



BERR

Department for Business
Enterprise & Regulatory Reform

**GUIDE TO CODE OF PRACTICE
ON GUIDANCE**

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Contents

	Page no
Foreword	5
Introduction	7
Who is this guide for?	7
How should you use this Guide?	7
The Code and guidance	7
Why is good guidance important?	9
Evidence on the importance of guidance	9
Development of the Code	10
Circumstances in which guidance should be issued	10
When does the Code apply?	10
Planning and Designing Guidance	11
Identifying and Engaging with Stakeholders (Rules 1 and 2)	11
Format and Language of Guidance (Rules 3 and 4)	15
Requirements of Different User Groups	18
Providing Confidence in guidance (Rule 5)	21
Timing of Guidance (Rule 6)	23
Access to Guidance – Publishing and Publicising (Rule 7)	25
Reviewing and Improving Guidance (Rule 8)	27

Foreword

If regulation is to achieve its objectives in protecting consumers, workers and the environment and making markets work efficiently it must be clear what businesses and other organisations need to do to comply with the law. Guidance which follows the rules of this Code of Practice will make it easier to understand how to follow regulation, increasing compliance and reducing the need to pay for external advice.

This Guide to the Code of Practice is designed to help officials meet the Code's requirements when writing guidance on how to comply with the law.

This is Version 1 of the Guide, published June 2008. It will be reviewed by June 2009.

Introduction

Who is this Guide for?

This Guide has been designed for use by officials preparing guidance for business and the third sector on how to comply with legislation according to the rules in the Code of Practice on Guidance. It may also be useful for officials preparing guidance on best practice, or other forms of guidance.

The Code of Practice is not intended to include regulation that is the responsibility of the devolved administrations unless they explicitly choose to adopt it.

How should you use this Guide?

The Guide provides support to the Code of Practice on Guidance.

It is designed to:

- Effectively guide policy officials and regulators through the design and development of guidance on how to comply with legislation
- Provide more information on the principles of good guidance on regulation as outlined in the Code of Practice
- Advise policy officials and regulators on best practice in guidance.

If you have any comments about this Guide, or any ideas about how we might improve or add to it, please contact the Better Regulation Executive at guidance@berr.gsi.gov.uk.

The Code and guidance

The Code of Practice on Guidance on Regulation sets out to provide a public statement of what any organisation can expect from guidance issued by government and independent regulators on how to comply with the law.

It is based around eight golden rules:

The golden rules of good guidance

The guidance you receive should be...

- 1 Based on a good understanding of users**

Effective guidance requires a good understanding of the target audience and their needs. Different types of organisations may have different needs for guidance.
- 2 Designed with input from users and their representative bodies**

Input from the users and their representative organisations is important to ensure that the guidance is designed and communicated effectively.
- 3 Organised around the user's way of working**

As far as possible, guidance will be aimed at helping businesses understand how the law applies to common business processes.
- 4 Easy for the intended users to understand**

Guidance will be written in clear language appropriate to the intended audience. It will be as concise as possible and avoid unnecessary acronyms and jargon.
- 5 Designed to provide an appropriate understanding of how to comply with the law**

Businesses should be confident that the guidance will help them understand how to comply with the law by providing a clear explanation of the law. While many regulations have exceptions or complexities, and their application will depend on particular facts, the guidance will give a clear understanding of how to comply in most cases. Simple checklists will be used wherever possible.
- 6 Issued in good time**

To give organisations time to prepare for regulations, guidance will be issued at least 12 weeks before a regulation comes into effect, with some necessary exceptions, e.g. emergencies. Sometimes more than 12 weeks will be needed, for example if a regulation is complex or costly to implement.
- 7 Easy to access**

Guidance will be easily available to the user. It will be accessible via businesslink.gov.uk. Other forms of communication, including sending guidance directly to businesses or communicating through intermediaries, will also be used where they will be effective.
- 8 Reviewed and improved**

Guidance will be reviewed to check it is up-to-date and allow direct feedback to check it works for the users. Guidance will be designed so that users can be confident that they are using the current version.

Why is good guidance important?

Good guidance is important for compliance. Regulation is designed to change behaviour and it can only be successful if those affected understand what is required. Few businesses or third sector organisations will read the complex language of a piece of legislation, so guidance is often the main route to compliance for most businesses. It therefore follows that guidance should be designed so as to provide businesses with an appropriate understanding of how to comply with the law.

Good guidance also reduces the burden of regulation. If businesses are unsure about how to follow a regulation they may pay for external advice or over-comply. Clear, easy to follow guidance reduces these costs.

Evidence on the importance of guidance

The *Regulation and Business Advice* report by the Better Regulation Executive <http://www.berr.gov.uk/bre/reviewing-regulation/reducing-cost-business/page44090.html> highlights the importance of guidance for the delivery of regulation. It found that:

- Every year almost half of businesses seek external advice about how to follow regulations, and
- They spend at least £1.4 billion a year on this advice.

The report identifies five drivers behind this use of outside advice, three of which are directly relevant to guidance and this Code of Practice:

Drivers of external advice relate to the rules in the Code of Practice

- Poor quality government guidance (the whole Code of Practice)
- Uncertainty, risk and lack of confidence (Rule 5)
- Low awareness of government guidance (Rule 7)

The National Audit Office 2007 Survey of Business' Perceptions of Regulation <http://www.nao.org.uk/pn/06-07/0607615.htm> also illustrates the importance of good guidance on regulation:

- 53 per cent of businesses disagree with the statement "it is straightforward to understand what you are required to do to comply with regulations".
- 74 per cent of businesses think it is a burden "finding information about which regulations apply to your business".
- 71 per cent of businesses think it is a burden "finding guidance and advice explaining what you have to do to comply with a given regulation".
- 80 per cent of businesses said that "improved access to information that spells out in clear and simple language which regulations apply to your business" was very important.
- 78 per cent of businesses said that "provision of guidance that sets out in clear and simple language what your business has to do to comply with a given regulation" was very important.

Development of the Code

This Code builds on evidence on the importance of guidance for the delivery of regulation from the Hampton Review and the recent *Regulation and Business Advice* report <http://www.berr.gov.uk/bre/reviewing-regulation/reducing-cost-business/page44090.html>. It was developed in conjunction with Government departments, regulators and business representative organisations and was revised following a formal consultation process.

Circumstances in which guidance should be issued

The decision on whether guidance should be issued rests with the department or regulator responsible for the legislation. The Code of Practice on Guidance does not attempt to define those circumstances. Typically guidance is likely to be required for new UK legislation with a significant impact on business – from the self-employed, through to the largest multi-national, and third sector organisations. This could include Acts of Parliament, Statutory Instruments and EU Regulation and other legislation with such an effect.

If you decide that guidance is not required you should be prepared to defend your decision, seeking ministerial or senior management agreement if necessary.

When does the Code apply?

If you have decided to produce guidance for businesses on how to comply with the law then the Code applies to that guidance.

The Code should not result in production of extra guidance or in the production of less guidance. The aim is to improve the quality and timeliness of the guidance that would be produced anyway. It does not cover 'best practice guidance' – that is guidance which aims to describe best practice rather than how to comply with regulations – although the golden rules of good guidance may be useful when designing this.

The Code is a non-statutory Code of Practice, which means it cannot take priority over other legal requirements that may apply to a government department or agency. In all other circumstances, however, Government departments and their agencies should follow the Code, unless there are very good reasons to depart from it, as it sets out best practice for issuing guidance.

Planning and Designing Guidance

Planning and designing guidance early in the policy development process is key to being able to produce good guidance in a timely way. In many circumstances you will be holding a formal consultation which complies with the Code of Practice on Consultation <http://www.berr.gov.uk/files/file44364.pdf> .

Input on the design of guidance should be sought as early as possible to help ensure that the policy and guidance will work in practice. Those who you consult on the policy may also be best placed to provide input on guidance design and communication. It will often make sense to seek input on the design of guidance at the same time as consulting on the development of the policy itself.

If the legislation you are proposing is unlikely to change significantly then it would also be useful to begin drafting guidance at this early stage. If the legislation is likely to be subject to significant change then you may just wish to agree the design and structure of guidance and how it will be communicated.

Some departments have taken steps to include the development of guidance in the policy development process and supporting tools.

Case study: HMRC, Guidance as part of the policy making process

Support for the policy making process in HMRC includes the development and communication of guidance. Direct support for policy officials is available through the HMRC Customer Information Resource Centre establishing the principles of good guidance in the policy process. Specialist resources are available to policy teams from the Customer Information Team.

Identifying and Engaging with Stakeholders (Rules 1 and 2)

Stakeholders should include those organisations, companies or individuals who have an interest, or stake, in guidance on the issue affected. They are not a uniform group but a variety of people and organisations having a range of views and interests.

Traditional methods such as written requests or focus groups may not always be the most effective way of gaining input from hard to reach groups.

Further advice on identifying and engaging with stakeholders can be found in the Code of Practice on Consultation <http://www.berr.gov.uk/files/file44364.pdf>.

1. Based on a good understanding of users

Effective guidance requires a good understanding of the target audience and their needs. Different organisations may have different needs for guidance.

You should ensure that you understand the target users for the guidance, considering the types of organisation which may be affected and how you can ensure that all affected sectors are covered.

Before designing guidance it is important to develop a good understanding of the audience. This will help to ensure that guidance is in the most appropriate format and language, and, once written, that it is distributed and publicised so that it has a good chance of reaching the target audience.

Research into the audience you need to reach may be valuable in helping understand how best to communicate with stakeholders and may be necessary, especially if they include hard-to-reach groups.

Case study: HMRC – Research into providing guidance for migrant workers.

Independent research told HMRC they needed to inform migrants better about their rights and responsibilities when working in the UK.

Using connections established through the secondment of an officer to 'Business in the Community', HMRC set up an event with voluntary organisations engaged with migrant workers and presented their ideas to them. They worked with the organisations through written evaluations and face to face conversations. This research led to HMRC developing a modular approach to the guidance.

Working with a specific intermediary HMRC held a further event for a small group of migrant workers which enabled practical issues like interpretation to be resolved.

The result includes practical advice for HMRC advisors who are rolling the guidance out nationally through a series of events rather than an all-in-one electronic distribution.

2. Designed with input from users and their representative bodies

Input from the users and their representative organisations is important to ensure that the guidance is designed and communicated effectively.

The true test of whether guidance is effective is whether it meets the needs of the end-user and provides information that helps the organisation to comply with the law. When designing guidance, end-users should be involved at an early stage. This could take the form of stakeholder panels or user-testing of specific pieces of guidance. Representative groups, such as trade associations, can be useful sources of knowledge and advice on how to make guidance work well for the target audience and should be approached when possible.

Input should be sought as early as possible to help ensure that the policy and guidance will work in practice. It will often make sense to seek input on the design of guidance at the same time as consulting on the development of the policy itself, saving time both for policy officials and those being consulted.

Case study: Office of Fair Trading (OFT) – Information sheets on arrears and default.

From 1 October 2008, amendments to the Consumer Credit Act 2006 (CCA 2006) requires the OFT to provide an arrears information sheet and a default information sheet for lenders to distribute to debtors and hirers who will receive arrears notices or default notices under the CCA 2006. The OFT held an informal consultation with relevant stakeholders (Consumer organisations, trade/financial associations, lenders, government departments) on the most appropriate content and key messages for providing advice and signposting consumers to further information. This also included producing the most cost effective design and print format for lenders to distribute with all future notices. In January 2008, the OFT published the information sheets online for download by all lenders: www.offt.gov.uk/advice_and_resources/resource_base/legal/cca/CCA2006/information/.

Case study: Implementation of agricultural waste controls, Environment Agency

The Environment Agency worked with industry to determine farmers' needs for advice and guidance on new agricultural waste requirements and Pollution Prevention and Control intensive farming regulations. This included their preferred format for guidance – hardcopy rather than e-information plus application forms.

Forms and guidance for agricultural waste activities were considerably simplified following feedback from industry on the early drafts, with the application form and related guidance reduced from 75 pages to five.

The project successfully raised the sector's awareness of the new requirements, and the application forms and paperwork are regarded as easy to complete. The Environment Agency's approach has been praised by the industry as a successful model for consultation and implementation. Details are at http://www.environment-agency.gov.uk/business/444304/1224648/660279/241420/1387827/588543/?version=1&lang=_e.

Developing and delivering guidance in partnership with key stakeholders can be a very effective way of ensuring that guidance meets the needs of users and is accessible to them.

You may need to use innovative approaches to gain input from groups which are hard to reach by traditional methods. These approaches could include:

- Out-of-hours meetings
- Partnering with organisations (eg Joint events)
- Events such as training seminars
- Roundtables with business groups

Case study: HMRC, Disabled Customer Consultation Group – Virtual group

As part of the disability Equality Scheme HMRC set up a Disabled Customer Consultation group as a forum where to discuss issues relating to our disabled customers with members of the voluntary sector and actual customers. There were initial problems recruiting participants as they were concerned about the investment in time and travel that might be required. To overcome this HMRC has set up a virtual group who receive notes of meetings and share the consultation documents via e mail. Members are customers who expressed an interest in helping to improve HMRC services as well as disabled staff who can bring the front line perspective. An appointed manager retains contact with the group in an informal way, encouraging them to express their opinions.

Road testing guidance prior to issuing can help ensure that the guidance meets the needs of users, maximising compliance rates and minimising confusion and burdens.

Format and Language of Guidance (Rules 3 and 4)

3. Organised around the user's way of working

As far as possible, guidance will be aimed at helping businesses understand how the law applies to common business processes.

Guidance has often focused on specific legislation or the work of the Government Department that created the regulation. For a business trying to follow regulation, this approach can be unhelpful. Businesses and third sector organisations often think in terms of their own processes rather than legislative structures, and so may not realise some pieces of regulation apply in some circumstances.

The consultation process for the policy, and seeking input on guidance from stakeholders, should allow you to assess whether the proposed regulation fits into a broader business process, and hence whether it would be more useful if the guidance is presented in the context of that process.

For example, the business process followed when hiring new staff involves regulations from BERR, Home Office and DWP. It can be confusing for organisations to try to bring together different sources of guidance on these and apply them.

Case study: Businesslink.gov.uk, Guidance on Employing People

Businesslink.gov.uk provides guidance on the regulations which are relevant when employing people. These regulations are from a variety of departments and regulators but are all presented together in a format which reflects the processes businesses are following. The guidance is developed with BERR, DWP, Home Office, DIUS, HSE, HMRC and the Central Arbitration Committee and is available at <http://www.businesslink.gov.uk/employingpeople>.

The information and guidance provided on Businesslink.gov.uk is organised by themes and may provide a helpful way for you to ensure that your guidance is available in a way which makes sense to businesses.

Use of case studies to demonstrate real life examples can dramatically improve the understanding of how regulations apply to the way a business works.

Case study: HSE, Example Risk Assessments

The Health and Safety Executive has published a range of example risk assessments which show the kind of approach which might be taken by a range of small businesses. These examples, combined with the *Five Steps to Risk Assessment* provide real cost savings to small businesses. The examples are published at <http://www.hse.gov.uk/risk/casestudies/index.htm>.

Where you are dealing with sector specific guidance you may find it helpful to seek help from the businesslink.gov.uk team responsible for that sector. They can be contacted via your department's Businesslink proxy approver.

Case Study: Businesslink, Sector specific guidance

Regulations and licensing requirements for specific types of business are available from businesslink.gov.uk under “Your Type of Business”. A business can specify the type of business they engage in to create and download a customised booklet of the regulations applying to them, including local authority licensing requirements. See <http://www.businesslink.gov.uk/yourtypeofbusiness> for further information.

4. Easy for the intended users to understand

Guidance will be written in clear language appropriate to the intended audience. It will be as concise as possible and avoid unnecessary acronyms and jargon.

The easier guidance is to understand the more likely it is to be followed correctly. So the language used should be as easy to understand as possible. Jargon and acronyms which are not familiar to the end user should be avoided.

Case study: Environment Agency, Plain English crystal marking guidance

It is the policy of the Environment Agency to obtain the plain English crystal mark for external forms and associated guidance wherever possible. Currently 75 documents have received this award.

Guidance should be as concise as possible so that users do not have to spend too much time reading it. However, this makes it all the more important to obtain a legal check on the effects of the drafting. Users should be able to tell quickly whether the regulation is likely to apply to their organisation, so they can decide whether to continue reading.

As far as possible guidance should also stand alone – most users should not need to consult other documents to understand the guidance (although there should be clear links to more detailed or technical guidance for those that need it).

Some departments and regulators have taken the approach of providing a tool kit for policy officials which includes help on how to develop guidance.

Case study: Food Standards Agency, Guidance Toolkit

The agency has recently developed and launched a toolkit to help officials to deliver high quality, consistent guidance on regulation. The toolkit provides a single page desk aid of the key issues to consider when drafting guidance, backed up by more detailed guidelines and a template for the production of the guidance itself. An example of guidance developed using the template can be found at <http://www.food.gov.uk/multimedia/pdfs/plasticregguideeng2008.pdf>.

Clear communication is not restricted to text. Consider the use of alternative methods of communication to help make the guidance easier to understand. This could include a variety of techniques:

- Graphics
- Flowcharts
- Videos
- Question and Answer sections
- Interactive Tools

Case study: HMRC, Employer CD-ROM

HMRC create and distribute an interactive tool to help employers manage their payroll with calculators and forms to fill in and save. Short training courses are included on understanding basic tasks such as Statutory Sick Pay, student loan deductions etc. The employer's annual return can also be sent direct to HMRC from the tool. A helpline and education sessions are also available. Business response to the tool has been very positive. Information on the CD-Rom is available at <http://www.hmrc.gov.uk/employers/cdrom/index.htm>. The information contained on the CD-ROM is also available in downloadable form for those who prefer.

Case study: Gambling Commission, Use of diagrams to help add clarity to guidance

The Gambling Commission makes use of diagrams and illustrations where it helps add clarity and makes the guidance easier to understand than relying on text alone. An example of guidance of Remote Gambling Equipment is published at <http://www.gamblingcommission.gov.uk/UploadDocs/publications/Document/Remote%20Key%20Equipment.pdf> and also available in other forms on request.

Requirements of Different User Groups

The requirements of guidance may differ between different groups or types of users. You should consider how requirements may vary by:

- Size of organisation
- Industry Sector
- Levels of sophistication or understanding

You could accommodate this in your guidance in a variety of ways.

Structure of Guidance

Guidance structured with a summary level backed up by more detailed or technical information can help address the requirements of different groups. A summary provides a quick view allowing a user to assess the relevance of the guidance to them, with back up information supporting a fuller understanding.

Case study: Businesslink, Multilevel guidance on Common Commencement Dates

A one-page summary of the key regulations coming into force on a common commencement date is published at <http://businesslink.gov.uk/ccd>. It is designed to allow a business to see quickly which regulations may apply to them and to access further levels of detail for those which do.

Case study: Health and Safety Executive, Noise at Work Guides

The Health and safety Executive have produced different version of guidance for different users. This includes a Pocket Guide for Employees <http://www.hse.gov.uk/noise/flyer.pdf>, a more comprehensive leaflet for employers <http://www.hse.gov.uk/pubns/indg362.pdf> and a more technical guidebook for the more expert reader http://www.hsebooks.com/Books/product/product.asp?catalog_name=HSEBooks&category_name=&product_id=4686. In addition, a series of guides to managing noise in specific industries are available. <http://www.hse.gov.uk/pubns/fis32.pdf> shows the guide to Reducing Noise Exposure in the Food and Drink industries.

Use of Case Studies

Case studies from different types of businesses can help explain how the guidance would apply to businesses of different types or size. If businesses can see how a similar business has complied it can help increase compliance rates as well as reducing the costs of compliance.

Case study: Food Standards Agency, Business Case Studies

The Food Standards Agency publishes a series of case studies from real organisations to help different businesses understand the specific implications of regulations for them. The case studies also emphasise the benefits the business has realised through compliance in the way described. An example can be found at <http://www.food.gov.uk/multimedia/pdfs/enforcement/sfbbcsc2.pdf>.

Providing Confidence in guidance (Rule 5)

5. Designed to provide an appropriate understanding of how to comply with the law

Businesses should be confident that the guidance will help them to understand how to comply with the law by providing a clear explanation of the law. While many regulations have exceptions or complexities, and their application may depend on particular facts, the guidance will should give a clear understanding of how to comply in most cases. Simple checklists should be used wherever possible.

The purpose of guidance on the law should be to give a clear explanation so as to enable businesses to understand how to comply with the law in the majority of circumstances.

Effective guidance should help most businesses understand how to comply with the regulations. This does not mean that guidance should aim to cover every possible scenario for compliance, as that would make it too complicated and unwieldy. It also does not remove the responsibility of businesses and third sector organisations to comply with the law, or the fact that interpretation of the law is ultimately a matter for the courts.

Nonetheless, giving businesses a good idea of how to comply is essential. The *Regulation and Business Advice* report found that uncertainty and lack of confidence make businesses more likely to pay for external advice, increasing the costs of complying with the regulation. The Hampton Report also stressed the need for guidance to be authoritative.

Guidance will normally be about how to comply with the requirements of the law and it should avoid adding a further burden to the regulated. If your guidance also includes 'Best Practice' then you should ensure that this is obvious to the user.

Careful consideration should be given to the use, or drafting of, disclaimers. Outright disclaimers may reduce the confidence of users in the guidance and consideration should be given to using specific disclaimers or to suggesting that users seek advice (from the regulator or independently) where in doubt. Legal advice on the drafting is advisable.

Guidance made available to external organisations should also be provided to regulators and enforcement bodies to ensure that they are aware of the guidance that has been issued.

Users of guidance may be advised to seek advice if they are not sure, from the regulator in the first instance or independently if appropriate.

In many instances, regulators are recognising that making their guidance more authoritative will help improve compliance with the regulations as well as reducing the burden of complying.

Case study: Office of Fair Trading – Approved Codes

The Office of Fair Trading has introduced a Consumer Codes Approval Scheme. An approved code commits businesses to offering a higher level of customer service than that required by law. In return, businesses are able to use the OFT Approved Code logo which can promote consumer confidence and provide a competitive advantage. Details are available at http://www.offt.gov.uk/advice_and_resources/small_businesses/codes/.

Case study: Heath and Safety Executive, Approved Codes of Practice and Guidance

The Health and Safety Executive provide a range of Approved Codes of Practice and Guidance which are specifically designed to provide confidence that complying with the code will allow compliance with the law.

They provide practical guidance on how to comply with the law and businesses who comply will be doing enough to comply with the law in respect of those specific matters on which the code gives advice. The Code of Practice on unloading petrol from road tankers is published at <http://www.hse.gov.uk/aboutus/hsc/meetings/2003/080403/c41a.pdf>.

Case study: Food Standards Agency, “Safer Food, Better Business”

Working closely with small business and local authorities, the FSA produced a guidance pack called Safer Food, Better Business to help food businesses comply with EU legislation on Hazard Analysis and Critical Control Points. It developed two versions of the pack: one for catering businesses and one for retail.

The pack clearly explains the requirements of the legislation and suggests ways businesses can comply. It includes helpful materials such as a diary that can be used for recording the regular checks required by the legislation. The FSA also launched an interactive DVD to support the programme, and has developed tailored editions for different types of cuisine. Local authority run workshops are offered to businesses to provide further training.

Safer Food, Better Business has been welcomed by a wide range of stakeholders across the business and enforcement communities as excellent guidance on how to comply with food law. Business can also see a benefit from promoting their completion of training and compliance to customers.

Timing of Guidance (Rule 6)

6. Issued in good time

To give organisations time to prepare for regulations, guidance will be issued at least 12 weeks before a regulation comes into effect, with some necessary exceptions, e.g. emergencies. Sometimes more than 12 weeks will be needed, for example if a regulation is complex or costly to implement.

If guidance is not issued in good time it can greatly increase the costs of regulation for businesses and third sector organisations. Late guidance can mean that organisations do not have time to get their systems ready to meet the regulation and so compliance is affected. Late guidance can also cause over-compliance, as some businesses take a 'better safe than sorry' approach because of the uncertainty about the regulation.

Guidance issued at least 12 weeks before a regulation comes into force gives businesses a reasonable amount of time to prepare for that legislation. If the legislation is particularly complex or expensive a longer period to prepare may be appropriate. There may be also a limited number of occasions, such as emergencies, some taxation changes, and some European law, where legislation has to come into force quickly and it may not be possible to meet the 12 week limit¹.

There are two "Common Commencement Dates" (6th April and 1st October) when the government is committed to bringing in regulation affecting businesses (unless the regulation is covered by an exemption). As far as possible, guidance must be issued 12 weeks before these dates.

Planning the design of guidance early in the policy process will make it easier for you to issue guidance in a timely way. If guidance is left to the end then it will be difficult to produce timely, high quality guidance.

¹ See Small Business Service, 2000. *Guidance on implementation periods: timing of the issue of guidance to business on compliance with new regulation*. London.

Access to Guidance – Publishing and Publicising (Rule 7)

7. Easy to access

Guidance will be easily available to the user. It will be accessible via businesslink.gov.uk. Other forms of communication, including sending guidance directly to businesses or communicating through intermediaries, will also be used where they will be effective.

Even the best guidance will be ineffective if no-one reads it. Having understood the users you wish to communicate with, and sought input on the design of guidance you should also work with the users and their representatives to understand how best to communicate the guidance.

Businesses consistently ask for a single source of guidance. You can best achieve this by ensuring that guidance is always accessible via businesslink.gov.uk² either by having your guidance uploaded to businesslink.gov.uk or by providing links to guidance sources.

Businesses prefer government to be active in informing them about new regulation. This could be in a number of ways and you should consider how best to achieve this.

- Direct communication may be effective in some circumstances.
- Business organisations and trade associations have existing methods of communicating with their members and are likely to be willing to help communicate information which is useful to them.
- Professional organisations have a very wide range of contacts with businesses and may also help in communication.

Case study: Direct Communication – Department of Health – Smoke Free Public Places

In order to distribute guidance effectively on the smoking legislation introduced in July 2007, the Department of Health produced a guidance pack http://www.smokefreeengland.co.uk/files/everything_u_need_new_sf_law.pdf. It was directly distributed to organisations and included “No Smoking” signs which organisations were required by law to display. Supporting advertising of the campaign ensured that organisations clearly understood what they needed to do to comply with the law. Of 88,000 inspections undertaken in the two weeks after the law came into force, 97% were found to be compliant.

² Except in exceptional circumstances such as where guidance is subject to national security restrictions.

Case study: Working with partners; Health and Safety Executive and Institute of Directors – Leading Health and Safety at Work

The Institute of Directors and the Health and Safety Executive worked together with other business representative organisations to produce a guide for directors on their health and safety responsibilities. The 12-page A4 publication “sets out an agenda for the effective leadership of health and safety” (to quote from its opening lines). “It is aimed at all directors, governors, trustees, officers and their equivalents in the private, public and third sectors”. It is available from the IoD and HSE websites and a printed copy was included with an issue of IoD News. It replaces existing HSC guidance to directors.

The guidance is published at <http://www.hse.gov.uk/pubns/indg417.pdf>.

Hard to reach organisations may need specific efforts to communicate with them. Your research to help you understand which users you need to reach will help you identify the best means of communication.

Reviewing and Improving Guidance (Rule 8)

8. Reviewed and improved

Guidance will be reviewed to check it is up-to-date and allow direct feedback to check it works for the users. Guidance will be designed so that users can be confident that they are using the current version.

Even guidance that has been well designed and tested before publication may not work perfectly. An effective way of gathering feedback which could help improve guidance would be to provide a mechanism, typically an email contact address, in the guidance for user feedback. If problems are identified, guidance should be updated. We will ensure that guidance is clearly dated and marked with a review date.

Guidance will also be withdrawn or archived when it no longer applies.

Guidance should also make clear when it was issued and how long it applies for, so that users can be sure they are using the most up-to-date version.

Case study: Guidance on Streetworks, Department for Transport

DfT needed to revise the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters to accompany a change in regulations. After discussion with key stakeholders, the policy team decided to make significant changes to the previous edition of the Code to make it easier to understand and more user-friendly.

Several working parties including representatives from DfT, the National Joint Utilities Group and local highway authorities were involved in the development of the new Code. The policy team also consulted widely with relevant organisations. A professional sub-editor was employed to help with the revisions. The revised guidance is available at <http://www.dft.gov.uk/pgr/roads/network/local/streetworks/cop/pdfcoordstreetworksv5>

Stakeholders have commented that the new Code is easier to use and understand, and DfT is keen to continue improving future versions.

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