



## Department for Business, Innovation & Skills

# Annex D: The response form

The Appointment of Small Businesses Appeals Champions (SBACs)

The closing date for this consultation is 23 April 2014

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Organisation (if applicable): **Association of Labour Providers**

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Please indicate below the type of organisation on behalf of which you are responding, or whether you are responding as an individual.

|                                     |   |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Business representative organisation/trade body |
| <input type="checkbox"/>            | Central government                              |
| <input type="checkbox"/>            | Charity or social enterprise                    |
| <input type="checkbox"/>            | Individual                                      |
| <input type="checkbox"/>            | Large business (over 250 staff)                 |
| <input type="checkbox"/>            | Legal representative                            |
| <input type="checkbox"/>            | Local Government                                |
| <input type="checkbox"/>            | Medium business (50 to 250 staff)               |
| <input type="checkbox"/>            | Micro business (up to 9 staff)                  |
| <input type="checkbox"/>            | Small business (10 to 49 staff)                 |
| <input type="checkbox"/>            | Trade union or staff association                |
| <input type="checkbox"/>            | Other (please describe)                         |

Question 1: Do you agree that the creation of Small Business Appeals Champions for non-economic regulators will lead to improvements in businesses' access to, and experience of, effective appeals and complaints mechanisms?

X  Yes       No       Not sure

Comments:

As stated – “Businesses - and in particular small businesses - need to be confident that they can ask for an explanation of or challenge to a regulator’s decision, outcome, advice or behaviour without fear, disproportionate cost or long delays.”

Question 2: Do you agree that legislation is necessary to establish Small Business Appeals Champions, and to set out their basic powers and duties?

X  Yes       No       Not sure

Comments:

This provides consistency of approach and the necessary authority to perform the function.

Question 3: Is the proposed statutory objective appropriate? If not, how should it be modified?

X  Yes       No       Not sure

Question 4: Is the range of areas described at points (i) to (vi) adequate? If not, what do you think should be added or not included?

Yes      X  No       Not sure

Comments:

There should also be consideration of means to:

1. Reduce cost to both regulators and business
2. Reduce delay and time taken on appeals and complaints
3. Alternative dispute resolution mechanisms without recourse to legal representation and which do not prejudice any future more formal action.
4. In certain cases, complete independence from the Regulator in hearing complaints

Question 5: Do you agree with the proposals in respect of the Champion’s report?

X  Yes       No       Not sure

Question 6: Do you consider it necessary to enshrine the duty to report in law?

Yes      X  No       Not sure

Comments:

Removes ambiguity about the requirement to provide such information

Question 7: Do you agree that regulators should be under a duty to provide relevant information when requested by a Champion?

Yes       No       Not sure

Question 8: Do you anticipate any potential conflict of this requirement with any statutory restrictions on disclosing this information or other obligations of confidence? Are these avoided altogether by the fact that the Champion is appointed for the regulator?

Yes       No       Not sure

Comments:

Each Regulator will be aware of its duty of confidentiality and will identify any areas on information provided where this may be a concern

Question 9: Do you agree that this “comply or explain” approach is appropriate, and that it should be set out in guidance rather than legislation?

Yes       No       Not sure

Question 10: Do you agree that to do the job effectively the Champion should normally be at the equivalent of Board level?

Yes       No       Not sure

Comments:

Yes, but be independent and additional to the Board

Question 11: Do you agree that the Champion should have a background in the type of business predominantly regulated?

Yes       No       Not sure

Comments:

It is more appropriate for the Champion to be expert in good governance arrangements

Question 12: Do you agree that Champions will be able to operate effectively as part-time appointments?

Yes       No       Not sure

Question 13: Do you agree that the support which Champions are likely to require from regulators’ staff will be limited?

X  Yes       No       Not sure

Question 14: Do you agree that in some cases it would be sensible for one Champion to cover more than one regulator? Do you know of any groups of regulators where this approach might be worth considering?

X  Yes       No       Not sure

Question 15: Are there any cases where sharing regulators would be inappropriate? Why?

Yes       No      X  Not sure

Question 16: Do you agree that in order to ensure genuine independence, appointments should normally be made by whoever appoints the regulator (typically the relevant Secretary of State)?

X  Yes       No       Not sure

Question 17: Do you agree that the role should normally be added to an existing office-holder or employee's responsibilities?

Yes       No      X  Not sure

Comments:

This may be appropriate where there is already someone in a post at a senior level, independent from the Board, with the necessary skills and impartiality.

Question 18: Do you agree that Champions' contracts should normally be based on existing arrangements for appointments in respect of a particular regulator? Are there any regulators for which this will not be possible?

X  Yes       No       Not sure

Question 19: Are you aware of any non-economic regulators where the appointment of a Champion would not be legally or practically possible? If so, what alternatives do you suggest?

X  Yes       No       Not sure

Question 20: Do you agree that any familiarisation costs for business associated with the appointment of Small Business Appeals Champions are likely to be very low?

X  Yes       No       Not sure

Question 21: Can you suggest how much time a typical business might need for such familiarisation?

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes

No

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