

**Code of Practice on Guidance on
Regulations introduced by the Northern
Ireland Executive and NI Assembly**

July 2010

Contents

Introduction	1
Our Commitment.....	2
Our Rules.....	3
In a bit more detail	5

Introduction

This code of practice provides guidance in relation to Northern Ireland legislation likely to have a significant effect on businesses, charity and voluntary organisations and the social economy sector.

Who this code applies to

NI Government Departments and their delivery partner organisations in the wider public sector

Status of the code

The Code is a non-statutory code of practice. It is not legally binding and cannot prevail over statutory or mandatory external requirements (e.g. under European Community Law). Northern Ireland Government departments and their delivery partner organisations, will, however, abide by the Code of Practice unless there are good reasons to depart from it.

This Code of Practice only applies to devolved matters that come under the direct responsibility of the NI Executive and the NI Assembly. All other UK wide matters are covered by a similar Code of Practice for which the Department for Business, Innovation and Skills is responsible.

The Department of Enterprise, Trade and Investment as lead department in the NICS for better regulation is responsible for this code and is committed to reviewing its effectiveness, along with the wider NICS and stakeholders. Feedback is welcome to SPDAdmin@detini.gov.uk.

Our Commitment

All NI Government Departments and their delivery partner organisations give a commitment to the following when developing, producing and promoting guidance on legislation:-

- To take responsibility for the content, tone, structure and quality of the guidance it produces;
- To undertake to make it fully accessible to all potential users of it in an appropriate format to suit their needs, with an emphasis placed on electronic means;
- Where it is warranted, to introduce a 'quick-start' guide to substantial guidance produced to facilitate the user;
- To ensure that all guidance produced complies with this Code of Practice, thus ensuring consistency across the entire NI Government. A statement to this effect will be published on each piece of guidance produced;
- To put more emphasis on communication with stakeholder groups and organisations as guidance is developed, updated and amended, resulting in improvements

NI Departments will make it clear that they take responsibility for the guidance provided and where enforcement bodies have discretion over what enforcement action is taken, they will not prosecute or impose a punitive sanction if a business has reasonably followed their advice and there are no other factors which indicate that a prosecution would be appropriate.

NI Departments will also ensure there is a full range of channels for accessing information and guidance, with emphasis on the most cost effective and efficient for the tax-payer. The NICS has introduced two online websites – one for citizens – **NIDirect** and one for businesses **NIBusinessInfo**. These will be used to publish guidance and provide information on other direct communications channels available for users.

A set of rules for those responsible for creating guidance in the NI Departments, and their delivery partner organisations, has been agreed. This is designed to ensure that guidance is effective, meaningful and relevant for users.

Our Rules

The guidance made available from NI Government, should be:

1. **Based on a good understanding of users**
Effective guidance requires a good understanding of the target audience and their needs. Different types of organisations may have difference needs for guidance.
2. **Designed with input from users and their representative bodies**
Input from the users and their representative organisations is important to ensure that the guidance is designed and communicated effectively.
3. **Organised around the user's way of working**
As far as possible, guidance will be aimed at helping businesses understand how the law applies to common business processes.
4. **Easy for the intended user to understand**
Guidance will be written in clear language appropriate to the intended audience. It will be as concise as possible and avoid unnecessary acronyms and jargon.
5. **Designed to provide an appropriate understanding of how to comply with the law**
Businesses should be confident that, in most cases, the guidance will help them understand how to comply with the regulation. Guidance will not contain legal disclaimers of liability. While many regulations have exceptions or complexities, and their application will depend on particular facts, the guidance will give a clear understanding of how to comply in most cases.
6. **Issued in good time**
To give organisations time to prepare for regulations guidance will be issued at least 12 weeks before a regulation comes into effect, with some necessary exceptions, e.g. emergencies. Sometimes more than 12 weeks will be needed, for example if a regulation is complex or costly to implement.
7. **Easy to access**
Guidance will be easily available to the user. It will be accessible principally via **NIBusinessInfo.co.uk** which is supported via Departmental websites. Other forms of communication, including sending guidance directly to businesses or communicating through intermediaries, will also be used where they will be effective.
8. **Reviewed and improved**
Guidance will be reviewed to check it is up to date and allow direct feedback to check if it works for the users. Guidance will be designed so that users can be confident that they are using the current version. Users

will be able to provide feedback on the guidance. In the case of users acting upon inaccurate or inconsistent guidance, a route for complaint or redress will be made clear.

In a bit more detail

1. Based on a good understanding of users

Effective guidance requires a good understanding of the target audience and their needs. Different types of organisations may have different needs for guidance.

We will establish the intended audience for the guidance. We will consider what types of organisation may be interested and whether we have covered all appropriate sectors.

A good understanding of the audience will help to ensure that guidance is in the most appropriate format and language, and, once written, that it is distributed and publicised so that it has a good chance of reaching the target audience.

2. Designed with input from users and their representative bodies

Input from the users and their representative organisations is important to ensure that the guidance is designed and communicated effectively.

Guidance should be designed to meet the needs of the end-user and provides information that helps the organisation to comply with the law. When designing guidance, end-users should be involved at an early stage. This could be through a stakeholder panel or user testing of specific pieces of draft guidance. Representative groups, such as trade associations, can be useful sources of knowledge and advice on how to make guidance work well for the target audience and should be approached when possible.

Where appropriate sector specific advice may be developed to support compliance within that sector.

Input sought as early as possible will help ensure that the policy and guidance will work in practice.

3. Organised around the user's way of working

As far as possible, guidance will be aimed at helping businesses understand how the law applies to common business processes.

Guidance has often focused on specific legislation or the work of a particular Government Department that created the regulation. We understand that for a business trying to follow regulation, this approach can be unhelpful. We recognise that businesses, charities, voluntary organisations and social economy organisations, often think in terms of their own processes rather than legislative structures, and so may not realise some pieces of regulation apply in some circumstances.

For common business processes such as hiring new staff a number of areas of regulation must be considered and it can be confusing for organisations to try to bring together different sources of guidance and apply them.

As far as possible, guidance will be organised around common business processes, making it clear what actions should be taken at each stage. This is clearly demonstrated on **NIBusinessInfo.co.uk**.

4. Easy for the intended users to understand

Guidance will be written in clear language appropriate to the intended audience. It will be as concise as possible and avoid unnecessary acronyms and jargon.

The easier guidance is to understand the more likely it is to be followed correctly. The language used should be as clear as possible. We will avoid jargon and acronyms which are not familiar to the end user. Clear communication is not restricted to text. When appropriate we will use graphics, flowcharts and videos to help to make guidance easier to understand.

Users should be able to tell quickly whether the regulation is likely to apply to their organisation, so they can decide whether to continue reading the guidance.

Guidance should be as concise as possible so that users do not have to spend too much time reading it. If the guide is substantial then a 'quick start' summary guide will be prepared to go along with it.

Quick start guides will include a short summary of the guidance and could include key steps, or a checklist, of how to attain and maintain compliance. The quick start guide should be very brief, ideally less than 10% of the length of the guidance.

As far as possible guidance should stand alone - most users should not need to consult other documents to understand it (although there should be clear links to more detailed or technical guidance for those that need it).

5. Designed to provide an appropriate understanding of how to comply with the law

Businesses should be confident that the guidance will help them understand how to comply with the law by providing a clear explanation of the law. While many regulations have exceptions or complexities, and their application will depend on particular facts, the guidance will give a clear understanding of how to comply in most cases.

If guidance is to be effective it should help most businesses understand how to comply with the regulations. This does not mean that guidance

should aim to cover every possible scenario for compliance, as that would make it too complicated and unwieldy. It also does not remove the responsibility of businesses and third sector organisations to comply with the regulation, or the fact that interpretation of the law is ultimately a matter for the courts.

Nonetheless, giving businesses a good idea of how to comply is essential. Uncertainty and lack of confidence make businesses more likely to pay for external advice, increasing the costs of complying legislation. Equally there is a need for guidance to be authoritative.

Users of guidance will be advised how to seek further advice if they are not sure, from the regulator in the first instance.

6. Issued in good time

To give organisations time to prepare for regulations, guidance will be issued at least 12 weeks before a regulation comes into effect, with some necessary exceptions, e.g. emergencies. Sometimes more than 12 weeks will be needed, for example if a regulation is complex or costly to implement.

If guidance is not issued in good time it can greatly increase the costs of regulation for businesses, charities, voluntary organisations and social economy organisations. Late guidance can mean that organisations do not have time to get their systems ready to meet the regulation and so compliance is affected. Late guidance can also cause over-compliance, as businesses take a 'better safe than sorry' approach because of the uncertainty about the regulation.

Guidance issued at least 12 weeks before a regulation comes into force gives businesses a reasonable amount of time to prepare for that legislation. If the legislation is particularly complex or expensive, we will consider whether a longer period to prepare may be appropriate. However, there will be also be a limited number of occasions, such as emergencies, some taxation changes, and some European law, where legislation has to come into force quickly and it may not be possible to meet the 12 week limit.

7. Easy to access

Guidance should be easily available to the user. It will be accessible principally via **NIBusinessInfo.co.uk** which is supported via Departmental websites, as additional sources of information. Other forms of communication, including sending guidance directly to businesses or communicating through intermediaries, will also be used where they will be effective.

We recognise that high quality guidance will be ineffective if no-one reads it. Having understood our audience, we will produce guidance working with

the audience and then ensure that it is made available in the most appropriate fashion. Input on how best to communicate guidance should be sought when gaining input on designing the guidance.

Guidance will be accessible through **NIBusinessInfo.co.uk**, either by hosting on **NIBusinessInfo.co.uk** or by providing links to guidance sources, such as **NetRegs** for environmental regulations. Businesses like government to be active in informing them about new regulation. We will consider direct communication of guidance where this is likely to be effective.

NI Departments will work with UK Government counterparts on relevant initiatives taking place in NI on UK wide matters, such as business advice days. This will afford users the opportunity to have direct access to advice as appropriate on devolved matters as well as UK matters. This will depend on the specific circumstances of the UK initiative and the target audience for the events.

8. Reviewed and improved

Guidance will be reviewed to check it is up-to-date and allow direct feedback to check it works for the users. Guidance will be designed so that users can be confident that they are using the current version.

Even guidance that has been well designed and tested before publication may not work perfectly. We will work to ensure that guidance is tested after it has been issued to see whether it is effective in informing users. If we identify problems, we will revise the guidance. Guidance should include the facility to provide feedback from users.

We will ensure that guidance is clearly dated and marked with a review date. It will also include a statement to confirm it complies with this Code of Practice.

Guidance will also be withdrawn or archived when it no longer applies.

Guidance should also make it clear when it was issued and how long it applies for; so that users can be sure they are using the most up-to-date version.

Users should be provided with a mechanism, such as contact details or a link, through which they are able to report inconsistencies or inaccuracies in each item of guidance. Where complaint or redress options exist, users who feel they have received and acted upon inaccurate guidance should have these options made clear. In many cases this will link into regulators existing systems. Alternatively users may wish to use the DETI Better Regulation website www.detini.gov.uk/betterregulation in the case of inconsistent guidance or regulatory conflicts, or if they have other suggestions concerning regulation. Uncertainty over inconsistent or

inaccurate guidance should ideally be resolved by the regulator within 90 days.

Better Regulation
Department of Enterprise,
Trade and Investment
Netherleigh
Massey Avenue
BELFAST BT4 2JP

Tel: 028 9052 9660

Fax: 028 9052 9533

e-mail: SPDAdmin@detini.gov.uk

website: www.detini.gov.uk/betterregulation