

UKAS THINK TANK - 15 DECEMBER 2008

Quality and equality – Standards for a modern society

Summary of proceedings

Opening remarks

Lord Lindsay, Chairman – UKAS

This Think Tank has been organised to provide an opportunity to contribute to the current debate relating to quality of life, coherence of community and equal opportunities. It is timed with the forthcoming Single Equalities Bill in mind and to consider the impact it will have on communities and businesses. In particular, it is intended to explore issues such as:

- how individuals and organisations can respond to the increasing desire to promote equal opportunities
- the tools needed to assist organisations to provide an effective but proportionate response to the equality obligations placed on them
- How standards and accreditation can help.

Presentations

Dr Nicola Brewer, Chief Executive – Equality and Human Rights Commission

Equality is a means to an end and is closely associated with quality. The new Bill will harmonise and simplify the existing thicket of legislation (40 Acts, 60 SIs etc) to provide a single legal duty. The intention is to move from compensation to prevention. The focus will be more on outcomes and less on procedure.

The Bill will only apply to the public sector. We need to find creative ways of encouraging equality in the business community, perhaps through the procurement chain, possibly via standards and a 'kitemark'. One of the main objectives is to encourage genuine flexible working, which should help businesses not hinder them. We also want to provide guidance for businesses that is succinct, simple and plain English. We intend to work closely with the different inspectorates and regulators and have already started some work with UKAS. We want to drive change from within rather than imposing standards from without.

Dame Suzi Leather, Chair – Charities Commission

With the collapse of financial regulation, regulators are having to rethink their approach to preventing harm and encouraging desirable behaviours. Regulation is more appropriate for preventing harm, accreditation for driving behaviours. Regulation is imposed whereas accreditation is self-driven and allows freedom, choice, pro-activity and innovation. The Charity Commission uses quality standards, both internally and externally, to assist charities by endorsing member charities' quality standards when they meet the standards laid down in 'Hallmarks of an effective charity'. The Code of Good Governance is owned by the sector – it seeks to drive up the quality of governance on charity boards, providing criteria by which charities can judge themselves. Accreditation is already used in the third sector and

could also play a major role in health and social care provision. It is one of the mechanisms with which we are seeking to influence cultural and behavioural change.

Robin Dahlberg, Board member– Local Better Regulation Office

In comparison to other countries, the people of Great Britain are keen supporters of standards. Whether the standards are voluntary or statutory, people expect standards to be adhered to. The main debate is around the use of the standards: whether they are voluntary or mandatory; whether they are too loose or too tight. The focus on principles combined with flexibility is important for both regulators and standards makers alike. It is noteworthy that the HSE's approach of 'reasonably practicable' was upheld recently by the European Court of Justice. Heavy-handed inspections can be very intrusive and local authorities are working within communities to find the right level of proportionate enforcement. Conclusions:

- The British focus on standards is unique and should be cherished
- Consensus in the standards making process is valuable for encouraging social cohesion
- Standards makers need to think strategically
- Regulation should focus on compliance but standards can be more flexible.

Professor Russel Griggs OBE, Chair - CBI UK SME Council

Businesses are now more flexible. 90% offer some kind of flexible working. 99% have agreed parental leave. They have realised that it is good for them. Businesses are having to think about how to change the working culture. The CBI is working with the TUC on these questions and the two organisations have produced a joint report 'Talent not tokenism'. There needs to be a greater focus on outcomes. Regulation is too procedure driven and can slow business – which is generally moving in the right direction - down. We need to ensure that standards are met and that they really improve outcome. But voluntary standards very quickly become mandatory and there are too many systems in the market already. Business is getting there – the current crisis is driving change.

Discussion

In discussion a number of key considerations emerged:

- General agreement with the proposition that the main purpose of regulation is to prevent harm whereas accreditation can be used to drive behaviours.
- The new equality legislation needs to allow businesses to manage their own obligations. Accreditation can be an extremely useful tool but regulation is still needed as a safety net.
- Regulators need to understand the market better – they should be enablers not enforcers.
- By and large businesses want to comply and accreditation gives them a template to do so. Regulators should adjust their risk assessments accordingly.

- Conversely, regulation and accreditation can hinder innovation if used incorrectly.
- Regulators should take compliance as a given and then find ways to check - this encourages businesses to drive up their own standards
- Regulators need to get their own behaviours right in terms of equality – they need to lead by example.
- Equality is mainly a question of attitude and can best be addressed through management education. Top priority currently is financial.
- Standards can focus on outcomes if not attitudes.
- Accreditation is valued as a useful tool but it is not properly understood and is too often confused with certification. It is still difficult to convince regulators of the benefits. The level of rigour associated with UKAS accreditation needs to be understood and endorsed.
- There need to be rewards to encourage businesses to show compliance eg in the procurement process.

Concluding remarks

Lord Lindsay

The main theme to emerge is that it is outcomes that matter not process. Regulators and standardisers alike need to avoid a tick box or inflexible approach. There seems to be consensus on the respective roles of regulation and standards, ie regulation to prevent harm and standards to drive behaviour, and an interesting debate on how regulators can find the right balance between these two types of interventions. The role of accreditation is recognised but the contribution it can make needs to be better understood. The role of procurement in encouraging and rewarding desirable behaviours is also recognised, as is the contribution made by standards to social cohesion where they are built on a high level of consensus. Finally, the commitment of regulators to help through the provision of useful guidance is notable.

This has been a useful and stimulating event and it is hoped that the points raised will be taken forward for consideration as the debate on these important issues moves forward.