

The RPC – how we work with departments

This document sets out what departments can expect when interacting with the RPC. It sets out the RPC's commitments and aspirations for working with departments to meet these expectations.

The RPC has, throughout the first half of 2015, undertaken a programme of engagement with departmental BRUs to test how the RPC 'offer' to departments could be improved in a way that is consistent with a robust independent scrutiny function. This document responds to some of the comments raised during that process. It provides guidance on how we engage with departments, links to relevant published information and indicates areas that we are exploring to support better analysis and use of evidence. The level of service offered by the RPC will depend on future changes to the better regulation framework and associated resourcing decisions.

Engagement

The RPC will:

Clearly explain any changes to our processes and expectations.

Meet departments in advance of submissions to discuss complex policy areas or methodology issues.

Support the cross-Whitehall economists' impact assessment training and provide economist placements within the secretariat.

Publish analysis undertaken by the RPC to help improve the quality of assessment across government.

Actively seek views on the user experience through the IA survey and explain how they relate to ideas for improving the RPC service.

Explore options for improving the scrutiny process, such as piloting a dialogue on some issues during the scrutiny process. This is designed to address concerns expressed by departments regarding the effect of technical issues on policy delivery timetables.

Departments should:

Engage, through the better regulation unit (BRU), with the RPC secretariat to discuss methodological or process questions and to plan better how impact assessments could progress through the scrutiny process.

Provide the RPC with feedback and comments on how it can improve its service.

Meet the RPC before any submission that is complex or includes difficult methodological issues, although this will not include guarantees on the likely ratings for submissions.

Expect engagement to be a two-way process with quarterly meetings with the secretariat lead for the Department to discuss upcoming issues and submissions and reflect on recent experience with the scrutiny process.

Case work

The RPC will:

Take a proportionate approach to considering new or novel methodological issues cases, and communicate any outcomes of those cases to Departments.

Maintain a robust quality assurance process to ensure a high quality of drafting and consistency.

Continue to develop and provide guidance on how to interpret the better regulation framework including examples of previous interpretations, for example through the RPC case histories and the RPC BRU web portal.

Issue opinions within 30 days for IAs and validation statements and 10 days for triage assessments in at least 90% of cases, and inform departments in advance if a case is likely to take longer.

Give reasonable consideration to all requests to prioritise cases in light of Ministerial priorities and/or those of other government departments, following a conversation with the relevant departmental BRU(s).

Meet departments to discuss any comments in opinions, particularly not fit for purpose opinions, following publication. This includes explaining the reasoning followed by the committee in relation to interpretations of the methodology. However, it remains the department's responsibility to consider how to respond to the committee's opinion in advance of any resubmission.

Champion greater proportionality within the system, such as the level of detail required in support of lower cost regulation, and provide further guidance on RPC expectations in light of experience of the new framework.

Departments should:

Ensure that all impact assessments submitted to the RPC are drafted to a publishable standard. Failure to do so can lead to misunderstandings and avoidable delay.

Provide supporting information when requesting prioritisation, for example by highlighting important timetable issues.

Support an effective case work process by providing at time of submission all relevant information needed to enable the case to be processed, understanding that failure to provide such information could result in unnecessary delays that will not count towards the turnaround times.

Support the system through effective forward planning and the sharing of plans with the RPC.

Communications

The RPC will:

Keep the published scrutiny process up to date.

Explore new ways to disseminate guidance on how the consideration of evidence and appraisal influence the ratings issued as part of the opinions.

Publish a red-rated opinion if a department proceeds with or publishes an IA that is not fit for purpose, but inform the relevant better regulation unit in advance (usually at least three working days) of the publication.

Departments should:

Aim to understand the better regulation framework and how the RPC scrutinises cases, including consideration of the relevant guidance documents.

Use the RPC case histories and guidance on expectations (once published) to answer questions in the first instance

Raising concerns

Departments should:

Consider how to use the approaches below - in moderation and in the order suggested - to address issues, e.g. if there are concerns that the RPC has incorrectly applied the better regulation methodology. These should not be used if a department simply disagrees or is unhappy with the rating within an opinion.

Always raise issues **in the first instance** with the relevant secretariat lead.

Discuss with the relevant secretariat lead for the Department any concerns about whether the RPC is meeting the expectations in this offer.

Escalate issues to the RPC head of secretariat that cannot be addressed by the secretariat lead.

Raise any unresolved concerns by asking ministers to write to the Chair of the Regulatory Policy Committee.

Refer to the Better Regulation Executive concerns that the RPC might be operating outside its Terms of Reference. In the interests of clarity and open working such referrals should **involve or copy the relevant RPC secretariat lead and/or head of secretariat**.