G-REG Framework for Peer Learning

Version 5 as at 4 March 2020

This *G-REG Framework for Peer Learning* was developed by members of the G-REG Regulatory Stewardship Working Group as a tool to guide peer learning discussions. The Framework draws on the following national and international frameworks that support good regulatory practice and measure good performance:

- *A Guide to Peer-to-Peer Learning: How to make peer-to-peer support and learning effective in the public sector,* Effective Institutions Platform (2016)
- *Regulator Performance Framework,* Australian Government (2014)
- *Achieving Compliance Guide – a guide for compliance agencies in New Zealand,* Common Compliance Capability Programme (2011)
- *Listening, Learning, Leading: A Framework for Regulatory Excellence,* C. Coglianese (2018)
- *Regulatory institutions and practices,* New Zealand Productivity Commission (2014)
- *New Zealand Government Expectations for good Regulatory Practice*, New Zealand Government (2017)
- *Performance Improvement Framework Lead Questions*, State Services Commission (2018)

Note that the framework has been developed with a whole-of-system approach in mind and the different areas of the framework can have significant overlap.

Area	Regulator practices	Examples, questions and evidence
Compliance strategy / Operating model and Regulatory decision-making processes	• Maintaining a transparent compliance and enforcement strategy that is evidence-informed, risk-based, responsive, is proportionate to the risks or harms being managed and clearly relates to the organisational purpose • Maintaining an operating model that prioritises staff safety in field operations and other engagements with regulated parties • Maintaining and publishing up-to-date information about their regulatory decision-making processes, including timelines and the information or principles that inform their regulatory decisions • Access to good information • Good understanding of impacts of decision making on future attitudes to compliance and stakeholder relationships • Effective delegation of decision-making • Adapting and adjusting compliance and enforcement strategy in light of changes in markets, technologies, institutional strategies and stakeholder attitudes to compliance • Ensuring that the choice of intervention tools is proportionate to the risk posed and/or size of the regulated party • Seeking out state-of-the-art evidence before making both regulatory and management decisions, and incorporating that evidence in good faith into decision-making and reasons for its decisions • Organisational strategies demonstrate a balance is struck between competing drivers and objectives to ensure regulatory decision making is prioritised as necessary	• Clearly defined compliance strategy • Clear operating model that supports staff in managing personal risks, including dynamic and formal risk assessments • Evidence of staff ability to digest and interpret information and/or evidence of sound intelligence model available to staff to help with digesting information • Evidence of access to expert advice • Evidence that decision making processes support how decisions are made, not merely what decisions are made • Decision making actions are subject to independent review and appeal through various means (e.g. Courts, Ombudsmen, tribunals. External peer assessment) • Good decision making framework that is applied consistently, enables use of discretion and meets quality assurance standards • Tools/templates are fit for purpose and create the opportunity for critical thinking • Sound delegation policies and procedures that involve routine monitoring and review of delegations • Risk management policies and procedures are available to regulator staff and the public • Compliance and enforcement strategies and operating models consistent with agreed risk management policies are published • Documented approaches in place to review risk approaches regularly • Regulatory objectives are not subsumed by wider organisational objectives • Alignment between performance metrics and operating models, policies and procedures • Operating model demonstrates 'how' the regulator will achieve its purpose and can be a useful tool in telling the story

Area	Regulator practices	Examples, questions and evidence
External engagement	• Providing guidance and information that is up-to-date, clear, accessible and concise through media appropriate to the target audience • Providing advice that is consistent and supports predictable outcomes • Providing decisions and advice in a timely manner, clearly articulating expectations and the underlying reasons for decisions • External engagements are conducted in a way that builds trust and enhances relationships and demonstrates that the needs of the person being regulated are also understood	• Clearly articulated guidance and information on how to meet compliance obligations • Stakeholder opinion on ease of compliance • The regulator provides open access to its information in a manner that is accessible and comprehensible both to industry users and to the broader public • Demonstrated feedback is sought from stakeholders on guidance and advice provided by the regulator via a wide range of mechanisms, including stakeholder surveys • Effective external engagement highlights potential benefit for the regulated party and leads to voluntary compliance
Collaboration	• Generating common ownership and genuine collaboration on strategy and service delivery with partners and providers that involves co-design from the outset • Working with strategic partners to integrate services and deliver value to stakeholders • Working collaboratively with system participants to develop resources that are tailored for the relevant audience • Working collaboratively across different regulatory systems to contribute to wider system change	• Agreed approach by all system participants to engagement across organisations to monitor and review system performance • Agreed approach to how each organisation role will be contributing to system performance such as identifying system champions • Agreed approach and working practices to managing regulatory gaps across the system
Regulator structure and capability building	• Ensuring qualifications, skills and competence to undertake the regulatory task including stakeholder and risk management • Ensuring skilled decision makers that apply transparent, consistent and risk based approaches to regulatory decisions • Implementing a framework to identify, monitor and report on system performance and ensuring relevant skills to do so • Encouraging high performance and continuous improvement amongst its workforce, including frequent refresher training	• Evidence of regulator staff with requisite qualifications and training, including tactical communication skills • Evidence of process review, and observation/audit of practices to continuous training and development of staff • Structures support delivery of regulatory functions and enable frontline staff to effectively undertake dynamic risk assessment
Delivery practices	• Delivering value to stakeholders and New Zealanders • Evaluating service delivery options • Employing service design, continuous improvement and innovation to ensure good stakeholder experiences • Organisational systems support a positive staff culture and reinforce how to deliver regulatory functions	• Demonstrated mechanisms for responding to stakeholder engagement/complaint • Survey evidence of effectiveness and efficiency of service delivery and ease of compliance • Evidence that positive staff culture is reinforced and organisational values are demonstrated in delivery of regulatory functions

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Review and feedback	• Establishing cooperative and collaborative relationships with stakeholders to promote trust and improve the efficiency and effectiveness of the regulatory framework • Regularly sharing feedback from stakeholders and performance information (including from inspections) with policy departments to improve the operation of the regulatory framework and administrative processes • Feedback and review supports evolving understanding of public perceptions of the regulatory system and its delivery	• Documented procedures are in place to allow active and regular engagement with stakeholders • Operating models evolve according to current strategic focus • Feedback mechanisms are available and made known to all stakeholders • Number of stakeholder events held to facilitate participation in the development and/or amendment of regulatory frameworks • Evidence that public perceptions of the regulatory system are routinely monitored and included in considerations for practice improvements • Monitoring identifies whether a specific intervention has achieved the intended impact
Leadership and governance	• Senior leaders collectively agreeing on the system and they model expectations on how to maintain clarity of focus, supported by frequent, consistent messaging • Senior leaders modeling behaviours that support sound impact analysis and regulatory system monitoring • Senior leaders provide frequent and consistent messaging to reinforce positive organisational culture, including safe behaviours for staff and a clear understanding of the purpose and strategy • Senior leaders providing staff with the necessary tools, development opportunities and policies to discharge system obligations effectively • Senior leaders ensure systems are in place to manage public interest considerations to support sound regulatory strategy • Organisational systems support staff wellbeing	• Senior leaders are positioned to influence decision makers and policy makers • Senior leaders adopt strategic objectives that support priority work to achieve system outcomes and they also actively support and resource activities to achieve those objectives • Senior leaders have access to resources and build support networks and training that enable effective leadership • Evidence of systems and processes that ensure public interest factors are well understood and implemented
Information and intelligence	• Maintaining an effective information-management system • Managing and using information as a strategic asset, including information from frontline staff • Making use of business intelligence and feedback loops to inform regulatory decisions and system stewardship • Collaboration and information sharing is proactively undertaken with other regulators who have overlapping or similar regulatory functions	• Intelligence driven approach is applied to information to support risk identification, and system outcomes, including system wide sustained harm prevention • Information is gathered to support effective and multiple use to meet regulatory purpose and inform organisational strategy, system stewardship and staff wellbeing • Information is collected and accessible in a way that enables a timely response to emerging risks and demonstrates clearer understanding of shared responsibilities across regulators as applicable

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Culture	• Building and maintaining a culture that supports the entity's role as an educator and facilitator of compliance • An organisational culture that enables buy-in to the strategy, promoting operational flexibility and adaptation to changes in the regulatory environment • An organisational culture that encourages continuous learning at all levels • An organisational culture that enables all staff to prioritise safety and wellbeing • An organisational culture that incorporates the principles of Te Tiriti o Waitangi	• Senior leaders have systems and processes to ensure they can monitor, assess and report on organisational performance and recognise good regulatory performance • Strategic documents use language that is meaningful to all staff • Senior leaders provide frequent, consistent messaging to support staff safety • Active application of the RACI model • Cultural survey evidence • Te Tiriti o Waitangi principles are reflected in organisational practices and delivery
Financial and Resource Management	• Having adequate financial resources and information technologies to deliver regulatory functions and provide on-going refresher training for regulatory staff, leaders and board members • Having sufficient levels of financial autonomy to ensure its decisions are made consistently with expert judgment and in the long term public interest	• Senior leaders have systems and processes to support transparent and sound financial decision making • Senior leaders draw on other resources and leverage support networks when appropriate • Systems and processes for determining and managing costs are clearly published and applied • Regulatory decision making is not impacted or influenced by resourcing • Recruitment processes enable assessment of 'soft skills'
Regulatory cost on businesses	• Demonstrating an understanding of the operating environment of the industry or organisation, or the circumstances of individuals and the current and emerging issues that affect the sector • Acting to minimise the potential for unintended negative impacts of regulatory activities on regulated entities or affected supplier industries and supply chains	• Regular, ongoing consultations or engagement with stakeholders on policies and procedures, including independent experts and industry associations • Documented responsiveness to feedback from regulated entities, including feedback from existing complaint mechanisms and surveys of regulated entities • Evidence of adaptiveness to changing circumstances to achieve regulatory outcomes and objectives
Outcomes/Objectives	• Clearly articulating value proposition and overarching regulatory objective • Staff and stakeholders understanding the regulator's purpose, vision and compliance strategy • Having clearly articulated policies and procedures that define approach to achieving compliance outcomes • Considering and planning for possible changes in its purpose or role in the foreseeable future • Clear understanding of the distinction between regulatory and wider business objectives with adequate systems and processes to reconcile these • Clear management of competing objectives to ensure regulatory system delivery is not compromised	• Evidence of a clearly articulated purpose and compliance strategy that is well understood by frontline staff and stakeholders, including in the context of wider systems • Evidence that approach/interventions support outcomes through evaluation or benchmarking and/or evidence of achievement of social benefit/sustained system outcomes • A risk assessment and planning process to establish or renew a risk-based approach – priority setting and review could be part of an annual strategic planning exercise • Evidence and assurance that regulatory decision making is not adversely impacted by competing business priorities