Better Regulation Partnership Agreement
Between the Cabinet Office (BRE) and DEFRA

Introduction

Both Defra and BRE recognise the importance of co-operating in order to meet their respective policy and business objectives. Each has a responsibility and a contribution to make to ensure that there is effective administration, co-operation and exchange of information.

To underpin their constructive working relationship, the BRE and Defra have agreed the following vision, principles and ways of working.

Vision

The shared vision sets out a clear purpose and direction, and allows Defra and BRE to focus resources on strategic priorities, which will enable the Defra family to regulate better in line with the Performance Assessment Framework. Our goal is to deliver real reductions in burdens on business, improve the function of the Defra family of regulators, and help achieve better policy outcomes. In essence this means that stakeholders and front-line staff across the Defra family feel the difference.

Principles

The general principles include:

- our goal of partnership working is to deliver better outcomes against the above vision than either organisation could achieve working singly;
- we recognise the respective expertise in each other's organisations and will use this to inform the strategic direction of Better Regulation initiatives and to optimise opportunities for simplification;
- we will share information as early as possible about our respective agendas, and seek the other's point of view. This will include our work programmes, current and forward policy agendas, cross-cutting work and independent reviews;
- we will ensure effective coordination and exchange of information, guided by the principle of "no surprises";
- we will apply the principles of proportionality, burden reduction and risk-based approaches to the way we work together;
- we will work together to implement a consistent and proportionate system of assessing regulatory performance of the department and its family of agencies;
- We will seek to optimise contacts in both organisations by making sure that we are both informed and have the opportunity to take part in meetings and events;
- we will be open and transparent in our decisions about when and where it is necessary to actively engage in areas of policy. BRE will operate in line with the modes of operation set out in Annex 1. When intervention is required we

will work in partnership to ensure that the regulatory proposals are in the best possible shape to meet PRA scrutiny;

- we will focus our joint working where it can make the biggest difference.

How will we make progress?

The Performance Framework provides a method to structure our plans and work streams under the following four headings:

- **Perception and Policy Burden:** *Department only regulates where necessary…*
    - We will work together on indicators of stakeholder buy-in to regulation;
    - Flow of policy is based on clear evidence base;
    - Defra will review its stock of regulation systematically in order to drive down policy costs and improve outcomes;
    - BRE will continue to take a close interest in priority policy topics such as climate change;
    - We will work together on influencing European Better Regulation.

- **Administrative Burden Target:** *Department on track to deliver its admin burden target…*
    - Defra has committed to a 25% target and is on track to meet it. For as long as this remains the case, BRE will not "call in" policy proposals simply on the grounds of their administrative burden.
    - Defra establish an effective tracking system to monitor the flow of new policy

- **Delivery and Risk Based Enforcement:** *Implementation and risk-based enforcement…*
    - Defra will deliver simplification plan measures and update the plan annually;
    - We will work together to deliver the recommendations of cross cutting reviews and BRC reports ;
    - We will work together when developing a framework for performance assessment of Defra regulatory bodies;
    - Defra will lead on ensuring all Defra regulatory bodies are Hampton-compliant;
    - Once the proposed Hampton mergers have been cleared by CO and HMT, Defra will be in charge of implementation.

- **Culture and Capacity:** *All levels have a good understanding of better regulation agenda…*
    - BRE will design training modules for use across departments and provide guidance, amongst other things, on IAs, form design and consultation – ensuring Defra input and expertise is included where necessary. These will be incorporated in Defra courses where appropriate;

- Defra will work to ensure that better regulation principles are embedded into the policy-making process through the delivery of their existing and recently developed training courses;
- Defra will embed better regulation into the business plans of the department through the implementation of a Delivery Plan.
- BRE will share best practice amongst government departments and from visits to other Member States.

The bullets outlined above are not exhaustive.

Performance

In developing this agreement it is important to consider the context of Defra's current regulatory performance as judged using the performance assessment framework. Defra has put together a good quality delivery plan and is ahead of its trajectory on its 25% target. Its overall performance has been rated at amber/green.

This provides an opportunity to provide Defra with some freedoms and flexibilities in areas where it has been judged a success. Annex 2 lists a number of functions where the BRE are able to stand back from day to day involvement.

Monitoring progress

We will work together to review progress through the Performance Assessment Framework on a quarterly basis using a proportionate set of management information in a light touch way. This will feed into the 6 monthly report that will be prepared by the BRE for submission to the PM.

We will regularly review progress on how the partnership agreement is working and agree to a formal review in twelve months time.

We will meet at Director and Head of Division level. We will also informally report back on relevant initiatives e.g. with Other Government Departments, or trips to other EU Member States. We will join up for meetings with Defra stakeholders and delivery bodies routinely, and where this is not possible, each will inform the other of any relevant visits to common stakeholders and delivery bodies.

SIGNED

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Annex 1 BRE modes of operation on Defra policy issues

BRE Environment and Communities Team will have three broad modes of operation on Defra policy issues:

1) **Active.** This will mean engaging with a range of stakeholders on a given topic, researching it, meeting Defra officials, putting forward options and policy suggestions. Current examples are Climate Change and Marine Bill
2) **Watching brief.** On issues of significance to business, perhaps where BRE has had previous active engagement. This will mean receiving papers, monitoring progress, perhaps attending occasional meetings to keep up to speed, and giving advice when asked. Current examples are Reach, Waste, Air Quality.
3) **Follow-up.** This will involve passing issues raised with BRE by stakeholders or other parts of Govt to the Defra BRU and/or policy teams for action or advice. Recent examples are "Implementation of s. 15 of Commons Act 2006: new village greens"; "Draft Waste Management Plans for England and Wales"; sulphur in fuel oil.

The number of issues in each category will change as priorities change – and having more issues in "active" will mean less resource for "watching brief". Where possible, BRE and Defra will seek to agree which topics are in the active or watching brief categories. The total number in category 1 will vary but will be small.

Annex 2 Functions which BRE will stand back from

BRE to stand back from the:

- Application of the Consultation Code;
- Detailed comments on impact assessments;
- Responses and follow up of 90-day suggestions/the portal – when redesigned;
- Delivery of the simplification plan;
- Delivery of the admin burden reduction target;
- Development of the next simplification plan;
- Stakeholder engagement planning;
- Development of stakeholder satisfaction indicators
- Application of the Compliance code by the Defra family (when finalised);
- Davidson compliance;
- Delivering the outcomes of the Defra performance assessment, including review of stock;
- Delivering Hampton mergers (consistent with plans signed off by BRE and HMT)
- Ensuring post hoc reviews of regs/IAs are undertaken.