Response with responsibility
Policy-making for public risk
in the 21st century
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.
Over the past year, the Risk and Regulation Advisory Council has carried out a highly energetic and productive experimental offensive against the mishandling of public risk that has embraced and involved many hundreds of stakeholders, including most importantly, the public.

This report summarises the results of our programme of work. It is a gateway for policy makers and other interested parties into our wider body of research and practical advice in the handling of public risk, a topic that is of growing and crucial importance to businesses and society in general.

I sincerely believe that our findings provide a platform for a significant philosophical and practical leap forward, not only in terms of better regulation but also in the management of risk and responsibility in society.

We strongly recommend that the RRAC should now be dissolved and replaced by a Public Risk Commission, an important part of the new regulatory architecture in the wake of the recent crises of confidence in existing risk management approaches and oversight.

There is now a real opportunity for government to seize this agenda, taking on our approach and recommendations, leading to more effective policy making and, through it, to better outcomes for all of society.
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.

The Council identified five trends that contribute to breakdowns in the appropriateness and effectiveness of policy-making:

- **Risk actors** who, through their actions and interactions, shape perceptions of and responses to public risk. A small subset of these actors are active ‘risk-mongers’, who wilfully distort perceptions and this can endanger the policy-making process.

- The **streams of data, information and opinion** which can distort perceptions of risk and scare people away from managing risks themselves.

- The **intolerance of failure** that lead to yet more red tape and restrictions on people’s behaviour.

- The **pressure on government to act hastily**.

- The risk of **removing responsibility from individuals**, with the potential consequence of reducing community resilience.

**Strong leadership** from the Government is necessary to counter these trends and to achieve robust and appropriate policies.

The Council has developed an approach to help government and to help the public, 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.

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.
The current Government intends to introduce a new Regulatory Policy Committee to provide oversight on government’s cost-benefit analysis of primary and secondary legislation. The Council support this move, provided that the Committee embraces issues across society, not simply in the narrow realm of business, and looks at the process by which the legislation was developed.

The Risk and Regulation Advisory Council also recommends that Government, as a part of its current commitment to create the optimal risk and regulatory governance framework, should without delay establish an independent Public Risk Commission:

• To identify and understand instances where business, civic society, the third sector and the public are feeling the weight of ineffective policy, disproportionate responses to risk, unwelcome curtailment of civil liberties, weakened community resilience or simply over-managed lives, and to recommend to Government specific opportunities to stem or reverse regulatory creep.

• To communicate with and challenge risk actors and risk-mongers when there is evidence of unhelpful behaviour.

• To provide an independent resource to Government in helping to understand and manage the risk landscape, even when under severe time pressure, and to challenge Government to display the leadership required to set the right tone amongst the risk actor community.

• To champion, as an independent voice, the need for individuals, communities, businesses and organisations to take back responsibility for the management of risks that they can understand and control – and, by so doing, provide a foundation for different policy solutions and the resurgence of resilient communities and a more resilient society.

The Public Risk Commission would build on the reputation established by the Better Regulation Task Force, the Better Regulation Commission, and the successes of the Risk and Regulation Advisory Council, as well as the innovative leadership of the British government, to ensure that the UK remains in the forefront of international risk thinking and practice.
This chapter introduces the Risk and Regulation Advisory Council.
Chapter one
Introduction

The Risk and Regulation Advisory Council
Over the past year, we – the members of the Risk and Regulation Advisory Council, a body established by the Prime Minister on the recommendation of our predecessor, the Better Regulation Commission – have been leading an experimental offensive against the mishandling of risk in society. Believing passionately that risk needs to be tackled more effectively, we have conducted a year-long research exercise with a full and methodical consideration of public risk.

Our target was, by design, tightly focussed. We looked at how distorted perceptions of risks can encourage poor policy-making and unnecessary laws, and at what could be done to tackle this distorted understanding. We concentrated on factors that could lead to poor policy-making, unlike the bodies that preceded us, which were more focussed on the resulting policies and laws. In a year we have successfully completed one of the most comprehensive and sophisticated analyses of public risk ever undertaken in the UK, possibly the world.

Why did we concentrate on risk? Because risk drives policy-making. Every policy seeks to increase the chance of one outcome relative to another – in other words, the concept of ‘risk’ is behind all policy-making, even if some outcomes, such as leading a fulfilled life, are not as dramatic and immediate as others, such as being hit by a speeding car.

We have therefore explored how the public and Government understand risk. We looked at how people’s perceptions of risk differ from actual levels of risk. We explored the ways in which these differences push Government towards making unnecessary policies and laws – policies and laws which then lead people to feel that Government is interfering too much in their lives. We investigated the reasons why inappropriate policies and laws continue to occur, despite the good intentions of Ministers, careful attention from civil servants and numerous initiatives within Whitehall to improve policy-making.

“The issue of public risk is one of the most challenging areas of policy-making for any government. I have asked the Risk and Regulation Advisory Council to provide a catalyst for the change we need in the way policy is developed across all departments. I am pleased to offer my support to the Council as they embark on their work to improve public policy making.”

The Prime Minister, on announcing the formation of the Council
We sought to understand what could be done to prevent and limit the factors which encourage inappropriate responses to risk, and we have developed a number of solutions and recommendations, which are set out later in this report. We have developed approaches and tools to help government and to help the public, and shown how successful these can be. We propose a new independent body to help our society react better to risk.

The launch of the Risk and Regulation Advisory Council was loudly welcomed by a wide range of stakeholders; it touched a public nerve. We have engaged directly with many hundreds of people and organisations, many of whom have never had the chance to engage on this issue before. We have identified a clear appetite and need for a better understanding of risk and options to mitigate it. It is obvious that there is an urgent desire for this to be addressed.

Our work had shown us that real insights can be gleaned if we look at regulation through the lens of risk – telling us why disproportionate responses, unwelcome curtailment of civil liberties and perceptions that our lives are over-managed, have accumulated over time and, therefore, how they might most effectively be corrected.

What does the Risk and Regulation Advisory Council stand for?
Our work has been driven by our belief in the principles we 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.

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. We aim to find the appropriate balance between government and others in taking responsibility for risks, and to promote community resilience. We were asked to work with government and all relevant stakeholders throughout British society in doing this.

The seven unpaid members of the Council, drawn from the Better Regulation Commission’s pool of strategic regulatory experience, are: the Chair Rick Haythornthwaite, Lord Jamie Lindsay, Lynne Berry OBE, Philip Cullum, Tim Heymann, Donald Macrae and Sarah Veale CBE. Our backgrounds are varied – we are experts in business, in Parliament, in charities, consumer affairs, medicine, the civil service and the trade unions.

The Council is supported by the Risk and Regulation Team, reporting to Vicky Pryce, Joint Head of the Government Economic Service and Director-General for Economics at the Department for Business, Enterprise and Regulatory Reform.
Better regulation in the UK under the current Labour Government – a brief history

The independent Better Regulation Task Force was an advisory group established in 1997. It advised government on action to ensure that regulation and its enforcement were transparent, accountable, proportionate, consistent and targeted.

The independent Better Regulation Commission was announced in 2005, to provide advice to government about new regulatory proposals and about the Government’s overall regulatory performance. The Commission continued the challenge role carried out by the Better Regulation Task Force, as well as taking on new responsibilities, including vetting departmental plans for simplification of regulation, and reducing administrative burdens.

At the same time as the external Better Regulation Commission was created, the Better Regulation Executive was set up inside Government to work with departments and regulators to improve the design of new regulations and how they were communicated; to simplify and modernise existing regulations; and to change attitudes and approaches to become more risk based.

The Risk and Regulation Advisory Council was set up following the Better Regulation Commission’s 2006 ‘Risk Report’, which showed how poor responses to risk could lead to poor regulation. In response to a request from the Prime Minister, the Better Regulation Commission’s 2008 Report on ‘Public Risk’ then set out the structure and approach of the Risk and Regulation Advisory Council, designed to embed a fuller understanding of public risk in policy-making, even when facing pressure to react to events. With the establishment of the Risk and Regulation Advisory Council, the Better Regulation Commission was closed.

The Council was established for a limited period of fifteen months to explore the potential for accelerating, complementing other initiatives, changes in the culture and effectiveness of policy-making within and beyond Whitehall.

How did we operate?
The Risk and Regulation Advisory Council was charged by the Prime Minister to work with Ministers and senior civil servants to develop a better understanding of public risk, and how best to respond to it through a series of workshops which consider both good and poor practice; and to work with external stakeholders to help foster a more considered approach to public risk and policy making. Ministers could, and did, also seek advice on particular issues from time to time.

To fulfil this remit, we developed programmes and held a range of workshops, bringing together a wide range of people with diverse perspectives, to understand risks better and to tackle in detail such diverse topics as risk aversion in policing, health and safety regulation in small businesses, and community resilience. We explored other topics, such as tree safety, and commissioned a programme of academic research. You will find examples from our work and our research throughout this report.

We have been hugely helped in our work by our independence from, but access to, government. This has allowed us to look at problems without suspicion that we were pushing a particular agenda. It would have been much more difficult for a body based in government to catalyse the debate and convene such a wide range of people and organisations.

In all of our work, we have focused on public risks – those risks that may affect any part of society and to which government is expected to respond.
We have looked at policy-making in relation to public risks and the pressures on policy-making – looking at tools and approaches that are far from the traditional world of formal risk assessment and risk registers.³

We have gone wider than looking merely at regulation. The impact of primary and secondary legislation can be insignificant relative to the impact of the haphazard and sometimes stifling ‘regulatory creep’ that flows from the impact of further rules, guidelines, procedures and conditions. This phenomenon, which can induce people to believe that they are obliged to do more than would be strictly required by the law, is one of the factors leading to the red tape that ensnares communities, organisations, businesses and the public. It was well documented by the Better Regulation Task Force, and can distort well-crafted policy and law and add to the negative impact of poor policy and law.⁴

We have been helped in our 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.

The rest of this report is structured as follows:

• Chapter 2 sets out how the Risk and Regulation Advisory Council has come to understand the issues.
• Chapter 3 introduces the Council’s approach and tools for dealing with these problems.
• Chapter 4 offers advice for Ministers in charge of responding to a risk.
• Chapter 5 sets out the Council’s recommendations.

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³ Formal risk assessment is an essential business and policy tool, but not one on which the Council have focussed in their work.
⁴ See for example http://archive.cabinetoffice.gov.uk/brc/publications/hiddenmenace-2.html
This chapter sets out how the Risk and Regulation Advisory Council has come to understand responses to risk.
Chapter two
How the Risk and Regulation Advisory Council understands the problem

Risk is an integral part of business and public policy decisions. But over recent years it has become increasingly apparent that disproportionate attitudes towards risk are exerting an unhealthy influence on policy-making. Policy-makers themselves have been acutely aware of this, and there has been ongoing debate at the highest levels on how to address the challenge of taking a more proportionate approach to risk.

The Risk and Regulation Advisory Council was launched to tackle this problem and over the past year has identified five crucial trends which reinforce each other, and that contribute to breakdowns in the appropriateness and effectiveness of policy-making. This chapter describes those trends.

• Risk actors and risk-mongers
Many groups get involved with risk – either responding to risk themselves or acting in ways that change other groups’ responses to risk. This activity is generally positive but, on occasion, can be negative – for example, insurers give us a way of prudently protecting ourselves against large financial risks; but at times they can also encourage or require measures that are disproportionally risk averse.

We call groups that get involved with risk, ‘risk actors’. They include for example:
– the media, who give us news about risks, for example on new studies on the causes of possible illness;
– single issue and special interest groups, who campaign for certain approaches to risk, for example that the Government should regulate or ban a certain activity, or that the NHS should allow doctors to prescribe a certain drug;
– the judiciary, who decide whether certain approaches to risk are legal, for example whether a local authority has put enough measures in place to protect the public when they are taken to court for a possible breach of health and safety law;
– insurance companies, who allow us to pay to limit large financial risks, for example the costs associated with a home burning down;
– advisors and experts, who give us advice about risks, for example as health and safety consultants;
– standard setters, who set standards and guidance as to how risks should be managed, for example on procedures that nurses should follow to minimise the chance of hospital-acquired infections being passed on;
– academics, who, amongst other things, investigate new approaches to risks and publicise their findings, for example on new ways of tackling obesity;
– regulators and local authorities, who set and enforce rules in a particular areas, for example on food safety risks;
– civil servants, who advise Ministers on how the Government could approach risks, for example on preparing for a possible flu pandemic; and
– MPs and Peers, who, especially in select committees, may examine and criticise government’s approach to certain risks.

All of these groups generally make a very positive contribution to society by solving real problems. However in certain circumstances their behaviour may also cause problems. Many will see, and want others to see, a risk in a particular way. If they talk to people about their views of the risk, this bias – whether conscious or unconscious – may distort the views of others.

In these cases risk actors become ‘risk-mongers’ – people or groups who conjure up or exaggerate risks. Sometimes this will be in order to create some kind of advantage for themselves, such as financial gain, attention, power or even job security. Sometimes it will be well-intentioned but misguided.

In order to understand risk properly, Government and society need to be aware of the risk actors and risk-mongers, and to be aware of the ways in which they interact and what motivates them, in order to respond appropriately to them, and to the risk. In some cases their arguments also need to be explicitly challenged, especially where these groups are making the public debate about a risk one-sided, or overly simplistic.

We have found that there needs to be a real understanding of the whole ‘risk landscape’ – the numerous bodies that combine and interact to change each other’s perceptions and responses to risk and that often create pressure on government. It is not enough for Government just to understand those that lobby it directly – it must understand the whole system of individuals and groups in order to understand where the pressures really come from, and where it can intervene to limit them. If the source of these pressures is not properly understood it is harder to resist and combat them.

We have also studied the storms that arise and create a policy crisis – the events and changing perceptions of events that, in the right circumstances, can spiral through the risk landscape building up massive pressure on government to take a certain action, or at least to respond in some way. Government needs to understand its own role in these storms, to understand when the action that it takes will encourage the storm to get bigger, and when it will make the storm smaller.

In summary, Government and the public must understand the risk actors and risk-mongers that combine to influence perceptions of, and reactions to, risk. If this is not done, risk perceptions may be distorted, and reactions to risk may be inappropriate and biased.
In the summer of 2008, the Risk and Regulation Advisory Council highlighted proposals for tree safety management that would place considerable burdens on land owners and might have led to people cutting down trees unnecessarily.

These proposals came about following legal decisions which changed the nature of liability in the case of accidents involving trees – an apparent distortion of the long-established legal principle applied to trees that risks should be kept as low as reasonably practicable. This distortion appeared likely to cause unnecessary felling of trees.

Before a legal solution could be found to the distortion, most obviously by re-affirming the hitherto satisfactory ALARP principle (As Low As is Reasonably Practical), the BSI took it upon themselves to find a safe risk harbour.

The BSI tried to resolve the new uncertainty by creating a new standard to give those responsible for trees a clear set of procedures to follow in managing the risk caused by those trees. But as often happens, those who had a vested interest in a particular response to the risk were the only ones interested in pushing the process forward: in this case the tree consultants who stood to gain considerably from the new tree inspection requirements.

The BSI are now carefully considering all responses to the consultation.

The Risk and Regulation Advisory Council issued a press release to explain why it considered the proposals dangerous:

“Standards are useful in many industries to identify best practice, but all relevant stakeholder groups must be involved in their creation.

In this case, tree management arguably affects everyone, yet the draft standard has been put together by a rather narrow group led by arboriculturalists who stand to gain from its adoption, while the potentially enormous costs would have to be met by tree owners.”

After making its views known, including at a tree-care conference, the Council decided to make the wider public aware of the issue, by giving interviews and all the facts to the media. The interviews were carefully timed and planned so that we were not just another shrill complaining voice: there was balanced and sensible coverage of the issue, resulting in a flood of letters to BSI and responses to the consultation on the draft.

Tree safety – the role of the risk actor

CASE STUDY
Many small organisations find it difficult to understand how to comply with health and safety legislation. They struggle to conduct the workplace risk assessments required by the law and to apply common sense and judgement to decide what health and safety measures should be implemented.

This lack of clarity and confidence has real and unacceptable costs for business and society, and makes good risk management all the more difficult for these organisations to achieve.

**Too much data and information**
The amount of information, data and opinion that is produced and circulated continues to grow. For public risks, much of this comes from, is shaped, or is chosen and brought to our attention by risk actors and risk-mongers. Often this can be useful, giving us information that we want or need to know. However this process can also mean that we are presented with one-sided and imbalanced information about risks, so that we don’t fully appreciate the full arguments, options and trade-offs that need to be understood if risks are to be managed appropriately. Again this can lead to pressure on government to take courses of action that may be inappropriate.

**CASE STUDY**

Health and safety – too much information can overwhelm small organisations

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This lack of clarity and confidence has real and unacceptable costs for business and society, and makes good risk management all the more difficult for these organisations to achieve.

To understand this, the Risk and Regulation Advisory Council started by stepping back and taking time to explore what appeared to be the issue, the people and organisations that have a role in its creation, those that benefited from the status quo and those that have a role in any solution – the risk actors and risk-mongers in the health and safety system. It did this by objectively reviewing the evidence, both from formal reports and research, and by actively engaging with the many different groups of people who have an interest in the issue and its outcome.
As the Council’s understanding developed it built a fuller and richer appreciation of the situation. It started to build an understanding of the different forces shaping the perceptions of health and safety risk and its management, producing a map capturing the risk actors and the interactions between them – the ‘health and safety’ risk landscape. Using this understanding of the system it continued its engagement with groups across the system – working to develop their understanding of the issues, bring a more rounded perspective to their view of the issue and challenge them on their role in creating the problem and delivering a solution.

Through this work the Council identified that a wide range of bodies, including insurers, the legal profession, standard setters, consultants and the media, influence how organisations respond to health and safety risks. As well as providing genuinely helpful advice and services, the activities of these bodies can, in some cases, cause confusion and over-reaction to health and safety risks.

The sheer number of bodies providing advice, guidance and information can lead to organisations receiving a wide range of signals about how to manage health and safety. These messages may not all be the same – causing confusion and distorting organisations’ understanding of risk. This confusion and distortion can encourage organisations to put in place too many, too few, or simply inappropriate procedures to manage health and safety risks.

In addition, some risk actors may be distorting perceptions of health and safety risk for their own gain – and thereby persuading organisations that managing health and safety risks is complex and difficult. For example it may be in the financial interest of certain health and safety consultants to make people believe that they need their advice.

- Intolerance of failure
  Our case studies, research, and extensive interviews suggest that the public is increasingly intolerant of failure and inconsistent in its demands for protection.

Whenever a decision is made on how to manage a risk, and however good these decisions are, there is a chance that the risk will materialise – however this is often perceived as a failure of risk management. Understandably the public often react emotionally, and sometimes irrationally, to such failures, especially when they involve loss of life or injury. The perception of failure often leads to pressure on government to “do something” – often to create new structures, laws and regulations that limit the freedom of the decision maker.

However if these new structures, laws and regulations restrict the public, or restrict others in acting on behalf of the public, there is often an opposing call for the removal of the “red tape” and restrictions. This is understandable, not least because red tape can put real barriers in the way of people helping or protecting the public.

Evidence would suggest that the problem is aggravated by a political and media mindset that seeks to assign blame in the event of any failure.
rather than allowing for the possibility that occasional “failure” is inevitable where decisions are made intelligently and sensibly in an aspiring, creative and entrepreneurial society. The public often takes its cue from these signals and demands that, in the wake of incidents, ‘something must be done’ and these incidents ‘must never be allowed to happen again’ – that is, of course, until contrary views prompt the public to feel that they should be free to act without Government intrusion.

Sir Ronnie Flanagan’s 2008 Review of Policing called for the Risk and Regulation Advisory Council to start a national debate on the issue of risk aversion in policing. In response to this recommendation, the Council hosted a major event – RRAC Risk Forum on Policing – to begin a debate around this issue.

The Flanagan Review suggested that to deliver a Police Service which is equipped to face the challenges of the 21st century there is a need to ensure that the right people are in the right places at the right times and that they are doing the right things. The Review identifies that an important component of this is freeing up the space so that officers and staff can concentrate on the most important parts of their jobs. It identified various problems: risk aversion in society at large; an increasing reliance on heavily prescriptive processes by government and the Police Service as a mechanism for mitigating risk; and the application of these processes regardless of circumstances.

In other words, if something is seen to go wrong, the police officers seen to be responsible are blamed. In many cases, new processes and forms are developed to stop it going wrong again. But the processes and forms limit what police can do – officers get tied up in the station filling in forms rather than going out on the beat. As a result of the proliferation of processes and forms, police officers become reluctant to apply common sense in the field and to make professional judgements, as they risk being blamed if they use their judgement and something is seen to go wrong.

In such circumstances the police stop doing what the public want, and what matters most – protecting the public from harm, with officers able to exercise the professional and devolved judgement that is critical to the success of any service organisation. They may lose the focus on the most important cases. The constraints and demands on the police become a source of enormous frustration – both for the public and for police officers themselves.

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**CASE STUDY**

**Intolerance of failure and police red tape**

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In such circumstances the police stop doing what the public want, and what matters most – protecting the public from harm, with officers able to exercise the professional and devolved judgement that is critical to the success of any service organisation. They may lose the focus on the most important cases. The constraints and demands on the police become a source of enormous frustration – both for the public and for police officers themselves.
Faced with the potential accusations of insensitive behaviour and the hazards of opposing the public’s righteous indignation in the wake of incidents, the Government will too often remain silent on the distorting impact of these behavioural tendencies, missing valuable opportunities to tackle them, not resisting such accusations by explaining that perceived failure can result even from intelligent and sensible decisions. This leads to a real trend towards a society that has zero tolerance of risk – a society in which no failures are allowed.

Why do we see this increase in forms and processes? When a professional decision is made on how to manage a risk, there is a chance that the risk that was feared – the hazard – will occur. With enough decisions, hazards will inevitably materialise, however good those decisions were. However the public react emotionally, and sometimes irrationally, to these hazards occurring – they are perceived as failures, regardless of the quality of the decision-making that led to them. The “failures” lead to pressure on the police and Home Office to “do something”, a demand that is often met by reducing the front line decision-making discretions and increasing the level of bureaucratic oversight requirements. New processes for the police to follow and forms to fill in are created. This not only adds to the constraints and demands on the police, but also reinforces a culture of following the rules, no matter what.

The system needs to be changed to one in which officers assess and understand risks and make balanced decisions in response to them, rather than doing ‘policing by numbers’. But this requires a more flexible policing environment where officers have greater scope in exercising their professional judgement. Of course, there may still be occasions when judgements made in policing deserve to be questioned or investigated, but the aim should be primarily to inform and improve future decision-making, not merely to apportion blame or to prevent the exercise of judgment in similar circumstances in the future.

The debate led by the Risk and Regulation Advisory Council has shown that to improve effectiveness, build public trust and confidence, and ensure that the police deliver more of what the public wants, it is crucial 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. Once agreed everyone without exception, must consistently apply these principles each and every time. This will help to redress the balance between use of professional judgement and application of rules and processes.
- 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 alternative to these suggestions is a risk-averse rules-based culture which is overly bureaucratic and too rigid to respond to the demands of today’s society.
• Pressure for announcements

Under pressure from the public, risk actors and risk-mongers, Ministers and officials often feel the need to act quickly – to “do something”. In such an environment, it is more difficult to develop well thought-out, evidence-based policy-making that takes into account the full implications of policy actions. It is much easier to announce simple policies that tackle the perceived risk and that are in line with what is being demanded, without taking time to weigh up the full consequences. Under these circumstances, Ministers may sometimes be pressured into following this route and doing what is demanded, despite their better instincts.

Not to act quickly in these pressured situations would often require considerable political leadership and courage, at a time when Ministers will often be under most pressure to opt for the least controversial option.

• Community resilience

Under the above influences, there is a danger that Government will assume too much responsibility for the management of risk in society. This could be the start of a worrying spiral in which the rest of society becomes less responsible for managing risks. As society’s responsibilities decrease, its ability to manage risks may also decrease. Such a decline in community resilience could mean that it will be harder for communities to manage new risks, and may push responsibility for risk management back to government.

If as a society we are going to manage risks better and so resist the calls for ‘something to be done’, we need to identify where risks should be managed and share responsibility for building strong communities that have the resilience to cope with difficulty and change.

In summary, we see that 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 policy landscape, including Ministers, civil servants, lawmakers, the judiciary, the insurance sector, the media, subject matter experts, single issue lobby groups, standards setting agencies, compliance officers, risk managers and so on. Some of these have, at times, a vested and entrepreneurial interest in actively managing perceptions of and reactions to risk in search of ends including power, financial gain, job security and reduced liability. As a result, perceptions of a given risk can drift a long way from the reality of that risk.

In addition, primary policy responses have to be crafted in an environment characterised by shifting norms of personal responsibility, decreasing tolerance for failure and a potential degradation of community resilience with consequent loss of the powerful traditional risk management capacity of communities.
Together the five trends described above – the actions of risk actors and risk-mongers; the profusion of information; intolerance of failure; the pressure for announcements; and often diminished levels of community resilience – make it harder for government and other authorities to manage risks appropriately.

Over time, these factors and influences can lead to regulatory creep. Under the influence of risk actors and risk-mongers, rules, guidelines, procedures and conditions are created that make people believe that they are obliged to do more than is strictly required by the law – for example a health and safety consultant might promote guidelines that they saw as best practice in a way that made businesses thought that they were required to follow those guidelines. In an environment in which zero failure is allowed, rules, guidelines and procedures tend to be tightened rather than relaxed. When there are a number of varying sources of advice and rules on how to handle a risk, there is pressure to follow the most cautious and risk-averse. All of this reduces the ability to innovate, and means that constraints that are put on people go beyond what lawmakers originally intended. This regulatory creep can make people feel that their lives are being over-managed and that their liberties are being curtailed.

The next chapters set out the Risk and Regulation Advisory Council’s approach and tools and recommendations to tackle these trends.

CASE STUDY

Building community resilience

The Council looked at how more resilient communities could be built that can act to improve their own lives, and take more responsibility for tackling risks themselves. It looked at how to increase the significant amount of existing positive action that is already being undertaken in communities. Local action can have a much bigger impact than the actions of central government.

Community activists can come from all walks of life, for example from business or local government, as well as the third sector and individual activists. This is a crucial – and often forgotten – fact. It means that we need to look in unexpected places to find the community activists that will tackle future risks in their communities. It also means that there is much more scope for work across – rather than within – the different sections of society to tackle risks. In particular, business has a vital role in helping tackle the problems of the local community, in partnership with other groups.

We have also identified a significant untapped resource – people who would like to take more action to help their communities but cannot, either due to perceived blockages caused by government regulation, or because they have insufficient help and information. Often this information exists, or the person who could help is out there, but the link to them is not made. With the right information, support and links between potential and existing activists, we would have the real potential for more active communities, leading to greater resilience. The issues described here are still being tackled. This community includes people working in the government, community projects, large third sector bodies and others. It is this kind of mixture of skills and expertise that is needed to bring communities together and to solve difficult risk issues.
This chapter introduces the Council's approach and tools for tackling public risk.
Chapter three
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**. We 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.\(^5\)

The **five trends described in the last chapter** make it much **harder for government to manage risks appropriately**. **Strong leadership** from the Government is necessary to counter these trends and to achieve robust and appropriate policies. This leadership must start with the Prime Minister – his establishment of the Risk and Regulation Advisory Council was an encouraging action in this regard.

Leadership alone however is not enough, and the successfully tried and tested practical methods set out in this chapter will allow policy-makers and Ministers 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. We have also developed advice primarily for Ministers in charge of the response to a risk, and this advice can be found in the next chapter.

The Risk and Regulation Advisory Council’s approach can be used by policy-makers in **developing policy, in implementing policy and in evaluating and in 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.

As described in the previous chapter, we **used this approach successfully** to examine red tape in policing, the difficulties small organisations have in understanding health and safety requirements, and promoting community resilience. In each case it gave us **real insights** into what underlay these issues and **practical proposals for how they might be improved**. Our independence removed any suspicion that we might have vested interests in a particular solution. This made it easier for us to implement our methods and to catalyse and convene groups to consider risk more deeply.

\[^5\text{As discussed in Chapter 1, every policy seeks to increase the chance of one outcome relative to another – in other words, the concept of ‘risk’ is behind all policy making. This means that the Council’s approach is applicable for policy makers working on a very wide range of issues.}\]
The Council’s approach to public risk
From the policy-maker’s perspective, the Risk and Regulation Advisory Council’s 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 may culminate in stepping back from the issue entirely.

The approach places an emphasis on three key disciplines, which may be used in parallel:
• Understanding the risk in context
• Engaging with a broad community
• Effective communication

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.

Exploring the issue
A key part of understanding the risk properly is getting to the bottom of how our perception of the risk and previous actions have been shaped by others – by risk actors and risk-mongers. By identifying their impact on the elaboration and mutation of policy, one can challenge the logic and appropriateness of their actions and messages. By revealing their impact on shaping risk perceptions, policy-makers can more easily avoid the very human temptation to react under pressure to myth and emotion rather than fact. The questions of ‘What is in it for them?’ and ‘What is in it for us?’ need to be continually kept in mind.

We need the answers to a range of questions:
• What appears to be the concern, and why? What do we know about the issue? What don’t we know?
• 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?
• 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?

“I was pleased with how quickly people got to grips with the substance of the matter, and it was extraordinary how quickly they came to quite concrete conclusions.”

Health and safety forum

6 In the text below, we generally refer to a single risk that needs to be tackled. In practice there may be a range of interrelated risks that need to be examined. The approach given can of course be used for multiple risks.
7 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. http://www.nationalschool.gov.uk/policyhub/better_policy_making/
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.

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.

**Mapping the issue**
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.

However it is not enough simply to look at the risk actors and risk-mongers that directly influence our perceptions – we need to understand the whole system if we are to truly understand where perceptions of the risk come from, how responses are being influenced, and to separate fact from emotion. We need to understand all of the key players, how they interact, and who influences them. We need to understand all of the forces that shape perceptions and reactions – the complex interactions of many groups – in order to see the risk objectively and intervene effectively.

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 Council has considered.

As a starting point for the mapping of a particular risk, the Risk and Regulation Advisory Council has developed a general risk landscape. This high-level picture is a map of some of the key drivers of responses to public risk, based on the Council’s research programme and a range of half-day events with the groups concerned. The map shows the interactions most likely to be important when trying to understand how responses to public risk are driven.

Different interactions will be important in different contexts, and for each risk there will be issues beyond the interactions shown that are relevant – for example because the media will be more ‘interested’ in publicising some risks than others. Given this, when looking at a particular risk, the Council’s map will be a starting point. Policy-makers will generally need to add additional influences, actors or distinctions within the groups in the diagram that are important for their particular risk. Other parts of the map will not be so relevant to the risk under consideration and could be ignored.
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

Insurers
Mitigate financial consequences of taking risk

Standard Setters
Encourage consistency, codify good practice

Civil Servants
Advise Ministers on policy and implementation

Ministers
Identify, assess and respond to risk

Media
Attract audiences, alert, inform, campaign

Business
Deliver frontline services

Public Bodies
Deliver frontline services

Public

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

The Risk Landscape

Ministers

Public

Media

Standard Setters

Public Bodies

Academics

Regulators

Civil Servants

Insurers

Other

Politicians

Legal

Business

A source of knowledge, judgement or expertise

Attract audiences, alert, inform, campaign

Advise Ministers on policy and implementation

Identify, assess and respond to risk

Mitigate financial consequences of taking risk

Deliver frontline services

Administer statute and common law

Generate knowledge

Single Issue Groups

Inform, campaign and stimulate response

Implement and enforce regulation

Encourage consistency, codify good practice

Risk alarms

Events raising or exposing risks (e.g. 9/11, banking crisis, publication of WHO report highlighting health risks)

Emerging risk issues (e.g. security of energy supply, pandemic flu, domestic security)

Newsworthy stories which highlight risk (e.g. flooding, bird flu, child abduction)

Individuals or groups, who stand to gain from elevating concerns, raise anxiety/highlight issue (e.g. Conservation Groups, NIMBY campaigners)

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)
“The forum exceeded my expectations and delivered outputs that I didn’t believe could be realised in the time available”

Policing forum

This picture shows part of the map developed for the Council’s work on health and safety messages and how they are understood by small organisations.
Engaging with a broad community – the risk forum

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.

For more complex or difficult issues, the Risk and Regulation Advisory Council have developed the risk forum. This is a particularly intensive form of workshop, which uses a risk landscape map as a guide and focus for discussions between a broad range of stakeholders, who between them cover the whole system as identified in any risk landscape map of the issue. It uses this systemic perspective to force participants to work towards a common understanding of desired outcomes and trade-offs as well as shared views of where and how to intervene in order to tackle risk. It allows a wide range of people to step back from an issue, together, learning from each other in a safe and neutral space under the Chatham House rule. We have found it helpful in convening our forums and in promoting discussion that we are an independent group with no vested interests – policy-makers in government may find it helpful to ask an independent group to organise their forums for them.

In a risk forum creative facilitation techniques – often using pictures – are used to help people jettison prejudices, look at the issues afresh, broaden their perspective and see the whole system, and to build consensus. The risk landscape map is updated using the experience and insights of the participants. A mixture of group and plenary sessions is used to get ideas from everyone, and to bring the ideas together. Active preparation for a forum gives a structure for the session that helps people work through the issues together, without covering ground that everyone agrees on or assuming certain solutions to the issue at hand.

The facilitated discussion in a risk forum not only reveals new insights and creates a shared perspective but also engages ‘all voices’, not just the loudest one. This type of engagement is difficult to achieve through typical processes of consultation or focus group research. It can also create an ongoing web-based ‘community of practice’ that can develop ideas further, or provide support for the ideas coming out of the event.

The Council has very successfully held risk forums amongst groups of around fifty people, on policing and risk aversion, on health and safety in small organisations, and on community resilience. For each of these topics the risk forum has offered fresh insights and developed a community of like-minded thinkers on the issue at hand.

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 make them 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.

“What an amazing experience it was”

Communities forum
Around any particular issue, the creation of an engaged body of stakeholders around any particular issue can help provide a range of communication options for Ministers – allowing them to speak out themselves or having other authoritative voices speak out on the topic.

**Communication by government**

Where possible, public risk communication should be clear, pro-active, carefully planned and based on an ongoing high-quality discussion with key stakeholders and the public – including a clear explanation of the trade-offs involved in making decisions about risk. Ultimately such a dialogue will support government in responding in a proportionate way to public risk issues and events as they occur.

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

The five essentials of public risk communication are:

- **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** taking charge – define the nature of your involvement with the risk;
- **Interacting** with the audience – identify the audiences and the appropriate methods for communicating with them.

The guide expands on these elements, posing a series of questions for government to consider when developing public risk messages. Following the processes set out in this report is one way of developing the material to meet these essentials.

**Understanding risk**

It is vital that government communicates well about risks. However for there to be a high-quality discussion around public risk between the government and the public, individuals and society also need to understand the messages that they receive, both from Government and from other risk actors, and to respond intelligently to them.

‘A Worrier’s Guide to Risk’, developed by David Spiegelhalter, Winton Professor of the 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; it is not the last word.

In summary, the Risk and Regulation Advisory Council’s approach to policy making creates a wide community of people with a clear and unbiased common understanding of a risk issue, and allows for an intelligent and rational debate with the public. It is an approach that works.

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8 This guide was written by Dr Frederic Boucher, 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.
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.
This chapter offers advice for Ministers in charge of responding to a risk.
Chapter four
Ministers and public risk

In many cases, the policy-making process has to operate in an environment of high public anxiety and enormous pressure on Ministers, facing cries that “something must be done”. As discussed in Chapter 2, this can lead to inappropriate regulatory responses. In such an environment, response to a risk can seem to be black and white, where it is blindingly obvious what needs to be done, a view that is often reinforced by an aggressive media. The reality, though, is often far more complex, with the widespread viewpoint completely missing the trade-offs that usually accompany any assessment of risk.

Ministers can be placed in an almost impossible position. The quality of the policy advice they receive is only one factor in a package of issues they face. In some cases of bad regulation, Ministers have held out against the clamour for a strong regulatory response, knowing it to be an inadequate and potentially damaging course, but were forced by public pressure to regulate. The public may not be rational about many of these issues, but when there is a high level of public anxiety, Ministers have to consider what constitutes an appropriate response in a democratic society. Telling the people to pull themselves together may well be an inappropriate response, as well as being politically damaging. The anxiety itself becomes part of the issue facing Ministers, not just an adjunct to a policy problem. Whether that anxiety is justified is not the key issue if the anxiety is genuinely felt. Society’s horror or genuine outrage at an event goes beyond a cold, rational exposition of a problem. In a democracy, it is also the problem.

The pressure Ministers face has become ridiculous. Ministers are held politically accountable, almost totally regardless of whether they are responsible in practice. It is extremely difficult for a Minister to say that something is not their problem and that it is for someone else to solve. Nor is any problem too small and remote from Ministers, to the extent that they might be blamed for dirt on the wheel of a hospital trolley, because complex policy issues can so often be reduced by the media to simplistic detail. If Ministers wait for evidence to emerge, they are accused of dithering, and if they act on the basis of the inconclusive evidence as it stands, they are accused of cover-up or presiding over a shambles. They are expected to know everything and be responsible for everything. Unfortunately, each time they fail to argue that they do not know everything and are not responsible, they further encourage the expectation that they should be both omniscient and omnipotent.

This is not a party political issue but a generic issue about the political climate at Westminster and in the media. In the search for someone to blame, Ministers now tend to be the scapegoat of last resort. If they cannot be blamed for the event, they can be blamed instead for not ensuring that it never happens again, or in some other way compounding the original problem into a problem around their reaction to it. At other political levels,
“the government” can still be blamed, as it can with wider problems in civil and commercial society. The government cannot then shift the search for blame back to other sources.

An alternative to a regulatory response has been the setting up of an inquiry. This can be a very popular response, both for Ministers, the media and the public. But it tends only to put off the same demand for blame and robust action. It buys time for Ministers but eventually catches up with them, it provides the media with a longer-running story and it fails to give the public closure as early as might be preferable. An inquiry that does not report with a range of robust recommendations, strong criticism of people in public office and a general confirmation of the public mood may find itself facing derision in the media, as happened with the Hutton Inquiry.

Not only Ministers suffer in this situation. Leaving risk to be managed at the level best placed to manage it is not only a sensible approach but the alternative – the risk being managed at a different level – is both unwise and damaging. It disempowers those best placed to manage it. Not only is that risk not managed optimally but subsequent risks of that type will also be mismanaged, because responsibility has again moved to government and away from those better placed to deal with it.

When Ministers take it on themselves to manage a risk, they erode someone else’s responsibility. That can have a cumulative effect. As society expects more and more that it is for the government to ensure that bad things do not happen, it can weaken personal responsibility and weakens social bonds. There is more of an expectation that professionals or local authorities or other public bodies take responsibility for decisions that individuals or communities used to take. When we reach a situation where a child dies because a stranger was afraid to help, we see the issue of the role of the State as more than just an academic question.

So, what can be done to assist Ministers in doing the right thing? Good policy advice is a necessary element but it cannot be enough because there is more to the issue than simply a policy problem.

We suggest that Ministers consider the following questions:

- Do they want a policy strategy or just an exit strategy? This is a valid political question and not just cynicism. At one level, all issues are political footballs and some are little else.
- Can they recognise the common interest across political parties for a more measured response and stop reinforcing the assumptions about response? The media will continue to push these assumptions but those facing the real trade-offs, or hoping to do so, have an interest in not simply accepting them without question.
- Can they find and assist alternative voices that will help to spell out the trade-offs? Part of the issue is always a one-sided view of the problem. That distortion then produces further distortions through the response to it. But if Ministers are seen to challenge the obvious, they may be accused of being callous, limp or aloof. Much better for the debate to emerge and the Minister then to make a statesman-like decision. That is the optimal answer for Ministers.
- Can the issue be reduced into its component parts, rather than being seen as one problem with one solution? It is probably a multi-layered problem, with connected issues of values, outrage, anxiety, political manoeuvring, media presentation, cost, strategic dangers and some evidence-based policy. There is a danger in seeing some of these issues as distractions from “the real job” of policy or government but they happen often enough and with enough impact that they should be seen and dealt with as an integral part of the real job.
• Can they at least do as **little harm as possible**, even if all else fails and something really must be done? If it is a regulatory response, can it have a “sunset” or review clause? Can it be presented as a holding measure in order to provide an appropriate response to the present anxiety but with the promise of calmer reflection?

This chapter, along with the previous one, has set out the Risk and Regulation Advisory Council’s successful approach to risk, demonstrating real practical ways of examining a risk issue objectively, looking at and mapping the various influences that affect perceptions and responses to risk, and quickly forming a broad community of people and organisations with a common understanding of the risk issue.

It has set out the essential points on how to communicate about and understand risk, and has made a range of realistic suggestions that Ministers can use to **avoid making long-term mistakes in a pressured situation**.
This chapter sets out the Council’s recommendations.
Embedding the approach in government

We believe that government can take a range of lessons from the work of the Risk and Regulation Advisory Council. It can encourage more thoughtful and pre-emptive policy-making with a real focus on outcomes, even at times of crisis. It can fight zero risk tolerance; encourage a better understanding of public risk; and balance risks, costs and benefits in a considered way. It can understand and engage the wide range of groups that can combine to influence society and government’s response to risk, and incorporate them into the policy-making process. It can recognise complexity and uncertainty as part of the policy-making process. It can support people in taking back responsibility, to build a more resilient society that can respond to the risks that it faces. The Risk and Regulation Advisory Council has shown that this is both possible and practical.

When looking at risks and issues that relate to them, it can consider the five trends that we have identified that contribute to breakdowns in the appropriateness and effectiveness of policy-making:

- The risk actors and risk-mongers, and their system of interactions, which can lead to distorted perceptions of and responses to public risk, and pressure on government to act, sometimes inappropriately;
- The streams of data, information and opinion which can distort perceptions of risk and scare people away from managing risks themselves;
- The intolerance of failure that leads to yet more red tape and restrictions on people’s behaviour;
- The pressure on government to act hastily in crises or in the face of complexity; and
- The risk of removing responsibility from individuals, with the potential consequence of reducing community resilience.

Government can also use our approach to counter these trends. It can use:

- Our approach and philosophy;
- Our map of the risk landscape;
- Our guide to risk communication;
- Our guide to understanding risk; and
- Our suggestions for Ministers

It can learn from the findings from our individual case studies.

A number of departments in Government, such as DEFRA, are already alive to many of these approaches and are demonstrating good practice every day. However there are still parts of government that can do better, and we urge them to do so.
We recommend that government take on our analyses, our thinking, our approach and our tools, to improve its policy making.

The Regulatory Policy Committee
The current Government intends to introduce an inward-facing independent body, the Regulatory Policy Committee (RPC), to provide oversight on government’s cost-benefit analysis of primary and secondary legislation.

We support this move, provided that the Committee embraces issues across society, not simply in the narrow realm of business, and will hold Ministers to account on whether or not:

- Actual rather than perceived risk is being considered in the cost/benefit analysis.
- Evidence-based consideration is given to understanding the system of forces playing on the risk in question (the ‘risk landscape’), thus providing a more confident view of the best point of intervention in the system, the range of possible interventions and the dangers of unintended consequences.
- All voices are heard during the process of consultation, not just the loudest and most familiar voices.
- The implementation process tackles any remaining gaps between perceived and actual risk.

A Public Risk Commission
The Regulatory Policy Committee is a necessary, but not sufficient, innovation in risk and regulation oversight.

It will not be positioned to tackle the crucial and growing issues of which risks the State should take responsibility for, risk actor ‘regulatory creep’, and the need to re-energise community resilience. It may not be in a position to tackle certain of the drivers of poor policy-making in response to risk, including the negative impacts of certain of the risk actors. Its scope may not extend to tackling the issues embodied within the stock and implementation of existing policy.

The Risk and Regulation Advisory Council has identified a clear appetite and need for a better understanding of risk and options to tackle it. It has shown that it is possible to tackle these topics in a practical and insightful way. It is obvious that there is an urgent desire for this to be addressed, and that it is unlikely to be addressed by the Regulatory Policy Committee.

There is therefore a need for an independent body like the Risk and Regulation Advisory Council, which can help prevent poor conversations around risk and the perceived over management of people’s lives. An independent body can do this in a number of ways.

Firstly, under the pressure of events and where perceptions of risk are distorted by risk actors and risk-mongers, policy-makers can find it difficult to resist short-term reactive approaches that frequently create more problems in the medium to long term than they resolve. An independent body can re-inject reasoned, evidence-based thinking in response to intense time pressure. It can also create the space and time for policy-makers to work through an issue.
Secondly, an independent body can be what no government department, policy-maker or risk factor can ever be – namely, independent. It can recommend best practice, unravel issues, facilitate dialogue, and communicate all facets of risk and policy – all without suspicion of vested interests, bias or seeking to assign blame. It can be, and be seen to be, committed to nothing less than the highest quality of process and outcome. Its objectives, activities and results can be transparent and easily communicated.

Finally, an independent body will always be far better positioned and inclined to challenge the public, risk actors and risk-mongers, and the Government on how risk is handled, as well act as an alternative channel for risk issues to be raised.

The experimental year of the Risk and Regulation Advisory Council’s existence has, it would assert, brought clarity to an issue that was widely felt to be critically important, but was poorly understood. However, its role and remit were by design tightly focussed and would be too narrow for the future.

The Risk and Regulation Advisory Council recommends that the Government, as a part of its current commitment to create the optimal risk and regulatory governance framework, should without delay establish an independent Public Risk Commission (PRC):

- To identify and understand instances where business, civic society, the third sector and the public are feeling the weight of ineffective policy, disproportionate responses to risk, unwelcome curtailment of civil liberties, weakened community resilience or simply over-managed lives.

Examples would be chosen using techniques that will ensure a systematic understanding of the issues most voiced in the target constituencies. It would deploy techniques tested by the Risk and Regulation Advisory Council which engage broad cross-sections of interested and affected parties in open and constructive dialogue to produce not only deliverable solutions but also a community of people committed to making those solutions a success.

- To recommend to Government specific opportunities to stem or reverse regulatory creep, acting as a neutral independent agent when required in the recommendation and implementation processes.

- To communicate with and challenge risk actors and risk-mongers – in liaison with business, civic society, the third sector and the public – when there is evidence of unhelpful risk actor behaviour, when their voices are in danger of inadvertently leading to poor regulatory outcomes, or when breakdowns in trust are acting as barriers to effective communication.

- To provide an independent and supportive voice where the Government and independent regulators are following good practice but failing to be heard through the distorting or emotional noise from risk actors.

- To provide an independent resource to Government in helping to understand and manage the risk landscape, even when under severe time pressure.

- To challenge Government to display the leadership required to set the right tone amongst the risk actor community.
• To champion, as an independent voice, the need for individuals, communities, businesses and organisations to take back responsibility for the management of risks that they can understand and control – and, by so doing, provide a foundation for different policy solutions and the resurgence of resilient communities and a more resilient society.

In its report Risk, Responsibility, Regulation: Whose Risk Is It Anyway? the Better Regulation Commission recommended the establishment of FARO (the Fast Assessment of Regulatory Options) – an independent, ad hoc panel for expert, dispassionate, evidence-based examination of urgent calls for government intervention. We do not believe that the time is right for such an organisation, and we do not believe that the Public Risk Commission should take on this role. However the Commission may – in time – develop its reputation to a level such that Ministers come to it for advice.

Like the Risk and Regulation Advisory Council, the Public Risk Commission would aim to improve the understanding of public risk, and how to respond to it, in making or implementing policy. It would aim to find the right balance between government and others in taking responsibility for risks, and to promote community resilience. It would work with government and all other relevant stakeholders throughout British society.

The Public Risk Commission would be:
• empowered by and within Government, close enough to be informed, yet remaining politically objective and serving as a critical friend.
• trusted by the public and other stakeholders.
• equipped with the experience and insight to understand and facilitate constructive shifts in the risk landscape.
• required to justify its mandate every 36 months.

This would imply a group of around 12 people and a small secretariat linked to a department that is considered to have a pan-Whitehall and pan-societal remit, backed by the Prime Minister. The mix of members would reflect the broad role as opinion-former, catalyst, and convenor. The secretariat should comprise the mix of skills collected for the Risk and Regulation Advisory Council – strategists, economists, systems dynamicists, behavioural scientists, statisticians, communications experts and facilitators.

The Public Risk Commission, along with the Regulatory Policy Committee, would represent a natural and positive evolution in the risk and regulatory regime within the UK. ‘Better regulation’ has never meant ‘less regulation’ to the Better Regulation Commission and Risk and Regulation Advisory Council – it has meant proportionate and effective regulation in the face of the risks that it seeks to address.

The Public Risk Commission would build on the reputation established by the Better Regulation Task Force, the Better Regulation Commission, and the successes of the Risk and Regulation Advisory Council, as well as the innovative leadership of the British government, to ensure that the UK remains in the forefront of international risk thinking and practice.