



National Audit Office

**REPORT BY THE  
COMPTROLLER AND  
AUDITOR GENERAL**

**HC 185  
SESSION 2010–2011**

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# Assessing the Impact of Proposed New Policies

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National Audit Office

# Assessing the Impact of Proposed New Policies

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Amyas Morse  
Comptroller and  
Auditor General

National Audit Office

28 June 2010

In October 2009, the Department for Business, Innovation and Skills reported that the estimated annual costs and benefits of Impact Assessments for new legislation enacted in 2008-09 was £13 billion and £24 billion respectively.

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# Contents

Summary **4**

Part One

Introduction **9**

Part Two

The quality of analysis in  
Impact Assessments **12**

Part Three

Departmental processes  
to support high quality  
Impact Assessments **26**

Appendix One

Methodology **36**

Appendix Two

Table of Impact  
Assessments Sampled **37**

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The National Audit Office study team  
consisted of:

Richard Baynam, Laura Bird,  
Anthony Byrtus, George Crockford,  
Ria Gill-Williams, Ebrahim Gora,  
John Hardman, Simon Jones,  
Gita Patel, Andrew Ryan, Jenny George  
and Charles Turney, under the direction  
of Chris Shapcott

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National Audit Office website at  
[www.nao.org.uk/impact-  
assessments-2010](http://www.nao.org.uk/impact-<br/>assessments-2010)

For further information about the  
National Audit Office please contact:

National Audit Office  
Press Office  
157-197 Buckingham Palace Road  
Victoria  
London  
SW1W 9SP

Tel: 020 7798 7400

Email: [enquiries@nao.gsi.gov.uk](mailto:enquiries@nao.gsi.gov.uk)

# Summary

**1** Impact Assessments assess the need for, and likely impact of, proposed government policies. They help policy makers think through and understand the consequences of proposed policy interventions; and enable government to weigh and present publicly the relevant evidence on the likely impacts of such interventions. Impact Assessments are required for all government interventions which affect the private sector and for interventions with costs of over £5 million affecting the public sector, including UK implementation of European Union directives and rulings.

**2** In October 2009, the Department for Business, Innovation and Skills (the Department) reported that the estimated annual costs and benefits of Impact Assessments for new legislation enacted in 2008-09 was £13 billion and £24 billion respectively. One of the purposes of Impact Assessments is to bring proper scrutiny and discipline to the development of policy interventions, similar to that undertaken for direct government expenditure. Each Impact Assessment should consider the rationale for intervention, the options for achieving the policy objective, and the costs and benefits to government and society of each option. Robust analysis of costs and benefits is at the heart of quality Impact Assessments and key to their effectiveness in securing value for money from proposed policy interventions.

**3** The Better Regulation Executive, situated in the Department, works with departments to improve the design of new regulations and to simplify and modernise existing regulations. Individual departments are responsible for the quality of their own Impact Assessments, while the Better Regulation Executive is responsible for promoting high quality Impact Assessments across government.

**4** Following a recommendation by the Committee of Public Accounts in 2002,<sup>1</sup> since 2004, we have published five reports evaluating the Impact Assessments (prior to 2007, Regulatory Impact Assessments) produced by departments. We vary the exact scope of the report each year, providing breadth and depth of analysis across the body of work, whilst also considering departmental culture.

**5** The purpose of this year's report is to assess the quality of analysis in Impact Assessments. We also assess departments' capability to produce robust analysis and their internal processes for assuring the quality of Impact Assessments. We reviewed a randomly selected sample of 50 of the 196 final Impact Assessments for new legislation in 2008-09, examining the information and analysis in the published Impact Assessment as a stand alone document. Appendix One sets out our methodology.

<sup>1</sup> HC Committee of Public Accounts, *Better Regulation – Making Good Use of Regulatory Impact Assessments*, Twenty-Sixth Report of Session 2001–02, HC 682, April 2002.

## Key findings

On the quality of analysis in Impact Assessments

**6 As we reported in previous reports, the quality of analysis in Impact Assessments is still varied.** Our results showed marked variation in the level of description, depth of analysis and extent of quantification of costs and benefits.

**7 Option development was the strongest area of performance but is often still limited.** Almost half of the assessments we reviewed considered only one option, or one option plus ‘do nothing’, at any point during the policy development process.

**8 Impact Assessments of proposals originating from the European Union were not often prepared early enough.** In cases involving decisions made at the European Union level, guidance from the Better Regulation Executive recommends that Impact Assessments should be carried out to inform negotiations. However, this had been done in only five of the nineteen cases in our sample that involved such decisions.

**9 The use of quantification in analysis for Impact Assessments is improving, with 86 per cent of those we reviewed containing some quantification of the costs of their preferred option and 60 per cent containing some quantification of benefits.** However, ten had not monetised either costs or benefits of the preferred option and only 22 per cent had some quantification of the costs of alternative options. The depth of analysis and the types of assertion made vary significantly and many Impact Assessments, even larger ones, did not fully consider all likely effects of the policy change.

**10 We found a number of technical deficiencies in the Impact Assessment documents.** Problems included inconsistency in recording costs and in the presentation of costs and benefits as either recurrent annual figures, or net present values; incorrect treatment of transfers; and incomplete information. Lack of international comparisons was another weakness. Where available, this is a valuable source of evidence, and for European Union derived legislation provides a potential check on ‘gold-plating’. In addition, there was wide variation in the extent to which sources were identified for evidence used in Impact Assessments, and in the recognition of uncertainty.

**11 Overall, we assessed nine of the fifty Impact Assessments in our sample (18 per cent) as ‘Red’** (Section two defines our criteria for a ‘Red’ rating), **because the Impact Assessment may not provide sufficient evidence to convince the reader that the best regulatory option had been chosen.** The departments involved were: the Departments for Business, Innovation and Skills; Communities and Local Government; Transport; Work and Pensions; Health; and the Home Office. In a number of cases information had been omitted because departments had considered it too sensitive to publish, for example, because it concerned international relations and market sensitive issues. A further 27 (54 per cent) contained weaknesses causing them to fail some of our quality tests. Only 14 (28 per cent) fully met the quality tests. The absence of quantification in some cases means that extrapolation across the whole population is not possible.

## On departments' processes for producing Impact Assessments

**12 Departments have increased the resources and analytical expertise they allocate to preparing Impact Assessments.** Nine of eleven departments we surveyed produced guidance for their staff on Impact Assessments. Many also offer some training, with half of policy staff involved in Impact Assessments receiving specific training, but a third of staff in departments' Better Regulation Units (whose role is to coordinate and support their department's work on improving regulation) had not received specific training.

**13 Guidance to staff is generally good and widely used.** Eighty five per cent of staff reported that they found existing Treasury and Better Regulation Executive guidance useful in developing Impact Assessments, and internal departmental guidance was valuable in linking generic requirements to specific policy contexts. However, around a third of policy staff found it technically complex, while a similar proportion of analysts reported technical gaps or lack of clarity. In March 2010, the Better Regulation Executive carried out a major update to its guidance to departments and the standard template departments use to summarise the results of Impact Assessments. The updated guidance seeks to address the different needs of policy staff and analysts.

**14 Scrutiny processes have improved since 2008.** Departments have adopted different approaches to internal scrutiny, but review by Chief Economists was largely considered to add value and peer reviews were generally well received by staff. One department – the Department for the Environment, Food and Rural Affairs – has also established a process for reporting on the quality of its Impact Assessments to its senior management. The Regulatory Policy Committee was set up by the Department in 2009 to comment on the quality of Impact Assessments, and strengthen external scrutiny. Some concerns remain that the value of scrutiny is sometimes undermined by its application too late in the policy development process.

**15 Impact Assessments, and consultations using them, have altered the course of some policy development, but there is scope for them to do more.** If Impact Assessments are to influence regulatory decisions effectively, they need to perform a role analogous to that of business cases in relation to spending decisions. The value of Impact Assessments will also be greatest if they are used not just to assess the case for a proposed course of action, but also as a baseline for monitoring and controlling implementation so as to maximise net benefits, and subsequently evaluating the actual impact of policies once implemented.

**16 Only half of policy staff felt Impact Assessments were useful in the policy process.** Those staff that felt Impact Assessments were not useful in the policy process commented that they were burdensome or conducted largely outside of, or after, the policy development process. Where staff found Impact Assessments useful, they reported benefits including greater clarity and more logical structuring in the consideration of the policy problem and possible solutions.



**17 No information is available on the cost of producing Impact Assessments.**

We have seen some evidence of a proportionate approach being taken by departments, with better analysis for larger Impact Assessments. There were complaints from staff that the Better Regulation Executive provides insufficient guidance on how much analysis to carry out in particular cases, but the Better Regulation Executive believes that it is for departments to justify the level of analysis they carry out.

**Conclusion on value for money**

**18** Partly in response to our previous reports, there has been an improvement in the proportion of Impact Assessments that are quantifying the costs of their preferred option and an indication of a proportionate approach to allocating resources. Some Impact Assessments are of a high standard but there remains wide variation between the best and worst, and many still do not suitably develop different policy options or support their analysis of costs and benefits with robust evidence. In addition, omission of information, technical flaws, and inconsistencies in the calculation and reporting of estimated costs and benefits, mean that Impact Assessments do not yet consistently provide a sound basis for assessing the relative merits of different policy proposals.

**19** Impact Assessments are not being used consistently across departments to contribute to policy development, implementation and evaluation. The best Impact Assessments are providing valuable information to help Parliament and the public judge the merits of proposals, but further improvement in the quality and use made of Impact Assessments is needed fully to achieve value for money. Despite the improvements in scrutiny noted in paragraph 14, the challenge needed to ensure that proposed regulatory interventions are making the optimal use of resources is weak.

**Recommendations**

**20** Our recommendations aim to improve value for money through supporting better quality analysis in Impact Assessments and improving the use made of Impact Assessments in the broader policy process. We would like to see progress made against these recommendations during 2010-11.

**a** **There is scope to develop the role of Impact Assessments as a baseline for monitoring and controlling policy implementation, and new guidance by the Better Regulation Executive in March 2010 is intended to increase the quality of planning of post implementation review.** Departments' plans should include monitoring of enough data to enable significant variations from expected results to be identified early, and specify review periods. Impact Assessments should also recognise that policy decisions normally contain significant elements of uncertainty as to what implementation will involve. Impact Assessments should not imply false certainty over estimated costs and benefits, and the level of uncertainty should inform decisions on how to proceed.

- b Impact Assessments for interventions originating from European Union decisions are often produced only after a decision has been made at European Union level. This may limit the scope at national level to redefine the policy problem or develop implementation options.** Departments should produce Impact Assessments as early as possible in the process, and certainly by the negotiation stage, to define the problem and identify a range of evidence-based options while there is still an opportunity to influence the collective European Union decision. At the implementation stages, Impact Assessments involving European Union decisions should always include either an analysis of how other countries are planning to implement the decision, or an explanation of why this analysis has been omitted.
- c Impact Assessments continue to omit significant information, contain technical errors and are inconsistent in practice and presentation.** To improve the quality of Impact Assessments:
- In completing final Impact Assessments, departments should include summaries of matters decided at an earlier stage of policy development. For example, where the main choice between implementation options has been made through an initial Impact Assessment published for consultation, subsequent Impact Assessments should provide sufficient explanation for the reader to understand why the selected option has been chosen.
  - To help departments assess how much analysis is proportionate, the Better Regulation Executive should publish examples of good practice by departments.
  - Departments' Better Regulation Units should place greater emphasis on challenging the accuracy and completeness of information contained in Impact Assessments.
  - The review by Better Regulation Units should be supported by sample checks by the Better Regulation Executive or the Regulatory Policy Committee.
  - Chief Economist reviews should be supplemented with a formal requirement for peer review by economists, statisticians and research staff at an earlier stage.
  - Departments should keep under review at a senior level their compliance with the Better Regulation Executive's guidance and the standard of their Impact Assessments.
- d The establishment of the Regulatory Policy Committee provides an opportunity to learn lessons from its scrutiny of Impact Assessments.** Once sufficient material has been reviewed by that Committee, the Better Regulation Executive should feed back lessons learnt to departments.

# Part One

## Introduction

**1.1** This part sets out the role of Impact Assessments within the wider regulatory reform agenda, and the aim and scope of our examination.

### **The role of Impact Assessments within the regulatory reform agenda**

**1.2** Impact Assessments assess the need for, and likely impact of, proposed policy interventions of a regulatory nature. They seek to identify appropriate and cost-effective options for policy development and ensure that decisions are well informed. They form an important part of a wider agenda of regulatory reform which is seeking to improve the design of regulation whilst maintaining the protections it affords society.

**1.3** The Better Regulation Executive leads this agenda across government. It works with departments and regulators (including local authorities) to:

- improve the design of new regulations and how they are communicated;
- simplify and modernise existing regulations; and
- change attitudes and approaches to regulation to become more risk-based.

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## Impact Assessments

Government aims to intervene only when necessary and, where it does, to identify proposals that achieve policy objectives while minimising costs and burdens. Impact Assessments seek to ensure that those with an interest can understand and challenge:

- why government is proposing to intervene;
- how and to what extent new policies may impact on them; and
- the estimated costs and benefits of proposed and actual measures.

*Source: Better Regulation Executive Guidance<sup>2</sup>*

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<sup>2</sup> The guidance in use at the time of the Impact Assessment we examined is published at: <http://webarchive.nationalarchives.gov.uk/20100304142840/http://www.berr.gov.uk/files/file44544.pdf>.

**1.4** The Better Regulation Executive publishes guidance for departments on what is to be included within Impact Assessments, including a standard template for summarising the results of each Assessment.<sup>2</sup> The guidance has been updated and was republished in March 2010.

### National Audit Office work on Impact Assessments

**1.5** Regulation is a key tool used by Government to achieve policy objectives. However, regulation can also impose costs on individuals and organisations. For example, in October 2009, the Department reported that new regulations introduced in 2008-09 would result in estimated average annual benefits of £24 billion at a cost of £13 billion.<sup>3</sup>

**1.6** The quality of the implementation of regulation is therefore a key value for money issue. Accordingly, following a Committee of Public Accounts recommendation in 2002,<sup>4</sup> we have published five reports between 2004 and 2009 evaluating Impact Assessments (prior to 2007, Regulatory Impact Assessments). We vary the exact scope of the report each year, providing breadth and depth of analysis across the body of work. For example, our 2003-04 report examined the thoroughness of ten Regulatory Impact Assessments across government, whilst our 2005-06 report evaluated the extent to which four departments were embedding Impact Assessments into their process and culture. In 2008-09, a high-level review was undertaken of all Impact Assessments produced between 2006 and 2008, to evaluate guidance introduced in 2007.<sup>5</sup>

**1.7** Our previous reports have led to improvements. For example, in response to our findings, the Better Regulation Executive phased in during 2007 new arrangements for the scrutiny of Impact Assessments, including a stronger role for Chief Economists within departments and the formation of the Regulatory Policy Committee<sup>6</sup> to act in an independent scrutiny role. But we have found some areas of persistent weaknesses, particularly shortcomings in the depth and quality of economic analysis and a lack of post-implementation review.

**1.8** Robustness of economic analysis in Impact Assessments is important because:

- Economic analysis of costs and benefits is essential for effective decision making, especially in the current economic climate.
- Estimates of costs and benefits made in Impact Assessments are an important input to the systems established by successive Governments to monitor and prioritise proposals for new regulations. The systems include the introduction announced by the Government on 2 June of a 'One-in One-out' process for new regulations, which places limits on the introduction of new regulations based on the costs estimated in Impact Assessments.

<sup>3</sup> The total benefit/cost ratio of new regulations 2008-09, Better Regulation Executive.

<sup>4</sup> HC Committee of Public Accounts, *Better Regulation – Making Good Use of Regulatory Impact Assessments*, Twenty-Sixth Report of Session 2001-02, HC 682, April 2002.

<sup>5</sup> A summary of previous National Audit Office Reports on Impact Assessments accompanies this report on our website <http://www.nao.org.uk/publications.aspx>.

<sup>6</sup> Additional information on the Regulatory Policy Committee can be found on their website <http://regulatorypolicycommittee.independent.gov.uk/rpc/>.

**1.9** This year's report therefore focuses on the quality of economic analysis on Impact Assessments and on whether departments are taking the necessary steps to ensure the quality of economic analysis in Impact Assessments is high. We examined:

- the quality of economic analysis in a sample of 50 Impact Assessments, selected from the 196 Impact Assessments supporting new legislation in 2008-09 (Part Two); and
- whether departments have enabling factors in place to produce high quality Impact Assessments, such as sufficient resources, good processes, staff capability and good scrutiny processes (Part Three).

**1.10** Appendix One sets out our study methodology.

# Part Two

## The quality of analysis in Impact Assessments

**2.1** To assess the quality of analysis in Impact Assessments we reviewed 50 final Impact Assessments from 2008-09, randomly selected from the 196 completed across government that year. This population excludes all non-regulatory Impact Assessments and the Climate Change Act (implementation of which will be considered in future Impact Assessments). We carried out our analysis in two stages: an initial evaluation of each of the 50 Impact Assessments; followed by review of the evaluations by a quality assurance panel, set up for the study. The panel rated each Impact Assessment as 'Green', 'Amber' or 'Red' for each of three areas – option development, option appraisal, reliability of appraisal. Appendix One sets out more detail on the sampling and methods.

**2.2** Our quality tests came from the requirements set out in the Better Regulation Executive guidance on Impact Assessments. The broad considerations made against each area were:

- Option development: The number and type of options considered.
- Option appraisal: The breadth and depth of economic analysis, and whether the analysis is proportionate to the topic under review.
- Reliability of appraisal: The strength of the evidence base, the use of sensitivity analysis to test assertions, and the consideration of wider consequences.

**2.3** The panel assigned an overall rating – according to the definitions listed in **Figure 1**, based on an evaluation of the Impact Assessment as a whole. In doing so the panel made a judgement on whether a proportionate approach had been taken, i.e. if in their view the degree of analysis was appropriate given the scale of the impact.

**2.4** We found that:

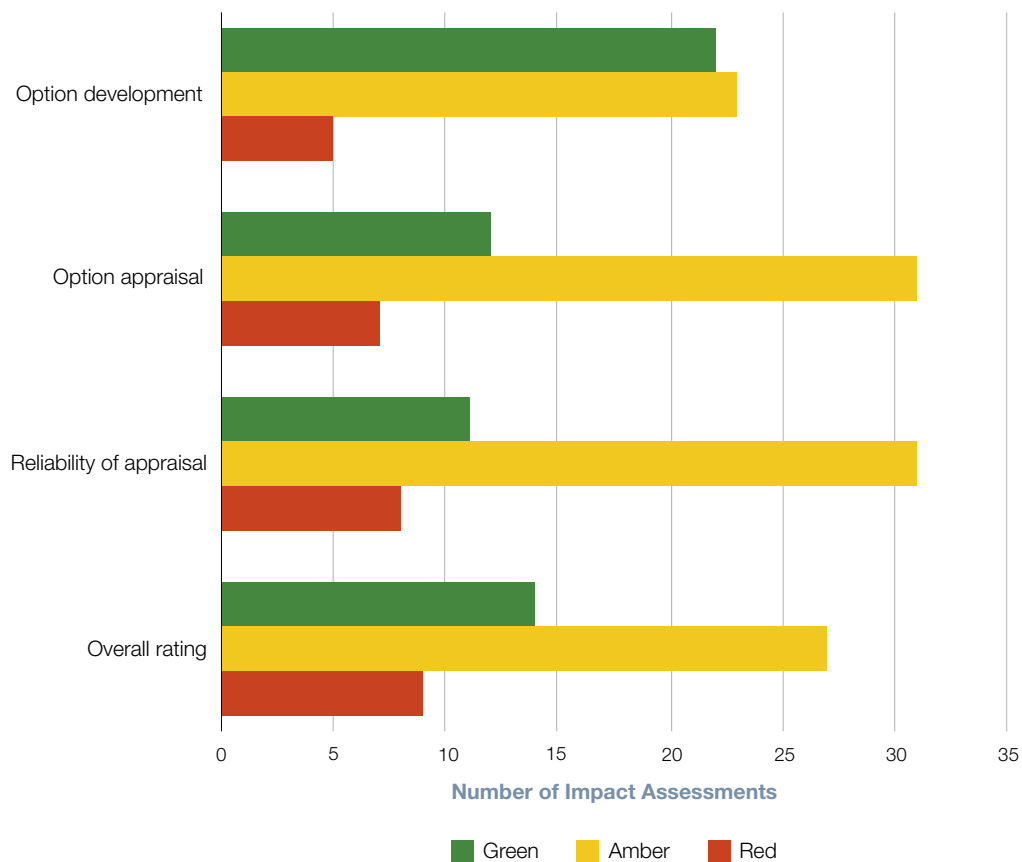
- option development was the strongest area but is often still limited;
- in option appraisal, the quantification of costs and benefits is improving but some common weaknesses in analysis remain;
- the reliability of Impact Assessments is often limited by lack of supporting evidence for assertions and of sensitivity analysis; and
- nine of the fifty Impact Assessments (18 per cent) merited an overall 'Red' rating, 27 (54 per cent) an 'Amber' rating and 14 (28 per cent) a 'Green' rating (**Figure 2**). Appendix Two lists the Impact Assessments in our sample along with the corresponding ratings.

**Figure 1**  
Definitions of 'Red', 'Amber' and 'Green' ratings

- **'Red'**  
Failure of quality tests in ways that mean the Impact Assessment may not provide sufficient evidence to convince the reader that the right conclusion has been reached.
- **'Amber'**  
Failure of some quality tests but not severe enough to merit a 'Red' rating.
- **'Green'**  
The Impact Assessment complies fully with the quality tests.

Source: National Audit Office

**Figure 2**  
Standard of analysis in Impact Assessments



Source: National Audit Office analysis of 50 Impact Assessments

## Option development

**2.5** Consideration of different ways of achieving a policy objective is important in ensuring that the most cost-effective solution is found. We assessed four Impact Assessments as ‘Red’ for option development, including two of the nine rated ‘Red’ overall. Two main issues arose from our examination: the limited extent of option development in many cases and the special challenges of handling interventions in areas subject to European Union action. In some cases, however, the practical scope for alternatives to the action proposed appeared limited. As a result, we rated these Impact Assessments slightly better for option development in recognition of the limitations.

### Extent of option development

**2.6** As the policy development and consultation process progresses, it is sensible for departments to focus their attention increasingly on a narrower range of options. However, the Better Regulation Executive’s guidance recommends that even the final Impact Assessment should contain a summary of what options have been considered and the justification for the preferred option.

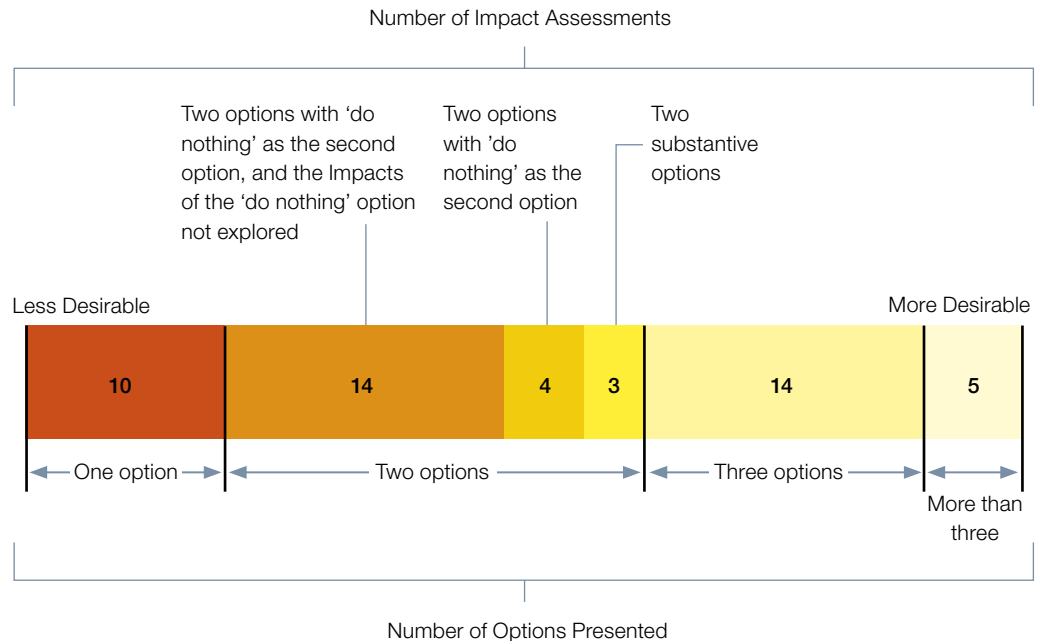
**2.7** We found that 11 Impact Assessments included some quantification of costs and benefits of at least a second option. In nearly two thirds of final Impact Assessments in our sample, however, different options were not well explored or summarised (**Figure 3**), resulting in either a ‘Red’ or ‘Amber’ rating, depending on the extent to which there appeared to be reasonable scope for an alternative to the proposed option. Ten of the fifty Impact Assessments only listed one option. In a further 21 cases only two options were presented, and of those, 18 merely listed a ‘do nothing’ option as their second option. In total, 14 of these 18 did not explore the impacts of the ‘do nothing’ option, either dismissing it immediately as untenable or not exploring it as a baseline, contrary to Better Regulation Executive guidance that options should be assessed against the status quo or do minimum option.

**2.8** Options were often not well explored at earlier stages either. For those 31 final Impact Assessments which had listed only one or two options, only ten had listed further options in previous versions of the Impact Assessment.<sup>7</sup> Overall, 42 per cent of the Impact Assessments we reviewed had at no time considered more than one option in addition to the ‘do nothing’ option. In most cases these received either a ‘Red’ or ‘Amber’ rating. In cases where there was no scope for further option development, they received a ‘Green’ rating.

<sup>7</sup> We could not find earlier versions of two of the Impact Assessments we reviewed.



**Figure 3**  
Breakdown of options considered in Impact Assessments



Source: National Audit Office analysis of 50 Impact Assessments

### Option development in UK implementation of European decisions

**2.9** The Better Regulation Executive's guidance in dealing with potential legislation originating from the European Union is that Impact Assessments should be prepared during European Union negotiations to inform the UK's position. Impact Assessments will also normally be worthwhile even after European Union decisions have been made. There may be options for the way the decision is implemented; and in the rare cases where no flexibility remains at all, an Impact Assessment reporting estimates of costs and benefits would still help inform future policy discussions and provide public accountability.

**2.10** A total of 19 Impact Assessments of our sample of 50 concerned interventions in areas subject to European Union action. We found that:

- Of the 19, five were completed to inform negotiations or in response to a voluntary proposal. The remaining 14 had been completed after a European Union decision had been issued, or amendments and regulation changes were urgently needed.
- The Impact Assessments arising from European Union action contained a similar number of options to those considered in Impact Assessments involving UK-only action. In total, 12 of the 19 final Impact Assessments with a European Union background only considered one or two options – almost the same proportion as UK-only cases.

## Option appraisal

**2.11** To assess the quality of option appraisal we examined:

- the breadth of costs and benefits assessed; and
- the extent to which costs and benefits had been quantified.

**2.12** We rated seven impact assessments as ‘Red’ for option appraisal, including five of the nine rated ‘Red’ overall. The most common reason for a ‘Red’ rating was the lack of quantification of key values. In many cases the breadth of the costs and benefits considered was limited.

### Breadth of assessment

**2.13** For policymakers to make informed decisions about the merits of policy proposals, Impact Assessments should identify who will be affected by the proposal and consider the range of possible impacts internally and externally. To evaluate the 50 Impact Assessments in our sample we identified seven categories of information covering these issues (**Figure 4**), and assessed the extent to which the Impact Assessments in our sample considered them all.

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## Figure 4

### Categories of information sought

**Underlying Assumptions:** Factors that are independent of the policy interventions (e.g. population trends)

**Define the Population:** Who is affected by the policy (e.g. number of firms in the relevant industry)

**Roll-out Effects – Internal:** Costs/benefits to government of setting up the policy

**Roll-out Effects – External:** One-off costs/benefits to external bodies affected by the policy

**Ongoing Impacts – Internal:** The annual impact to government of maintaining the policy

**Ongoing Impacts – External:** The annual impact to external bodies affected by the policy

**Wider Effects:** Broader impacts of implementing the policy (e.g. environmental benefits)

*Source: National Audit Office*

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**2.14** We found that of the 50 Impact Assessments:

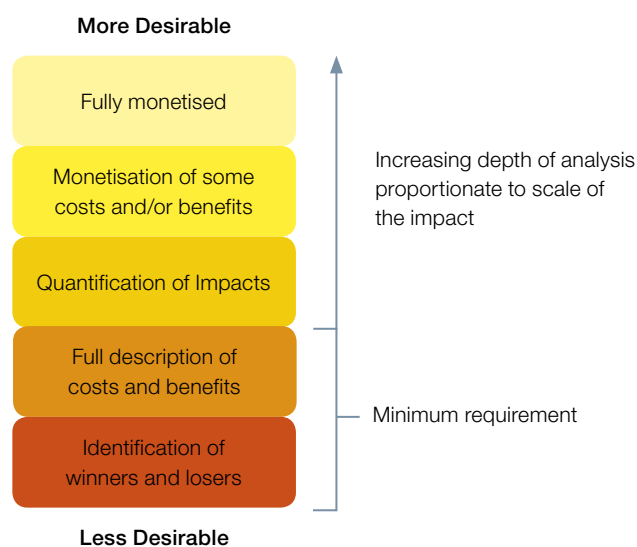
- all but one contained at least a basic description of key effects of the policy proposal;
- over two thirds considered ongoing impacts and wider effects;
- half had clearly identified the population affected by the policy decision;
- only 20 per cent considered two or fewer of the categories of information in Figure 4; and
- only a third considered the internal departmental costs or benefits.

### Quantifying costs and benefits

**2.15** Quantifying and monetising costs and benefits is important in enabling policy makers to assess the relative merits of different options, and whether the benefits of the proposal justify the costs. We reviewed the depth of analysis undertaken for each Impact Assessment, rating the individual Impact Assessments according to whether costs and benefits had been described, quantified or monetised (**Figure 5**).

**Figure 5**

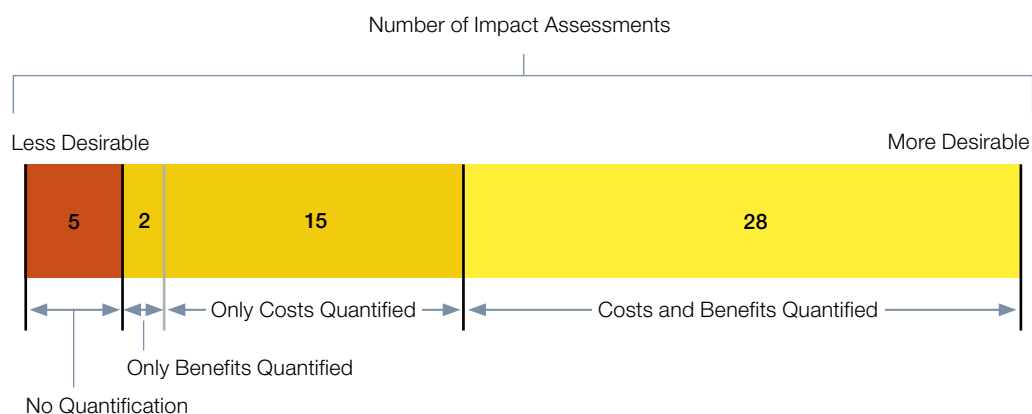
Depth of analysis in Impact Assessments



Source: National Audit Office

**Figure 6**

Highest levels of analysis achieved by Impact Assessments for preferred option



Source: National Audit Office analysis of 50 Impact Assessments

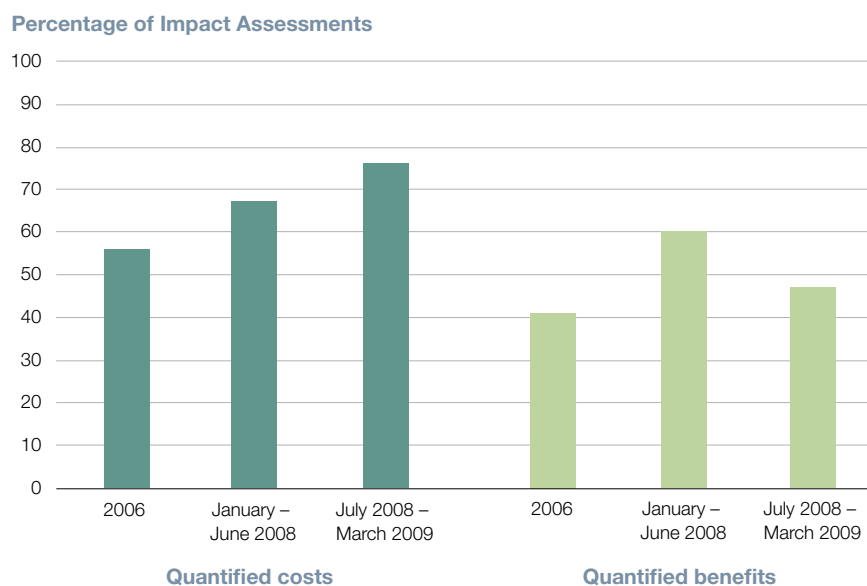
**2.16** We found that analysis of costs carried out on preferred options was on average much greater than on other options, with 43 (86 per cent) of preferred options containing some quantification compared with 11 (22 per cent) of alternative options. For the preferred option, benefits were monetised in 30 cases (60 per cent) and neither costs nor benefits were monetised in five cases (10 per cent) (**Figure 6**).

**2.17** Where costs and benefits had been monetised, five Impact Assessments had monetised costs as £0 and one had monetised benefits as £0. For some policies, it can be justifiable for some departments to monetise the costs or benefits at £0. The key difference between un-quantified costs/benefits is that some form of valuation arrived at a figure of £0.

**2.18** Last year we reported some improvement between 2006 and the first half of 2008 in terms of the quantification of costs and benefits. In the remainder of 2008-09, the proportion of Impact Assessments which included some quantified costs has continued to increase, but the proportion which contained quantified benefits decreased slightly (**Figure 7**).

**Figure 7**

Comparing quantification levels in 2006; January to June 2008; and July 2008 to March 2009 Impact Assessments



Source: National Audit Office

## The reliability of Impact Assessments

**2.19** We assessed the reliability of Impact Assessments by reference to:

- whether evidence is provided to support hypothesised effects, costs and benefits;
- how well the uncertainty of key assertions has been assessed; and
- whether appraisal techniques have been used correctly to support the conclusions reported.

**2.20** We rated eight Impact Assessments as 'Red' on reliability, including seven of the nine rated 'Red' overall. The reasons for the 'Red' ratings included a lack of consideration of unintended consequences and wider effects; we also noted that key assumptions were not evidenced or justified, despite being central to overall decision.

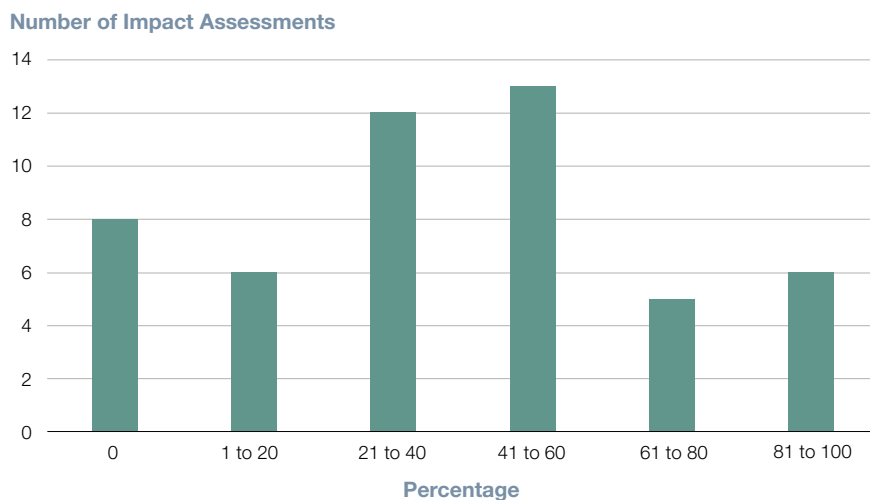
### Evidence supporting key assertions

**2.21** We reviewed the reliability of the evidence base by considering the extent to which evidence was provided to support assertions. Overall, 43 per cent of the assertions given for costs and benefits were from identified evidence sources, but there was a wide variation between Impact Assessments in the proportion of assertions supported by evidence (**Figure 8**). We found no material difference between the extent of evidence provided for costs (43 per cent) and for benefits (45 per cent).

**2.22** Some types of assertion were more likely to be well evidenced than others. Underlying assertions are generally better evidenced than aspects like roll-out effects (**Figure 9**). Some of these differences are likely to reflect the difficulty of obtaining robust evidence on some wider effects, and reflect the valid role of estimation. But the poor evidence in categories such as internal roll-out effects, which should require primarily internal administrative data, casts doubt on the reliability of estimates of impacts in these areas.

**2.23** **Figure 10** shows the types of evidence used in the Impact Assessments we reviewed. Consultation was the most quoted type of evidence. We found that Impact Assessments which used a greater range of evidence sources tended to achieve better quality ratings. **Figure 11** on page 22 highlights a good practice example of where effective consultation in Impact Assessments played a key role in developing and refining options, and in deciding which option to pursue as well as an appropriate use of evidence.

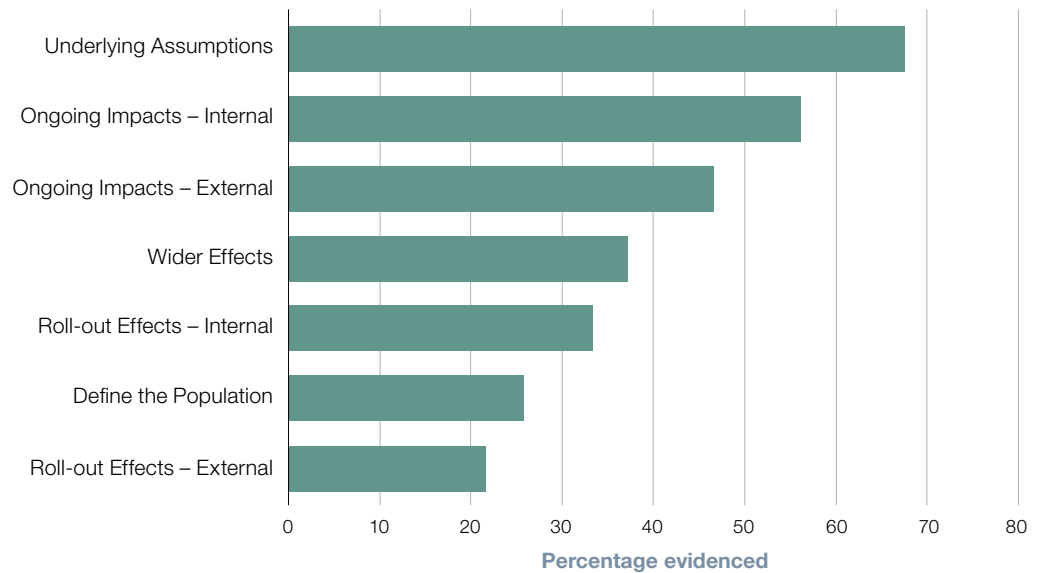
**Figure 8**  
The percentage of assertions supported by evidence in each Impact Assessment



Source: National Audit Office analysis of 50 Impact Assessments

**Figure 9**

How well assertions are evidenced in Impact Assessments

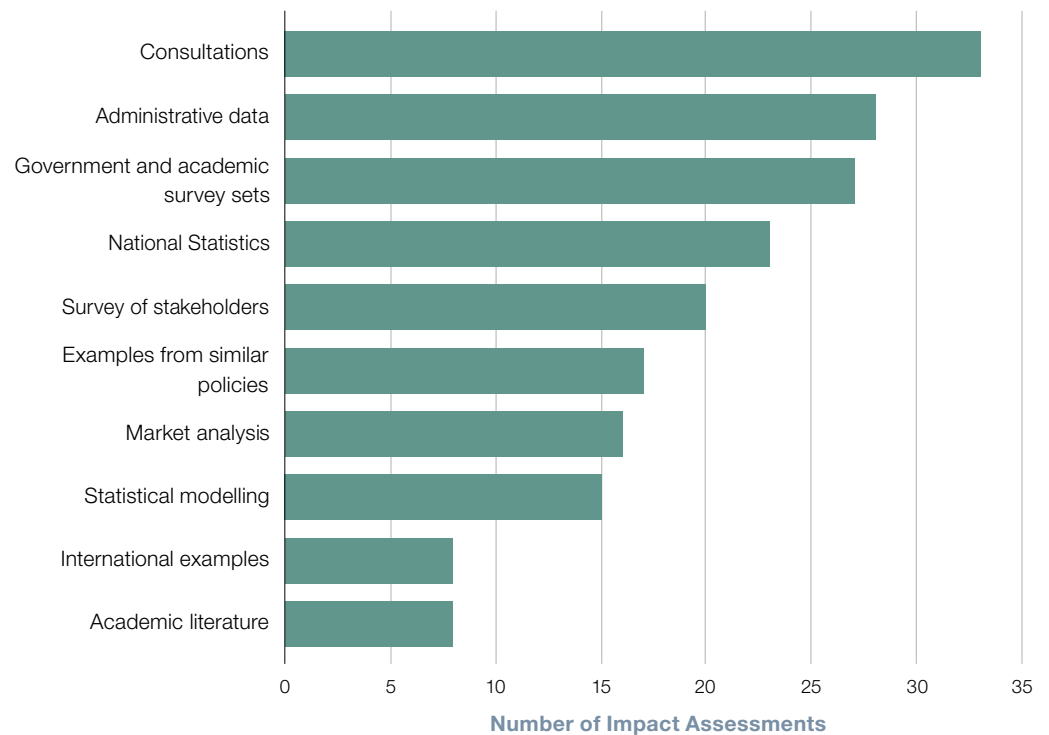


Source: National Audit Office analysis of 50 Impact Assessments

**Figure 10**

Evidence types referenced in Impact Assessments

**Evidence types**



Source: National Audit Office analysis of 50 Impact Assessments

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**Figure 11**

## An example of evidence sources used in cost benefit analysis

**The Meat Products (England) (Amendment) Regulations 2008 – Food Standards Agency**

The Impact Assessment arose from a European Union decision and was noted by the quality assurance panel for its useful identification of policy options within those constraints. The assertions underlying the analysis were all clearly evidenced, using a diverse selection of evidence types. This included Office of National Statistics data, a business register, figures provided by stakeholders, published reports, government survey sets, and information from the Local Authorities Coordinators of Regulatory Services. The Impact Assessment was noted for its good use of consultation which resulted in a change in the final option selection. All this facilitated significant monetisation of the costs and benefits of the chosen option and a clear rationale for the decision.

*Source: National Audit Office*

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**2.24** The most underused sources of data were international examples and academic data. For example, 12 of the 19 Impact Assessments originating from European Union decisions did not contain international examples as a source of evidence. Through a limited search, primarily using online search engines, we found in eight of these cases that international examples or academic articles were readily available but did not appear to have been used in the relevant Impact Assessments. Sparse use of international comparisons is particularly disappointing given the number of Impact Assessments arising from European decisions. Where available, this is a valuable source of evidence, and as a comparator for European Union-derived legislation is easily accessible. Even where European Union decisions are implemented differently in other member states, such comparisons will show the relative cost to the UK and provide a reasonableness check on potential ‘gold-plating’.

**Assessment of uncertainty**

**2.25** Sensitivity analysis is fundamental to economic appraisal. It is used to test the vulnerability of options to uncertainty by varying the values of key assertions to determine how conclusions on net costs or benefits alter.

**2.26** Of the 50 Impact Assessments we sampled, 22 (44 per cent) considered uncertainty to some degree, either by using ranges (14 cases), or through sensitivity analysis in their estimates (eight cases). The Department for the Environment, Food and Rural Affairs made particularly strong consideration of uncertainty, with sensitivity analysis or ranges used for seven of its ten Impact Assessments included in our sample. Several departments did not make considerations for uncertainty.



## Use of techniques

**2.27** The quality and accuracy of appraisal techniques varied widely across the 50 Impact Assessments examined. Problems encountered included:

- inconsistent recording of annual costs and inaccuracies in discounting techniques;
- incorrect accounting for transfer costs between agencies;
- lack of transparency in the time period stated over which costs and benefits can be claimed; and
- incomplete forms – for example, price base years not completed, or costs and benefits monetised in the body of the text but not brought forward to the summary template.

## Overall assessment of quality

**2.28** We concluded that in nine of the fifty cases (listed in Appendix Two) the weaknesses in Impact Assessments we found were sufficiently serious that it was not possible from the document to tell whether it represented a reasonable view of the likely costs, benefits and impacts of the leading options. We therefore rated these cases as 'Red'. We rated a further 27 Impact Assessments as 'Amber' due to failure of some quality tests but not severe enough to merit a 'Red' rating; the remaining 14 were rated 'Green'. In doing so, we took account of proportionality, as noted earlier.

**2.29** Weaknesses in the reliability of appraisal were the most common factor in the nine cases which received an overall 'Red' rating (**Figure 12** overleaf). Key limitations included:

- lack of consideration of unintended consequences and wider effects which could have a major impact on the final decision, in seven out of the nine overall 'Red' rated Impact Assessments;
- a failure to quantify and monetise costs and benefits;
- a poor evidence base, either because little evidence was included in the assessment, or because it failed to validate the assertions shown, in eight out of the nine overall 'Red' rated Impact Assessments; and
- a lack of sensitivity analysis and evidence leading to remaining uncertainty about the accuracy of the estimated costs and benefits of the final decision.

**Figure 12**  
Impact Assessments rated 'Red'

Department	Subject	Justification for Red rating
Department for Business, Innovation and Skills <sup>1</sup>	The Companies (Reduction on capital) (Creditor Protection) Regulations 2009	<ul style="list-style-type: none"> <li>● Little attempt at quantification</li> <li>● Data available but not included in Impact Assessment</li> <li>● Lack of appraisal</li> <li>● No estimates included</li> </ul>
Department for Communities and Local Government	Implementation of Cave Review of Social Housing Regulation	<ul style="list-style-type: none"> <li>● Alternatives to preferred option not considered</li> <li>● Option development done outside document</li> <li>● Conclusion reached not supported by analysis</li> </ul>
Department for Communities and Local Government	Exempting some Local Authorities from the Housing Revenue Account Subsidy System	<ul style="list-style-type: none"> <li>● Unintended consequences not considered</li> <li>● Uncertainty over 30 year period not reflected in analysis</li> <li>● No range of figures or sensitivity analysis to test uncertainty</li> <li>● Extrapolation of data not representative</li> <li>● Key assertion not evidenced</li> <li>● Superficial analysis</li> </ul>
Department for Communities and Local Government	Homeowners Mortgage Support Scheme	<ul style="list-style-type: none"> <li>● Alternatives to preferred option not considered where many existed</li> <li>● Some sensitivity testing but not all effects considered</li> <li>● All possible variables not included in analysis</li> <li>● Not all unintended consequences identified</li> </ul>
Department for Transport	Regulation of Number Plate Supply in the UK – Show Plates	<ul style="list-style-type: none"> <li>● Conclusion on costs to industry not supported</li> <li>● Incorrect classification of costs</li> <li>● Difference between options not clear</li> <li>● Assertions not evidenced</li> <li>● Arbitrary time periods used</li> </ul>
Department of Health	Health Care and Associated Professions (Miscellaneous Amendments) Order	<ul style="list-style-type: none"> <li>● Limited analysis</li> <li>● No net present value calculation</li> <li>● Summary sheet missing details of costs/benefits</li> <li>● Not clear how costs arise from proposed option. Only admin costs monetised, justification for conclusion not clear</li> <li>● Not all unintended consequences identified</li> </ul>
Department of Health	Nursing and Midwifery (Amendment) Order 2009	<ul style="list-style-type: none"> <li>● Only one assertion quantified and evidenced</li> <li>● Analysis incomplete and simplistic</li> <li>● Several estimates not fit for purpose</li> <li>● Only one option presented and not quantified properly</li> <li>● Not all unintended consequences identified</li> </ul>

**Figure 12**  
Impact Assessments rated ‘Red’ continued

Department	Subject	Justification for Red rating
Department for Work and Pensions	The Fixed-term Employees (Prevention of Less Favourable Treatment ) Amendment Regulations 2009	<ul style="list-style-type: none"> <li>● Transfer of costs incorrectly classified as benefits</li> <li>● Distributional and equity effects not considered</li> <li>● Some analysis not representative of population</li> <li>● Not all impacts considered</li> </ul>
Home Office	Identity Cards for Foreign Nationals – PBS Tier 4 (Student), Marriage Categories and others	<ul style="list-style-type: none"> <li>● Assertions not evidenced</li> <li>● No range of figures or sensitivity analysis to test uncertainty</li> <li>● Not all information used in the decision making is included</li> </ul>

**NOTE**

1 The Department for Business, Innovation and Skills (BIS) was created in 2009 by merging the Departments for Business, Enterprise and Regulatory Reform (BERR) and for Innovation, Universities and Skills (DIUS). Ten BERR Impact Assessments and one DIUS Impact Assessment were assessed by this exercise.

Source: National Audit Office Quality Assurance panel

**2.30** In a number of cases, departments told us that the evidence included in the published Impact Assessments had been limited because they had considered that some of the evidence used in reaching decisions was too sensitive to publish – for example, because it concerned international relations, or market sensitive issues. One department told us that the proposals in their two Impact Assessments were for the public sector, with limited impact and well below the threshold for which Impact Assessments are mandatory. They had been linked to more detailed Impact Assessments containing full analysis, although the department accepted that the link to these more detailed documents was not clearly emphasised in the two Impact Assessments reviewed. Another department told us that the proposals in their Impact Assessment would not lead to costs or savings for business, public or third sector organisations regulators or consumers, and hence it would have been disproportionate for the Impact Assessment to have included analysis to estimate such costs and savings. However, whilst recognising departments’ reasons for these omissions, we did not consider it right to adjust the ratings of these Impact Assessments on this account, since Parliament and the public have to work with the published document.

**2.31** The distribution of Impact Assessments in the population is highly skewed, with only a small proportion of Impact Assessments accounting for a very large proportion of the stated costs and benefits. Combined with the failure of some Impact Assessments to put a value on costs and/or benefits, we concluded it would be unsound to extrapolate our review findings to put a value on the likely level of misstatement in the stated totals of costs and benefits of all Impact Assessments. The absence of quantification in some cases meant, however, that both totals were more likely to be understated than overstated.

# Part Three

## Departmental processes to support high quality Impact Assessments

**3.1** This Part reviews departmental arrangements for developing high quality Impact Assessments. We found that:

- Departments have strengthened their capability to produce Impact Assessments by committing more analyst resource and providing training and guidance to assist staff.
- All departments have scrutiny processes in place.
- Impact Assessments are often perceived as beneficial to policy development, but are not yet realising their full potential in the wider policy process.

### **Departments' capabilities to produce Impact Assessments**

**3.2** In assessing departments' capabilities to produce Impact Assessments we examined:

- the resources committed to preparing Impact Assessments;
- guidance to staff; and
- the training made available to staff.

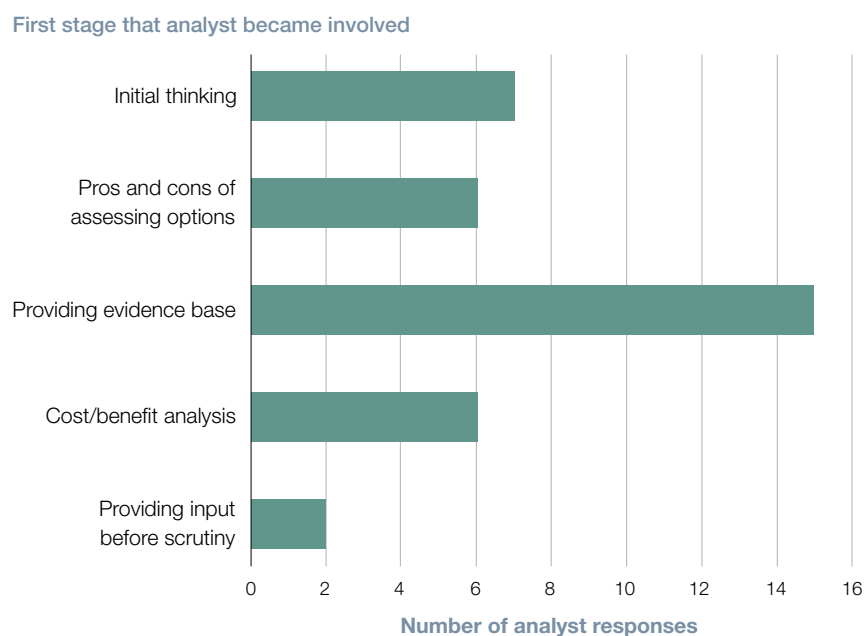
### Resources committed to preparing Impact Assessments

**3.3** Developing Impact Assessments requires a range of skills, including policy officials, analysts and departments' Better Regulation Units. In our 2007 report we recommended that departments increase their use of analytical techniques and engage with departmental economists at an earlier stage. The Better Regulation Executive also advises departments to involve their economists from the earliest stages of policy development. This year we sought updated information on the level of resource and economist engagement with the process.

**3.4** We found evidence of departments increasing their analytical capacity. Ten out of the eleven departments we consulted said they had sufficient staff to carry out Impact Assessments. The Department for Communities and Local Government had increased its number of analysts from 22 to 50 since 2007 and the Department for Business, Innovation and Skills reported that it had 70 economists among its internal teams. Chief Economists' views were that many challenges remained in developing high quality Impact Assessments, but these problems often stemmed from inefficient allocation of resources or cultural resistance to change rather than insufficient resource within departments.

**3.5** The stage at which analysts first became involved varied (**Figure 13**). Analysts became involved at the initial thinking stage in 4 of the 15 large Impact Assessments in our sample (27 per cent), compared with 1 of the 14 small Impact Assessments (7 per cent). Analysts were involved earlier and felt their contributions were most valuable when they were embedded within policy teams. Some departments followed this approach, such as the Department for Environment, Food and Rural Affairs and Department for Work and Pensions. Others, such as some divisions of the Department for Communities and Local Government, prefer a separate team of analysts who assist policy teams on request.

**Figure 13**  
Analyst involvement during the Impact Assessment process



Source: National Audit Office interviews with analyst staff involved covering 36 Impact Assessments

**3.6** Departments do not normally monitor the cost of producing individual Impact Assessments but we found two examples where production of the Impact Assessments had been contracted-out, allowing the cost to be separately identified and providing some indication of the cost of producing Impact Assessments more generally. The Impact Assessment for Fluorinated Greenhouse Gases, a proposal which had estimated annual costs of £77.5 million and benefits of £118 million, was contracted-out for £38,000. The Impact Assessment for the Legislative Reform Order to amend the Weights and Measures Act had estimated annual costs of £0, benefits of £600,000 and cost approximately £4,000 to produce.

## Guidance

**3.7** There are several sources of guidance on preparing Impact Assessments:

- the Treasury ‘Green Book’ on economic appraisal;
- the Better Regulation Executive publishes guidance on Impact Assessment and a comprehensive associated toolkit for departments;
- the Office of Fair Trading provides guidance for departments on completing competition assessments; and
- nine of the eleven departments we surveyed produced their own guidance (normally written by their Better Regulation Unit) on policymaking, including completing Impact Assessments.

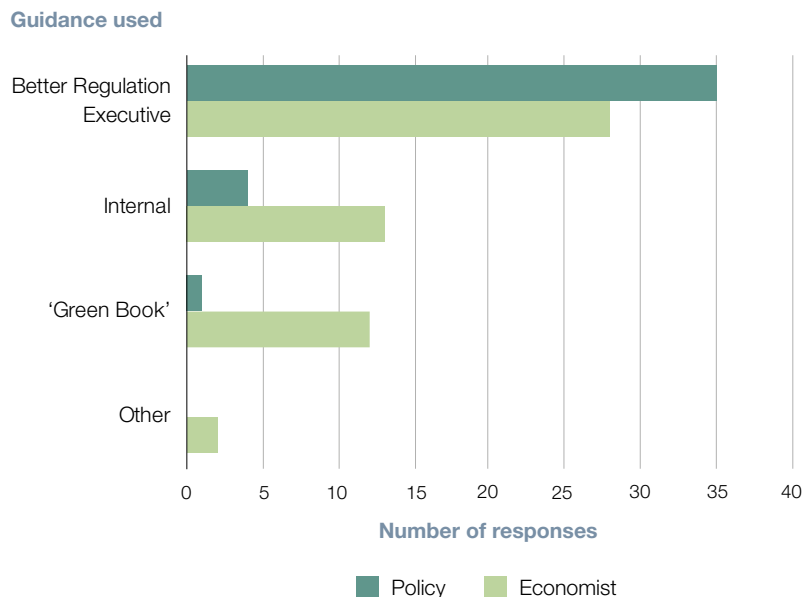
**3.8** The Better Regulation Executive’s guidance was most widely used among both analysts and policy staff (**Figure 14**), while the Treasury ‘Green Book’ and departmental guidance were primarily used by analysts. Analysts reported that Better Regulation Executive guidance was high quality and comprehensive for generic policymaking.

**3.9** Staff pointed to some scope for improvement in the Better Regulation Executive’s guidance (**Figure 15**), such as making it more accessible and easier to read. Over a third of policy staff said they found the guidance too long and complex for their needs with too much technical content; conversely 29 per cent of analysts reported gaps in technical content or lack of clarity on technical issues. An update of its Impact Assessment template and guidance by the Better Regulation Executive in March 2010, seeks to address such comments.

## Training

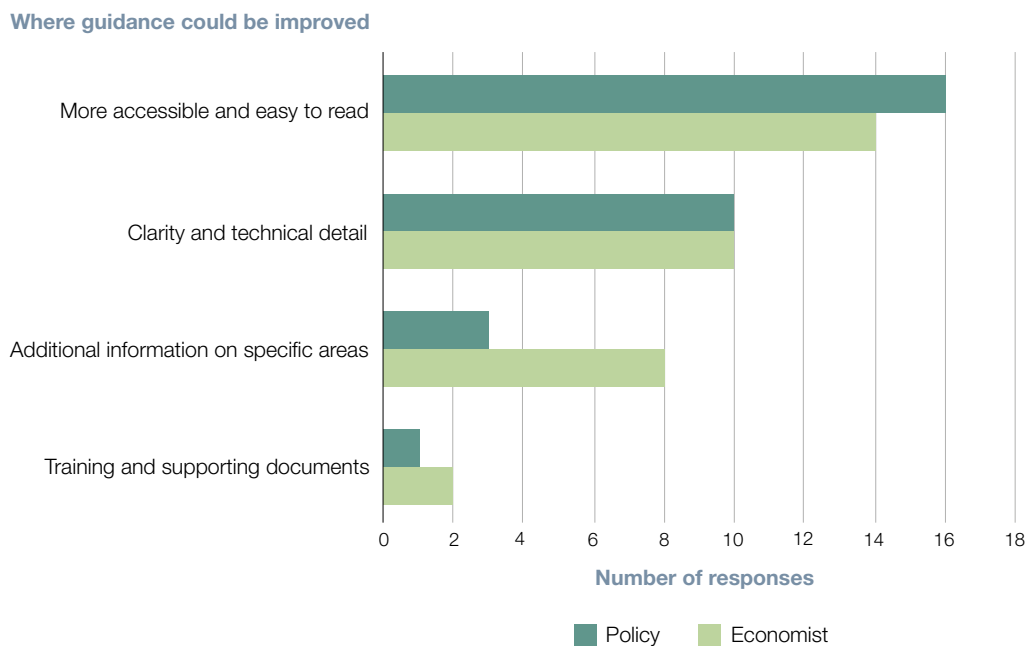
**3.10** Training is important for staff to understand the value of Impact Assessments and their role within the policy development process, and to develop the technical expertise to complete them correctly. All departments we reviewed provided some staff training covering policy development and Impact Assessments in various formats.

**Figure 14**  
Guidance used in the Impact Assessment process



Source: National Audit Office, based on 79 interviews with analysts and policy staff, giving rise to 72 unique responses

**Figure 15**  
Scope to improve Impact Assessment guidance



Source: National Audit Office, based on 79 interviews with analysts and policy staff, giving rise to 72 unique responses

**3.11** Policy staff often play the lead role on Impact Assessments; and just under half of the policy staff we interviewed reported that they had received training on Impact Assessments or economic appraisal. Three departments provide regular structured training specifically aimed at policy staff and all other departments provide *ad hoc* training.

**3.12** Analysts are expected to have a professional background in economic appraisal training so require less additional formal training but are eligible to attend external training courses. Three departments also provided targeted training of analysts and two thirds of analysts and Better Regulation Unit staff reported they had received training. The Better Regulation Executive also provides some training including an e-learning module.

### Scrutiny processes in departments

**3.13** Scrutiny can be a powerful way of ensuring Impact Assessments are effective. Previous National Audit Office reports have recommended that departments strengthen their scrutiny processes to provide robust challenge to draft Impact Assessments, and the Better Regulation Executive now recommends that departments' Chief Economists should advise Ministers on the robustness of the analysis in the Impact Assessment before final assessments are published. We reviewed the processes in place in the 11 departments represented in our random sample of 50 Impact Assessments, and the processes followed for each of the sample cases.

**3.14** Ten of the eleven departments reported that they had a Chief Economist review process from the beginning of 2008; the remaining department implemented one at the end of 2009. Chief Economists told us that they believed the new review process had helped improve the standard of Impact Assessments and make them a key part of policy development.

**3.15** The second most common form of scrutiny was peer review. Four of the eleven departments had a formal peer review panel, and one had formal peer review by another economist external to the policy development team. In addition, in all 11 departments Better Regulation Units reviewed Impact Assessments.

### Integration of the Impact Assessment, Policy Development and Implementation

**3.16** Treasury guidance<sup>8</sup> is that all new policies, programmes and projects, whether involving public spending or regulation, should be subject to comprehensive but proportionate assessment. Impact Assessments are intended to present the results of such assessment for proposals involving regulatory action, whilst spending proposals should be accompanied by a business case. On some occasions both are required, for example, where proposed action includes both regulation and public spending.

8 The Green Book: [http://www.hm-treasury.gov.uk/d/green\\_book\\_complete.pdf](http://www.hm-treasury.gov.uk/d/green_book_complete.pdf).



**3.17** The position of the Impact Assessment in regulatory policymaking is therefore analogous to that of the business case in spending decisions. Like a business case, its value will be greatest if it is used not just to assess the case for a proposed course of action but also as a baseline for monitoring and controlling implementation so as to maximise net benefits, and subsequently evaluating the actual impact of policies once implemented.

**3.18** To assess the extent to which this value has been realised we examined:

- The Better Regulation Executive's guidance on the position of Impact Assessments in the policymaking process.
- How the information required to be included in an Impact Assessment compares with that required to support spending decisions.
- Views on the value of Impact Assessments in decision making in our interviews with officials involved in the Impact Assessments in our sample and with Chief Economists.

### The position of Impact Assessments in policy development and implementation

**3.19** Impact Assessments are intended to be used within a cycle of policy development, implementation and evaluation (**Figure 16** overleaf). Often successive drafts of the Impact Assessment will be produced during policy development and used as the basis for consultation, with the final version of the Impact Assessment being produced around the time that the proposed legislation is passed.

**3.20** In the past we have found planning for implementation and evaluation to be a consistent weakness in Impact Assessments. From March 2010, the Better Regulation Executive introduced requirements for a post implementation plan to be incorporated in every Impact Assessment (or its absence explained). This included specifying, for example, criteria for assessing the success of the policy and the information to be collected to monitor implementation.

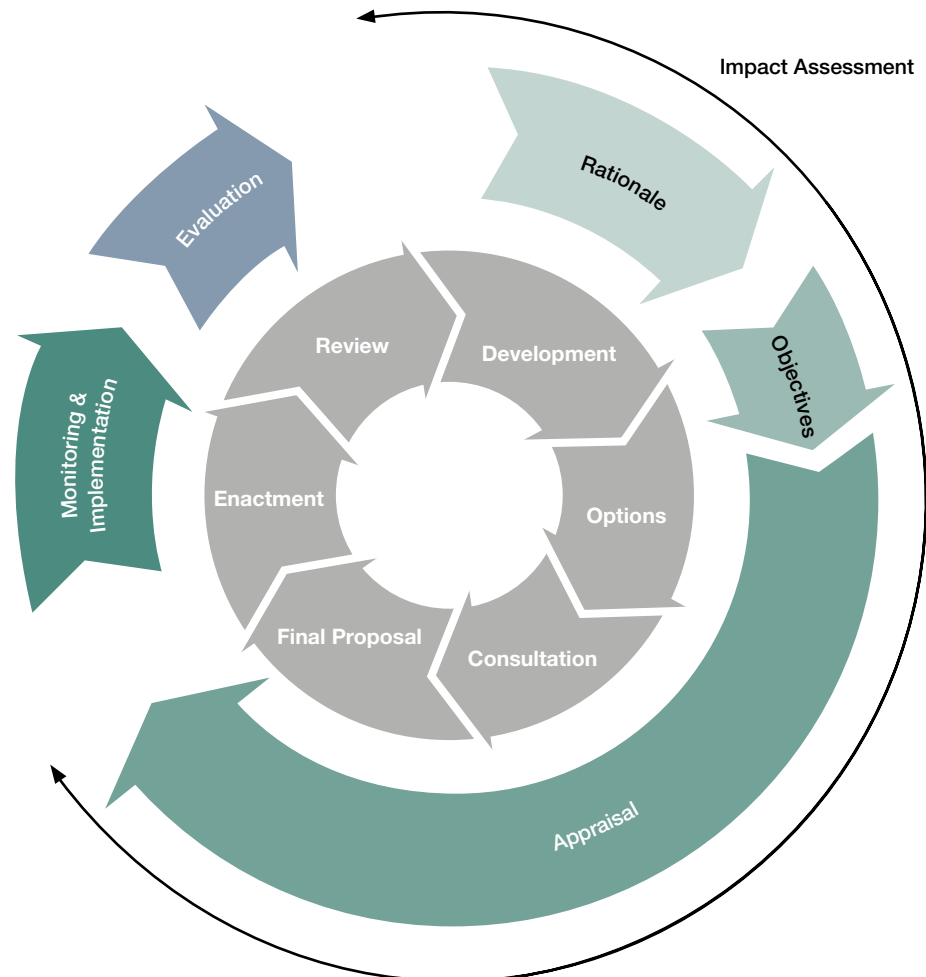
### The information required to be included in an Impact Assessment

**3.21** We compared the requirements of the Better Regulation Executive's guidance on the development of Impact Assessments with the Treasury and Office of Government Commerce's guidance on the content of business cases, to assess the extent to which Impact Assessments include the information needed for a well rounded decision-making process.

**3.22** Since both sets of guidance draw heavily on the Treasury 'Green Book', we naturally found a large degree of overlap in the information required. For example, both Impact Assessments and business cases should include discussion of the rationale for a proposal, options, and relevant costs and benefits.

**Figure 16**

Impact Assessments and the Policy Development Cycle



Source: *Better Regulation Executive Impact Assessment guidance*

**3.23** However, business cases require additional information not currently required in an Impact Assessment. In part these differences reflect the focus of business cases on spending decisions, compared to the focus of Impact Assessments primarily on proposals to be implemented through legislation. However, some of these omissions could be very important in assessing whether a proposed regulation should go forward – for example, alignment of objectives with wider government strategy; consideration of affordability and funding requirements; and action to resolve uncertainty about the likely impact of a proposal, including plans to manage risks to implementation.

**3.24** Where such information has had a bearing on the decision to make a regulatory proposal, its omission from the published Impact Assessment will limit the value of the Impact Assessment as a stand alone document for users seeking to assess the merits of the proposal. In addition, if the Impact Assessment is to be of value for departments in their internal policy development processes, then omission of such information might lead to the risk, either that such issues will be discussed outside the formal Impact Assessment process, thereby reducing the influence of the Impact Assessment itself, or, more dangerously, that they will not be discussed properly at all.

### Views of departmental staff on the value of Impact Assessments in decision making

**3.25** We interviewed staff involved in the Impact Assessments in our sample, covering 11 departments, about the processes followed. We also reviewed Better Regulation Executive, Treasury and Office of Government Commerce guidance on the place of Impact Assessments in the policy development and implementation process and interviewed eight Chief Economists or their deputies.

**3.26** Chief Economists commented that the Impact Assessment process is most useful when it is integrated with the wider policy development cycle, and staff treat them as an integral policymaking tool. For example, the Department for the Environment, Food and Rural Affairs has deliberately sought to align its Impact Assessments process with its standard policymaking process to ensure that the two are considered together. They have also established a performance indicator, which is reported to senior management, to monitor the Department's success in doing so.

**3.27** Chief Economists told us that Impact Assessments are gradually becoming more embedded into standard policymaking processes. Their value in providing a sound economic analysis is beginning to be more widely accepted within teams and there was evidence of them having influenced policymaking (**Figure 17**). They commented that organisational and cultural change was slow, and that some policy teams still varied in their engagement with Impact Assessments at appropriate points in policy development.

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## Figure 17

### Impact Assessments can contribute to policymaking

#### Impact Assessment for extension of redress schemes to the gas, electricity and postal services sectors – Department for Business, Innovation and Skills

The Impact Assessment was of proposals to provide consumers with an effective mechanism for resolving complaints in the gas, electricity and postal services sectors. Extensive consultation took place throughout the process and helped to shape policy proposals. The scheme was originally designed to cover all users, but was revised to cover only micro-business and domestic customers due to low usage rates of similar schemes by larger businesses. Further consultation then refined the intended recipients to ensure that final coverage of the scheme did not miss any businesses the government wanted to help but which were excluded under original definitions.

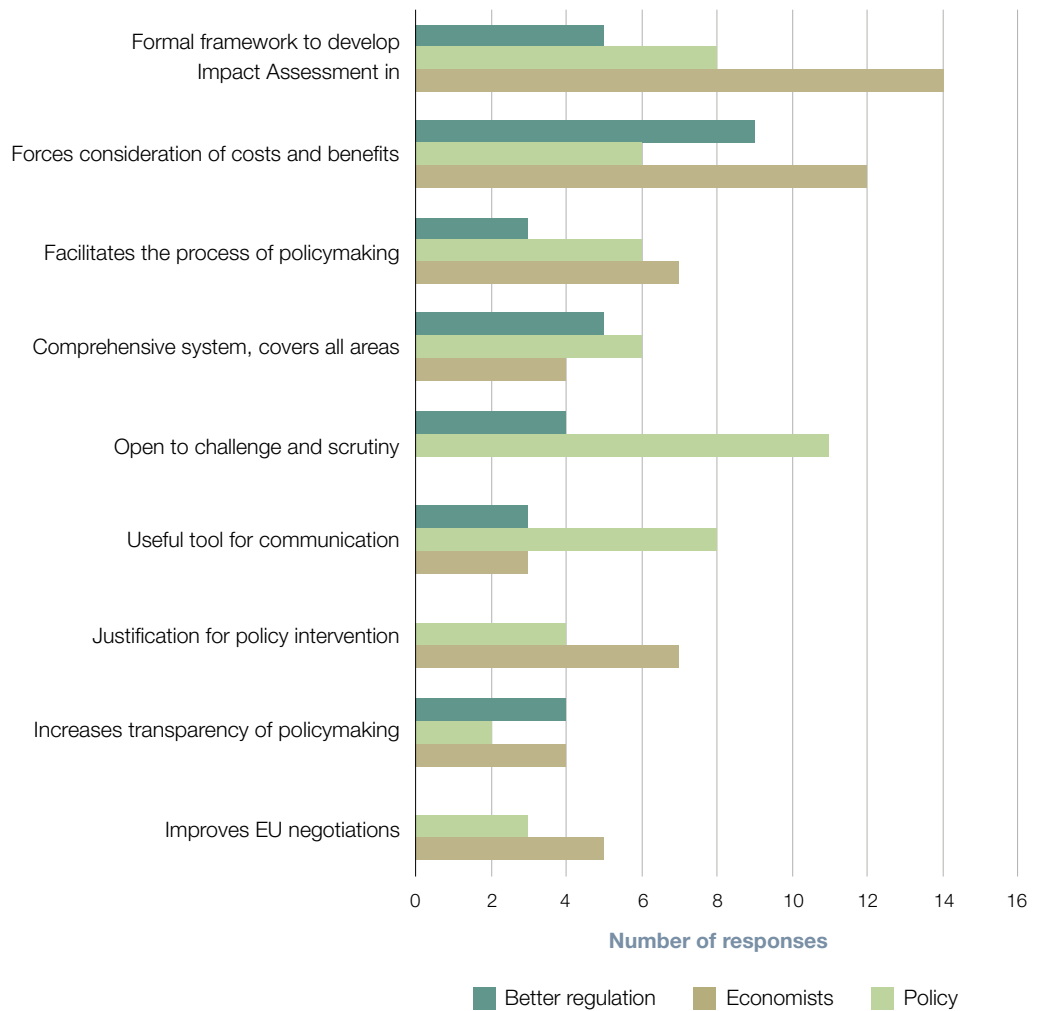
*Source: Impact Assessment*

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**3.28** Benefits of Impact Assessments reported by staff (**Figure 18**) included that they:

- added structure to policymaking through the provision of a comprehensive process and a clear framework for considering evidence-based assessment of costs and benefits;
- provided a useful communications tool for external bodies (primarily analyst views); and
- opened up policymaking to challenge and scrutiny (primarily analyst views).

**Figure 18**  
Staff views on benefits of Impact Assessments

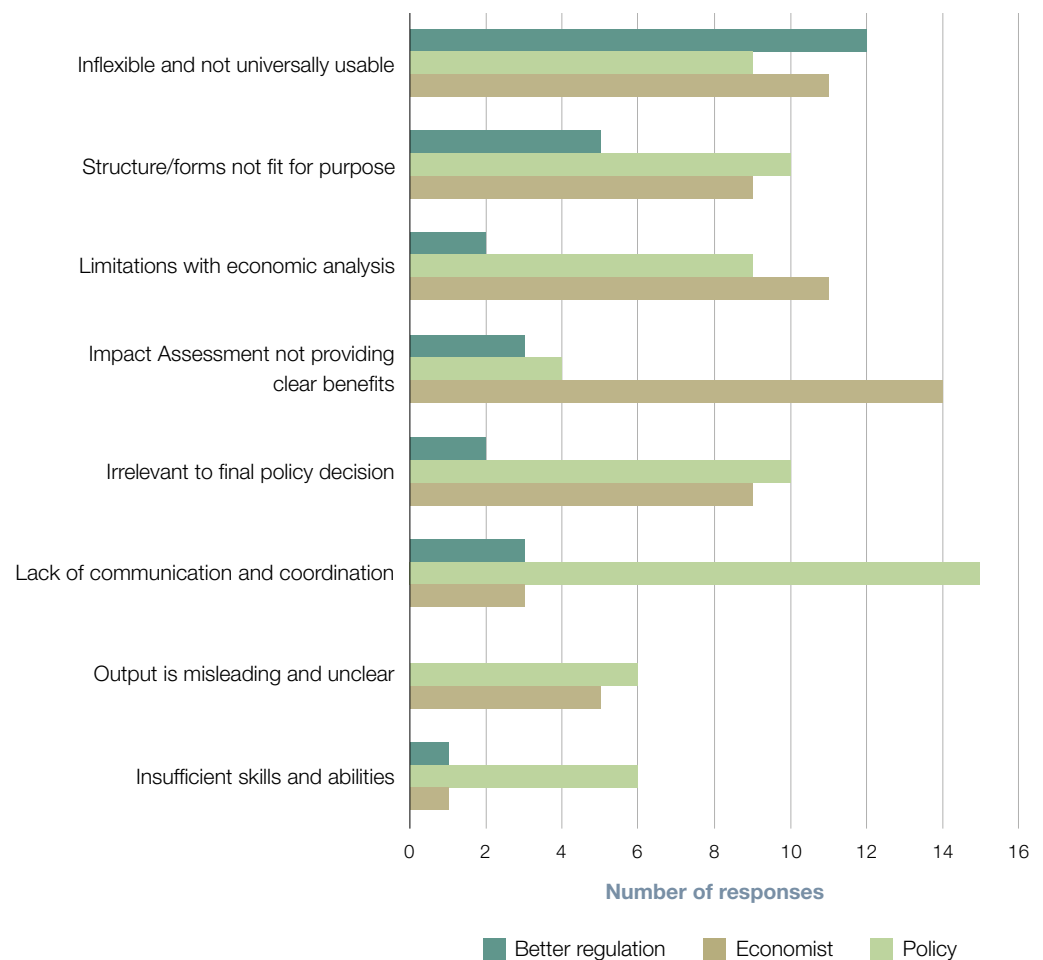


Source: National Audit Office. Based on 97 semi-structured interviews, giving rise to 143 unique comments. Not all interviewees had sufficient knowledge to respond, and some responded more than once.

**3.29** Half of all policy lead staff interviewed reported that they did not find the Impact Assessment useful in developing policy. Several Chief Economists and policy staff noted that in practice the policy process is frequently driven by the realities of political needs and in response to rapidly changing circumstances. In such cases, policies are developed quickly and Impact Assessments are often not finalised until after key policy decisions have been made. **Figure 19** provides detail on other common views of limitations with the process.

**Figure 19**

Staff views on limitations of Impact Assessments



Source: National Audit Office. Based on 97 semi-structured interviews, giving rise to 160 unique comments.

# Appendix One

## Methodology

Further details of our methodology are on our website at [www.nao.org.uk/impact-assessments-2010](http://www.nao.org.uk/impact-assessments-2010).

<b>Method</b>	<b>Approach</b>
Document Review	We sampled 50 Impact Assessments from the 196 final Impact Assessments performed in 2008-09 recorded in the Better Regulation Executive's Impact Assessment library. We performed our review against three areas that drive the quality of Impact Assessments: option development; option appraisal and reliability of appraisal. We examined the information and analysis in the published Impact Assessment as a stand alone document. We took into account the extent to which relevant information published elsewhere was summarised and referenced within the published Impact Assessment. We did not take into account unpublished information that might have informed the development of the Impact Assessment, but would not have been available to the reader of the Impact Assessment.
Quality Assurance Panel	Our review of each Impact Assessment was re-examined by a quality assurance panel of three members. The panel moderated the National Audit Office's provisional ratings, provided an expert economic assessment of the analysis, and issued final ratings.
Interviews with: 34 Analysts, 46 Policy staff and 17 Better Regulation Unit staff	We conducted 97 semi-structured interviews with the key staff involved in developing each Impact Assessment. For each Impact Assessment we aimed to meet with the policy team lead, the analyst and the Better Regulation Unit team member. Some staff were involved in the production of multiple Impact Assessments whilst others had moved on since their involvement.
Interviews with Chief Economists	We interviewed eight Chief Economists from the following departments: Business, Innovation and Skills; Department for Communities and Local Government; Department for Culture, Media and Sport; Department for the Environment, Food and Rural Affairs; Department for Transport; Department of Health; Food Standards Agency and the Home Office.

# Appendix Two

## Table of Impact Assessments Sampled

This table presents the final overall rating given to each of the 50 impact assessments. The department names are those as at the time of publication and may differ to that on the final assessment due to machinery of government changes.

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### Impact Assessments achieving a 'Red' rating

Department	Subject
Business, Innovation and Skills	The Companies (Reduction of Capital) (Creditor Protection) Regulations 2008
Communities and Local Government	Implementation of Cave Review of Social Housing Regulation Exempting some Local Authorities from the HRA Subsidy System Homeowners Mortgage Support Scheme
Department for Transport	Regulation of Number Plate Supply in the UK – Show Plates
Department of Health	Health Care and Associated Professions (Miscellaneous Amendments) Order Nursing and Midwifery (Amendment) Order 2008
Department for Work and Pensions	The Fixed-term Employees (Prevention of Less Favourable Treatment) Amendment Regulations 2008
Home Office	Identity Cards for Foreign Nationals – PBS Tier 4 (Student), Marriage Categories and others

### Impact Assessments achieving an 'Amber' rating

Business, Innovation and Skills	Regulatory Enforcement and Sanctions Bill Part 3 Implementation of Internal Market Provisions of Batteries and Accumulators Directive (2006/66/EC) Extension of redress schemes to the gas, electricity and postal services sectors Implementing the European Commission Decision on warnings for toys containing magnets Amendments to maternity and parental leave regulations and Paternity and Adoption leave regulations 2008 The proposed closure of the Wool Textile Export Promotion Levy
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**Impact Assessments achieving an 'Amber' rating continued**

<b>Department</b>	<b>Subject</b>
Communities and Local Government	Amendment to Homelessness Legislation to Remedy an Incompatibility with European Convention on Human Rights Tolerated Trespasser Provisions in Housing and Regeneration Act Regulations to progress stalled reviews of mineral planning permissions Changes to fire safety legislation on sub-surface railway stations
Department for Culture, Media and Sport	Gambling Commission Fees from August 2008
Department for Education	Amendments to the Education (Independent Schools Standards) (England) Regulations
Department for the Environment, Food and Rural Affairs	EuP Implementing Measures for Simple Set Top Boxes EuP Implementing Measure for External Power Supplies EU proposals for an EU School Fruit Scheme EU Proposal for a Regulation of the EP and Council on spirit drinks above 15 per cent alcohol
Department for Transport	The Merchant Shipping (Vessel Traffic Monitoring and Reporting Requirements) (Amendment) Regulations 2008 The mutual recognition of seafarers' certificates issued by the Member States and amending Directive 2001/25/EC Amending The Traffic Signs Regulations and General Directions to improve signing of safety cameras
Department for Work and Pensions	Changes to Regulations 4 and 5 of the Employers' Liability (Compulsory Insurance) Regulations 1998 The statutory overrides introduced by The Occupational, Personal and Stakeholder Pensions (Miscellaneous Amendments) Regulations 2009
Food Standards Agency	The Transmissible Spongiform Encephalopathies (TSE) Regulations 2008
Home Office	Tier 5 of the Points-Based System for Immigration Changes to the UK's visa regimes following Stage Three of the Visa Waiver Test; and Jamaica DATV imposition Fees for Tier 5 of the Points-Based System for Immigration Fees for Tier 2 of the Points-Based System for Immigration Revised statutory charges for the removal, storage and disposal of vehicles by the police

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**Impact Assessments achieving a 'Green' rating**

<b>Department</b>	<b>Subject</b>
Business, Innovation and Skills	<p>Statutory Instruments Implementing the Primary Authority Scheme Review of Export Control Legislation (2007) (also named as Trade in Goods [Categories of Controlled Goods] Order 2008)</p> <p>The application of the accounts and audit provisions of the Companies Act 2006 to Limited Liability Partnerships (LLPs)</p> <p>Legislative Reform Order to amend the Weights and Measures Act 1985</p>
Communities and Local Government	Proposal to provide 'exemption' tenancies for the purposes of delivering Family Intervention Projects
Department for the Environment, Food and Rural Affairs	<p>Transfer of private sewers and lateral drains to statutory water and sewerage companies</p> <p>The Fluorinated Greenhouse Gases Regulations 2009</p> <p>Uplands Entry Level Stewardship</p> <p>Measures to protect marine biodiversity in Lyme Bay</p> <p>The Organic Products Regulations 2009</p> <p>The Environmental Damage Regulations (England) and the Environmental Damage Regulations (Wales) 2008</p>
Department for Transport	Retrofitting of Mirrors to Increase the Field of indirect Vision (Blind Spot) of Goods Vehicles
Food Standards Agency	The Meat Products (England) (Amendment) Regulations 2008
HM Treasury	Amendments relating to Part 7 of the Financial Services and Markets Act 2000

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