

Communicating with Regulated Parties Quick Guide

REGULATORY PRACTICE ESSENTIALS



At a glance

Communication is a tool that can build relationships, change people's perspective and influence how people behave. People doing regulatory work can send clear messages and use stories that resonate with people about why the rules are in place and what they need to do to comply.

When communicating with regulated parties follow these principles:

- **Purposeful:** Being clear about what you are trying to achieve and why is important in regulatory work.
- **Lawful and accurate:** People doing regulatory work have authority to carry out regulatory activities. Your communication needs to be lawful and stay within the regulator's legal powers.
- **Te Tiriti o Waitangi/The Treaty of Waitangi:** If you carry out regulatory work, you are operating on behalf of the Crown. This means you are expected to act consistently with the principles of Te Tiriti o Waitangi/The Treaty of Waitangi in your work.
- **Aware of risks:** Sometimes regulated parties can become distressed, uncooperative, threatening or abusive. Your personal communication skills may help you to prevent such a reaction or to calm a situation and enable a person to take a better course of action.

Why effective communication is important

Effective communication leads to greater public trust, which in turn leads to improved regulatory outcomes and public value. Communicating well can lead to the following benefits:

- provide clarity and certainty
- support engagement with regulated parties
- build confidence in the regulator.

Planning your communication

Planning why, with who and how you communicate helps you make conscious decisions about your communication approach. It helps to think of your work as a 'storybook' not a 'rulebook'. Building a toolbox of communication skills helps you to adapt your approach to each situation.



Communicating with regulated parties

Communication is a tool that can build relationships, change people's perspective and influence how people behave. People doing regulatory work can send clear messages and use stories that resonate with people about why the rules are in place and what they need to do to comply.

Communication that is clear, concise and well-planned leads to better outcomes. On the other hand, poor communication can get in the way of helping people to comply. It can lead to misunderstandings and poor safety outcomes. Everyone communicates, but communicating more effectively is something that you can learn. The way you listen, your tone of voice, body language and emotions all make up your personal communication style.

When communicating with regulated parties there are principles to follow. These are:

- **Purposeful:** Being clear about what you are trying to achieve and why is important in regulatory work. The way you communicate may link to the regulatory approach you are using. It may link to a regulatory compliance activity. For example, you may need to explain the law and the reasons for it. You may need to influence people to behave in certain ways. This helps you to start thinking about choosing a way of communicating that matches the people and situation.
- **Lawful and accurate:** People doing regulatory work have authority to carry out regulatory activities. Your communication needs to be lawful and stay within the regulator's legal powers. It's useful to check guidance within your organisation for how you go about sharing information, who you can share it with, and how to request information. There are laws which apply to this area. For example, the Privacy Act

2020 and the Official Information Act 1982. The main point is taking care that you give the right information to the right person.

You'll need to be mindful that your communication may be recorded or written down so that it can be reviewed if there is an appeal, complaint or prosecution. It can be helpful to think of someone listening over your shoulder when you're communicating with regulated parties and to be aware that your communication may be taken out of the original context.

It's important to keep a record of your communication with regulated parties. You can do this by taking good notes of the conversation and storing these securely. You can also send them an email summary of your conversation shortly afterwards.

- **Te Tiriti o Waitangi/The Treaty of Waitangi:** If you carry out regulatory work, you are operating on behalf of the Crown. This means you are expected to act consistently with the principles of Te Tiriti o Waitangi/The Treaty of Waitangi in your work. In regulatory practice, this means learning about te ao Māori, stepping into the Māori world and building an understanding of the knowledge systems, values and beliefs that inform tikanga.

Tikanga (the right way of doing things in te ao Māori) is a set of practices that help you navigate this world. Tikanga is cultural knowledge that has been handed down through the generations. Tikanga may be practiced in different ways between iwi, hapū, and whānau. Some practical examples are being able to introduce yourself and greet people correctly in te reo Māori. You may need to lead or take part in karakia, waiata and share your pepeha in meetings. You'll need to be familiar with mihi whakatau and pōwhiri and understand your role. It's important to read the guidance and find advisors in your organisation who can help you to appropriately and consistently apply tikanga.

- **Aware of risks:** People who do regulatory work often need to communicate complex information or difficult decisions to regulated parties. Sometimes regulated parties can become distressed, uncooperative, threatening or abusive. Your personal communication skills may help you to prevent such a reaction or to calm a situation and enable a person to take a better course of action. Being able to put your own needs to one side temporarily, and thinking before you speak, are important first steps in de-escalating situations where conflict is developing.

Why effective communication is important

Effective communication leads to greater public trust, which in turn leads to improved regulatory outcomes and public value. Most people want to comply with the law especially if they understand what's required and why doing the right thing is important. Communicating well can lead to the following benefits.

- **Provide clarity and certainty:** Everyone who works in a regulatory organisation communicates. When regulated parties receive consistent messages from all parts of the regulatory organisation, they have clarity about what they need to do. They also get certainty about the outcomes the regulator is looking for.
- **Support engagement with regulated parties:** When you communicate in a more open and responsive way with regulated parties you build better relationships. This means regulated parties are more likely to communicate with you about compliance issues – to everyone's benefit. It may help you to spot potential issues early and get people back on track. It may help you to understand their concerns.

- **Build confidence in the regulator:** Regulators focus on outcomes that reduce harm, promote safety and protect people and the environment. Effective communication helps to build greater public confidence in the regulator and what it's trying to achieve. In turn, this builds trust and transparency between the regulator and the public.

Planning your communication

Planning why, with who and how you communicate helps you make conscious decisions about your communication approach. It helps to think of your work as a 'storybook' not a 'rulebook'. Building a toolbox of communication skills helps you to adapt your approach to each situation.

1. What are you trying to achieve and why?

Being clear about the purpose and outcome you want to achieve helps to guide the way you communicate. For example, you may want to use influencing skills when educating regulated parties about the law. Or you may use negotiation or de-escalation skills to manage conflict.

2. Who are you communicating with?

Building an understanding of who you are communicating with builds empathy and helps to shape your communication approach. Doing your homework beforehand is a good habit to get into. Some ways to do this are checking your organisation's records of previous interactions, along with researching websites.

Regulators may engage with groups that have specific needs. You may work with people who have a communication disability. Others may have English as a second language. Some questions to think about are: do they want a support person, such as a family member or lawyer to be with them? Do they prefer to have an interpreter? Do they need a sign language interpreter?

3. How to communicate

Use clear, short sentences to get the message across, particularly if you are giving instructions. Giving correct, reliable information using plain language helps people understand and get them on the same page. Checking that they've understood is also a good strategy. By carefully choosing your words you can change the outcome. For example, saying 'thank you for giving me your address' rather than 'please give me your address' encourages the person to comply.

John Braithwaite, who developed the responsive regulation triangle, came up with some helpful tips for regulatory communication.

- **Communication isn't a 'one size fits all':** We can be flexible in the way we communicate and adapt our approach for each situation. This means thinking about individual circumstances rather than responding in the same way each time.
- **Active listening:** This means listening to the intent of the conversation rather than just the words. Actively listening helps to build good relationships. Asking questions and checking for understanding are tools to give clarity and understanding. When people feel listened to, they are more likely to follow your requests. It's a way of building on their values and motivations which leads to their commitment to improve. Building a relationship helps to convey a firm resolve to stick with the problem until it's fixed.
- **Engage with fairness and respect:** When you do come across resistance to the law, listen to the reasons with fairness and respect, rather than a closed mind. They may be aware of inconsistencies with the law or changes that the law hasn't kept up with. There may be a way to improve the design of the regulatory system. As part of your role as a regulatory steward it's helpful to listen and discuss these with your colleagues.
- **Give praise when due:** We all like to receive positive encouragement for doing a job well. Praise is a way of supporting people who are committed to doing the right thing. When regulated parties find new or better ways of doing things it helps to highlight this to the rest of the sector. This helps to inspire others.
- **Offer support and education:** Offering support and educating helps to build goodwill with regulated parties and the sector. Some examples of ways to do this are webinars, industry forums and field day stalls.
- **Signal but don't threaten:** If the problem is fixed quickly and effectively then everyone can move on. If the regulated party doesn't respond in the right way, it's time to signal the range of sanctions you can use. Giving a signal is different to threatening. Threatening can lead to a regulated party becoming defiant.
- **Enlist the support of partners:** Regulators usually work with other regulators or stakeholders who have an interest in their regulatory system. It can be helpful to work with these partners to give consistent messages and apply social pressure.
- **Focus on the future not the past:** We can't change the past, but we can change the future. It's helpful to focus attention on making things right in the future.
- **Learn and evaluate the outcomes:** Reflecting on what has and hasn't worked well in your work is a helpful learning tool. Setting aside time to learn and reflect on your work with colleagues is a good habit to get into.

What you can do to learn more about communicating with regulated parties

- Ask your manager about de-escalation training offered in your organisation
- Have a chat with senior colleagues to learn about their communicating strategies. See if you can work alongside them as they communicate with regulated parties.
- Reflection – think about your communication skills at work. What are your communicating strengths? Where do you need help? How will you develop these skills? What support do you need?

Resources

↗ [The Paul and Henry Show, Episode 11: Tikanga. Ministry for Regulation Te Manatū Waeture. \(YouTube, 21 mins\)](#)

↗ [Accessible information and communications. Ministry of Social Development Te Manatū Whakahiato Ora](#)

↗ [Plain language. NZ Digital government \(May 2023\)](#)

↗ [Checklist for plain language - a quick reference guice. Ministry for Social Development Te Manatū Whakahiato Ora](#)

Got questions? Get in touch

Email: systemcapability@regulation.govt.nz

Website: www.regulation.govt.nz