievements

The forum showed that there is a huge amount of successful positive action being taken by individuals in community groups and other sectors – such action is already creating and sustaining resilient communities that can respond to the risks they face.

The group learned that to spread such action more widely, society needs to think in new ways, energising and empowering individuals from all backgrounds and sectors to take action, within a culture of enterprise and sustained innovation.

Part of the change that needs to take place involves better communication between people in communities who want to take action. There is a huge amount of experience and knowledge that could be shared more widely.

In addition, there are many groups of individuals outside the traditional community sector that can act and are motivated to make positive social changes, for example in local government, funding organisations and business. There is great potential for new partnerships – between individuals and organisations from across all sectors in society – to deliver positive social action, and create resilient communities.

The CoP will help develop these partnerships and generate solutions.

Risk aversion and tree management

Shining a spotlight on risk

A proposed new tree inspection standard appeared to be over-prescriptive and likely to lead to a disproportionately expensive regime, or worse still the felling of perfectly healthy trees. The Risk and Regulation Advisory Council, working with a community of industry stakeholders, shone a spotlight on the issue, successfully prompting a much wider constituency of interest to engage in the BSI's consultation process, and causing the BSI's standard development committee to step back from the issue and re-think their approach.

Setting the scene

Historically, risk management of trees has been based on the 'As Low As Reasonably Practicable' (ALARP) principle and this philosophy has been periodically reinforced by the HSE and judicial rulings.

However in 2006 a landmark case was heard on this issue – Poll v Bartholomew (Viscount Asquith of Morley) – in which the Claimant (Mr. Poll) was riding a motor cycle when he collided with a fallen ash tree, which had a significant structural defect. Mr. Poll claimed for damages against the owners of the land from which the tree fell, who were responsible for the maintenance of the tree. The arboricultural experts involved in the case proposed, and the Court accepted, the principle of different levels of assurance, based on the skills and knowledge of the inspectors. However, there was no clear guidance on levels of inspection, and where they should be applied.

In late 2007, the BSI accepted the need for a new standard (BS8516 – Recommendations for tree safety inspection) and began its process for producing the standard (see below). This prompted a number of parties, primarily landowners with responsibility for large tree stocks, to express concern. In October 2007 the National Tree Safety Group (NTSG) was established in response to these concerns. The NTSG was set up as an inclusive association of stakeholders concerned with tree care, ownership, management and advice, formed with strong leadership from the Forestry Commission. In early 2008, when the initial ideas of the committee drafting the new standard became known, a member of the NTSG approached the Risk and Regulation Advisory Council for guidance. The Risk and Regulation Advisory Council agreed to provide their support.

This Risk and Regulation Advisory Council topic was unique in that:

• The 'policy maker' was not government itself, but rather the British Standards Institute (BSI – the UK's National Standards Body)

• The Risk and Regulation Advisory Council did not facilitate a forum, but rather presented to an event organised by the NTSG

"We needed to complain to … whomever would listen."

Chair of the NTSG

BSI Process for Producing Standards

The BSI process for producing standards comprises of a number of key stages:

Proposal: need for a standard?	→	Acceptance: BSI consider business case	→	If accepted, BSI publish a new work item	→	Drafting: BSI Committee produce draft standard	→	Public comment: BSI publish draft	→	Approval: BSI Committee produce final version	→	Endorsement: BSI review standard, and would normally agree publication
				↓				↓				↓
				New work item				Draft standard				Final standard

The National Tree Safety Group

The National Tree Safety Group covers developments in the law and guidance on the management of trees for public safety. The group is facilitated by the Forestry Commission. Its founder members included: the Forestry Commission, the Arboricultural Association, the Country Land and Business Association, the Woodland Trust, the Ancient Tree Forum, ConFor, English Heritage and the London Tree Officers Association.

Other groups have since joined including: the National Farmers Union, the Institute of Chartered Foresters, the Royal Institution of Chartered Surveyors, the Visitor Safety in the Countryside Group, the National Trust and the British Standards Institute.

Understanding the risk in context

The first meeting of the NTSG found, despite the diversity of the organisations represented, that there was considerable agreement around the table. Everyone recognised that:

- Landowners have a duty of care

- The actual risk of injury or death from falling trees or parts of trees is very low

- The high levels of publicity associated with such incidents can lead to disproportionate responses

- The courts have responded differently to a number of recent cases

- There is a real danger of 'defensive' reaction by landowners to remove trees unnecessarily

- A balanced approach to tree survey and inspection was essential, and

- Accessible, national guidance on strategy for managing tree safety should be produced.[16]

The Risk and Regulation Advisory Council supported this position, they concluded that:

- Trees had not become more dangerous, but the Poll v Bartholomew court ruling had created some uncertainty

- This uncertainty had the potential to lead to a disproportionate response, and

- The formal BSI tree risk management standard might create unnecessary burdens and lead to tree felling which would cause a reduction in societal benefits derived from trees

Tackling the risk in a systematic fashion – the risk forum

Unlike other Risk and Regulation Advisory Council topics, the Council did not host a specific forum. Instead the Chair of the Risk and Regulation Advisory Council gave a presentation at an event hosted by the NTSG, encouraging participants to step back and consider the underlying risks.

The event was held in May 2008, with ~300 delegates involved in trees in some way or other. NTSG requested that the draft standard (BS 8516) should be delayed until after the conference so they could give a more informed response.

"The general public is largely unaware of there being a problem with tree safety… We need to step back, look at the issue again and ask – what is the problem here and what are the questions we should be asking to get to an appropriate and proportionate solution?"

Risk and Regulation Advisory Council chair at the NTSG event

16 National Tree Safety Group,

Speakers provided ten-minute presentations from the perspective of risk professionals, tree professionals, governmental and non-governmental agencies, local authorities, the concerned citizen, the insurance industry, the legal sector and environmental science.

The key sessions focused on what it means to be a stakeholder, balancing the benefits and enjoyment of trees with managing an acceptable level of risk. The structure of the conference allowed each speaker to make a statement from their respective stakeholder position.

At the end of each session an electronic voting system was used to draw out and prioritise the threads in the debate. The NTSG used this information to inform its response to the standard.

Just like an Risk and Regulation Advisory Council risk forum, the organisers used active methods to help arrive at a consensus – in this case the use of electronic voting.

Communicating

In the weeks following the NTSG event the Risk and Regulation Advisory Council actively engaged the media on the topic. NTSG commissioned statistical and social research and sought legal advice to establish clear and concise understanding of the law in relation to tree failure issues.

The NTSG feel that the combined impact of their event, and the subsequent engagement of the media by Risk and Regulation Advisory Council, have succeeded in encouraging a more considered examination of the issues.

The BSI would have preferred the NTSG and Risk and Regulation Advisory Council to have informed the debate through the BSI's own process for producing standards, rather than through the media. They feel that its committee-based and broader public consultation processes would have been able to accommodate the NTSG's views, particularly as some member organisations of NTSG may also have been members of the BSI committee considering the new trees standard.

The BSI committee is currently reviewing the public comments on the draft standard, but BSI have given Risk and Regulation Advisory Council assurances that the standard will not be published in its current form. The NTSG's position remains that the standard is not an appropriate approach[17], but they have asked BSI to be involved, as part of the industry consensus, in taking forward a nationally agreed approach to the risk management of trees.

Achievements

The Risk and Regulation Advisory Council's work has encouraged a wider constituency of interest to engage in the BSI's standard development process. It has helped provide space for the experts and industry to step back and consider what exactly is needed.

17 Note written on behalf of the National Tree Safety Group (NTSG) following the Tree Safety Conference of 29th May 2008,

Defra – the Bluetongue virus core group

Sharing risk responsibility and rewards

A drastic reduction of 40% in milk yield, a serious reduction in fertility – with cows calving later and just five calves born over the winter compared to the usual 30 or 40, an increasing number of sudden deaths – seven in just three months a year on from infection – and huge levels of stress and uncertainty at what's still to come. These are the experiences of a dairy farmer whose animals contracted bluetongue, not in France or Belgium, but right here in the UK in 2007.[18]

After bluetongue virus first appeared in Belgium and the Netherlands in 2006, Defra assembled a core group of industry stakeholders and veterinary professionals to work with them to develop a strategy for control of the disease. When the virus entered the UK, the core group worked with Defra making decisions on a day by day basis on how to manage the outbreak. As the outbreak developed they worked urgently to develop an emergency vaccination plan and get a vaccine licensed for use at the earliest opportunity. With Defra agreeing to underwrite the supply of 28 million doses of vaccine for use throughout England, the core group undertook to persuade farmers to 'do their bit' and use the vaccine. During 2008 the core group helped galvanize the industry by setting up the industry led JAB campaign to push for vaccination. The willingness of farmers in the priority areas in the East and the South of England to vaccinate their livestock undoubtedly contributed to the successful control of the disease in 2008.

Defra, the core group and JAB continue to work together to urge farmers to vaccinate, bust vaccination myths and review the threats that continue to emerge on the continent.

Setting the scene

Bluetongue virus (BTV) and the threat it poses, shares many of the characteristics of wicked systems:

- The science of how the disease spreads and how best to control it is still evolving – there remains a great deal of uncertainty

- The consequences of any individual outbreak are highly uncertain

- Control of the disease requires coordinated action by a range of stakeholders even before an outbreak is detected

- The solution requires industry to change its behaviour

This issue is therefore one that an Risk and Regulation Advisory Council type approach is well placed to address and indeed Defra have established a very similar approach working with industry to tackle the risk. This case study is included to demonstrate how an Risk and Regulation Advisory Council style approach can become a fully integrated part of the policy making process.

18 Bluetongue – why everyone must vaccinate, NFU, 26 March 2009,

Understanding the risk in context

In August 2006 BTV appeared in Northern Europe for the first time, transmitted by a new species of midge. Understanding of the science is still developing but clearly something changed about that time that affected the way the disease was spreading.

It was first detected in the UK in September 2007. It was introduced into East Anglia via windborne transmission of midges from continental Europe. In subsequent months, the number of cases in the East of England increased, with further spread to other areas of the UK.

The main impacts of an outbreak fall directly on industry. Productivity is affected and movements, including for export, restricted. Broader public health is not an issue so there was a strong case for responsibility for management of the disease to rest with the industry. Defra who had anticipated the arrival of BTV therefore set up a core group of industry stakeholders, veterinary professionals and Defra policy officials to develop a strategy for responding to the disease. A key driver for this partnership approach was a desire to see greater sharing of the cost and responsibility of disease risk management with industry.

"Bluetongue kills about 30% of animals it infects. The virus has led to the death of thousands of animals in mainland Europe over the past couple of years, costing £95m in direct losses in 2007 alone. A major outbreak could bring huge hardship… It is vital that as many farmers vaccinate their stock as soon as possible."

Dr Simon Carpenter, the Institute of Animal Health

"Costs should be borne by the people best able to manage the risk. One consequence of this is that you need, as a policy maker, to be more prepared to involve people in development of the policy.""

Defra official

Tackling the risk in a systematic fashion

Members of the core group were chosen for their expertise, experience and influence. While they were not a group of representative bodies, it was important that industry stakeholders possessed networks of contacts from which they could canvas opinion rapidly.

Initially the group worked with Defra (and through Defra with wider experts and Devolved Administrations) to develop the UK control strategy and then, when BTV entered the UK, to implement it. In the early days of the outbreak the group met almost daily by teleconference, discussing issues such as the shape of the control zones and their appetite for risk, for example what movements were they prepared to allow to realise economic benefit and which represented too high a risk and should remain banned. They worked with Defra economists to develop a cost benefit analysis that was used to support decisions about the best course of action to take. This allowed the group to compare the costs of disease, for example, with the cost of movement restrictions to the industry.

While the minister holds ultimate responsibility for decision making during an outbreak, the advice of the core group was instrumental in informing the decisions.

As the outbreak developed Defra worked urgently with the group to develop the 2008 emergency vaccination plan. Together the core group and policy

officials were able to develop a full understanding of the uncertainties surrounding the disease and what this meant in terms of risk management.

> "It is important that the group operates as a true partnership and is fully integrated into policy decision making. The group has exactly the same access to data and information as Defra and its recommendations go straight to the minister unfiltered by policy officials."
>
> Defra official

The core group is now fully integrated into policy decision making. Defra policy officials are able to quickly seek input on issues as they arise and at regular intervals the core group also meet face to face with the secretary of state. Administration is kept to a very light touch, and in addition to regular meetings, much of the communication is by e-mail with answers to questions expected and received often within 24 hours.

Communicating

During an outbreak there is a need to communicate with both members of the public, to maintain confidence in UK agriculture, and with members of the livestock industry, to enable full co-operation with efforts to eradicate the disease. Broader communications during the outbreak were led by the Chief Veterinary Officer, who was also a member of the core group. However industry members of the core group led communications back to Defra's wider stakeholder group lending credibility to the messages. Crucially they were instrumental in the creation of JAB, the Joint campaign Against Bluetongue.

About JAB

JAB actively campaigns to encourage farmers to vaccinate through national and regional media outlets as well as more direct contact through farmers meetings, livestock markets and contact with private veterinary surgeons. JAB members include the National Farmers Union and national livestock and other professional associations such as the National Sheep Association, the British Meat Processors Association and the British Veterinary Association.

Achievements

Working together the group developed a shared appreciation of the uncertainties surrounding the science and what these meant for risk management. They developed a strategy that took account of these uncertainties and shared responsibility for its successful implementation. The strategy stood up well to the challenge presented by the outbreak, providing an effective framework for decision making.

> "We would urge all livestock keepers to continue to support the Joint campaign Against Bluetongue. A vaccination push will be needed in the months ahead for the industry to stay on top of this disease, which has the potential to decimate the sector. Those with livestock should now be thinking about the spring, speaking with their vets and sorting out vaccination. JAB will be working hard to get these messages out to farmers in the coming months."
>
> NFU's John Mercer, core group member and head of the JAB campaign

In 2008, while France reported a dramatic increase in new cases throughout the year, no new cases of the disease were reported in England. The timely roll-out of vaccine in 2008, particularly to priority areas in the East and the South, and farmers corresponding willingness to vaccinate, undoubtedly contributed to control of the disease in 2008.

JAB maintains its push on vaccination and launched its 2009 "don't hesitate, vaccinate" campaign in March with the support of Defra, Animal Health, the minister and industry and veterinary leaders.

JAB also provides a powerful body of advocates working to bust misconceptions about the risks and benefits of vaccination and to defend the chosen strategy most notably when the UK's voluntary approach came in for criticism across the EU, notably by a group representing EU vets.

"We believe that the EU's bureaucratic rules for a compulsory vaccination programme requiring official supervision would have slowed down the process of vaccination, put individual farmers businesses at greater risk, and increased the likelihood that the virus would spread across the country before animals could be vaccinated."

JAB campaign statement

Contributors to this guide