



INSTITUTE OF  
REGULATION



## Masterclass in regulation



# Forewords



Dear colleague,

Welcome to this masterclass from the Institute of

Regulation, the UK's professional body for all of us working in and interested in regulation. We exist to help improve regulatory practice in the UK, including through events, podcasts, training and peer-to-peer learning in our special interest groups.

The Masterclasses in Regulation with Professor Jeroen van der Heijden are just one way the Institute supports regulatory professionals, enabling you to learn from other experts and apply these insights to improve practice in your organisation.

Good luck with the programme, and we look forward to hearing how the experience has benefitted your own regulatory practice at future Institute events.

Best wishes

**Marcial Boo**  
Chair, Institute of Regulation



Greetings,

Welcome to the Masterclass in Regulation. Throughout

this programme, we will delve into the fundamental aspects of regulatory practice as they pertain to contemporary regulatory and compliance organisations.

The primary objective of this masterclass is to enhance your regulatory literacy. Consider regulatory literacy as a tool for recognising, comprehending, and interpreting regulatory challenges and their solutions, and effectively communicating about them in a cohesive manner.

Drawing extensively from my experience spearheading a similar initiative during my tenure as the Chair in Regulatory Practice at Victoria University of Wellington, New Zealand (2018–2023), I am delighted to guide you through various (international) regulatory theories, concepts, and approaches that have significantly shaped the regulatory landscape in recent decades.

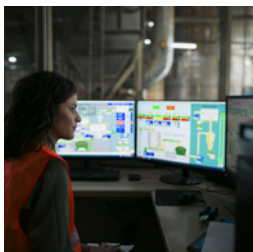
My aspiration is that, upon completion of the masterclass, you will possess a far more profound understanding of regulatory governance and practice, along with valuable insights on how to contribute to the enhancement of regulatory practice within your organisation and beyond, whether in the United Kingdom or other jurisdictions.

I eagerly anticipate our upcoming interactions.

Best regards

**Professor Jeroen van der Heijden**

# Essential skills for high-level regulatory professionals



While standard governance practices are applicable to regulatory and compliance organisations, a solid comprehension of modern regulatory practices, particularly focusing on governance, is indispensable for all high-level regulatory professionals. This necessity arises from several key considerations:

- **The specialized nature of regulatory and compliance activities:** The execution of regulatory and compliance activities constitutes a specialized domain, grounded in historical contexts, conceptual frameworks, theories, and practices. Such intricacies may not be familiar to Chairs and Board members transitioning into governance roles within regulatory and compliance organisations.
- **Foundational knowledge for regulatory governance roles:** High-level regulatory professionals must possess foundational knowledge of regulatory principles to effectively fulfill their governance responsibilities, including the formulation of strategic policies. This knowledge forms the basis for informed decision-making and strategic planning.
- **The need to consider one's own organisation within the broader regulatory system:** The governance questions and lines of inquiry that high-level regulatory professionals may wish to pursue in their interactions with executive management should be directly relevant to the strategies, systems, capabilities, and culture necessary for fostering success within and beyond their regulatory and compliance organisation.

In essence, a nuanced understanding of modern regulatory governance is indispensable for high-level regulatory professionals. It equips them to navigate the specialized nature of regulatory activities and empowers them to contribute effectively to the strategic direction and success of their organisations and the broader regulatory system they operate in.

# The Masterclass in Regulation

The Masterclass is conducted according to the following structure:

- Four sessions, each lasting two hours, are facilitated by Professor van der Heijden. Each session is divided into four segments of 25 minutes each.
- The first session is offered live, the remaining sessions online.
- Each segment delves into a crucial aspect of regulatory and compliance history, concepts, and theories. These segments are tailored to be pertinent to the governance of regulatory and compliance organisations.
- Every segment incorporates a brief pre-recorded lecture (lasting 5 to 7 minutes) and a pre-reading, both provided in advance.
- Participants are expected to invest approximately 2 hours in preparation for each session, constituting the “homework” component.
- Segments are presented in the format of seminars and guided discussions.
- Participants receive guiding questions for each segment. The specific focus of the guided discussions varies based on the cohort of participants. For instance, with one cohort, the emphasis may be on digitization challenges, while with another, the focus could be on fairness and wellbeing challenges.
- Importantly, the Masterclass in Regulation does not include tests or assignments.

Participants of the masterclass series will have the opportunity to join an in-person networking reception in summer.



# Course details

## Session 1: The basics and beyond

### Introduction to the masterclass

Jeroen van der Heijden (2020) "Regulation as Public Service, Public Servants as Regulators" (pp. 1–12), in *The Handbook of the Public Servant*. Cham: Springer.

Video:

[youtube.com/watch?v=Xze0A82K3tY&t=3s](https://www.youtube.com/watch?v=Xze0A82K3tY&t=3s)

- What does regulation mean to you?
- What/where is the overlap/interaction between law, policy, regulation, governance, etc. in your agency?

### The 'forever war' on regulation

Arie Freiberg, Monica Pfeffer and Jeroen van der Heijden (2022) "The 'forever war' on red tape and the struggle to improve regulation", *Australian Journal of Public Administration*, 81(2), 436–454.

No video

- What parts of your regulatory regime could be deregulated and how?
- What deregulation attempts have been made/are being made in your sector and with what results?

### Regulation in the 21st century

OECD (2022) selections from "Better Regulation Practices across the European Union 2022", OECD: Paris.

Video:

[youtube.com/watch?v=XJjxC4kV5DU](https://www.youtube.com/watch?v=XJjxC4kV5DU)

- What is special about regulation in the UK?
- What is special about regulating the UK?
- What are the main regulatory challenges in the UK in the 21st Century?

### Regulating regulation

Jeroen van der Heijden (2021). "Regulatory Stewardship: The challenge of joining a virtue and a mechanism" (pp. 57–63). *Policy Quarterly*, 17(1).

Video:

[youtube.com/watch?v=oWtU7VQnKvU&t=14s](https://www.youtube.com/watch?v=oWtU7VQnKvU&t=14s)

- How does your agency approach the regulation of regulation? If not: why?
- To what extent is a whole of government approach to regulating regulation desirable in the UK, and what could it look like?

# Course details

## Session 2: Input and throughput

### Finding balance: From coercion to cooperation, from prevention to participation

Malcolm Sparrow (2020) “Chapter 2: Promoting goods or controlling bads?” (pp. 31–45), *Fundamentals of regulatory design*. Self-published: Malcom Sparrow.

Video:

[youtube.com/watch?v=Fw2N-tgATNA](https://www.youtube.com/watch?v=Fw2N-tgATNA)

- In your agency, what is the balance between coercion of and cooperation with the targets of regulation?
- In your agency, what is the balance between controlling bads and promoting goods?
- Do you think these balances are suitable? Should they be changed? If so, how?

### Interventions choices: Mixing and shaping regulation

Graham Russell & Helen Kirkman (2019) “Chapter 20: Intervention choices” (pp. 327–347), *Regulatory Delivery*, Oxford: Hart Publishing.

Video:

[youtube.com/watch?v=MnzOtdNPB0](https://www.youtube.com/watch?v=MnzOtdNPB0)

- What (mixes of) interventions are available to the agency?
- Which (mixes of) interventions will be most effective?
- How can regulatory resources be best allocated over time?

### Regulatory tools and strategies: When to use sticks, when carrots, when sermons?

Arie Friedberg (2010) “Re-stocking the regulatory tool-kit” (pp. 1–23), Dublin: ECPR

Video:

[youtube.com/watch?v=R9SS-bKqXE0](https://www.youtube.com/watch?v=R9SS-bKqXE0)

- In your agency, what are the dominant regulatory tools?
- In your agency, what are the dominant regulatory strategies?
- Do you think the tools and strategies work well together? Should any be changed in how they are mixed and matched? If so, how?

### Understanding compliance motivations and behaviour

Christine Parker & Vibeke Lehmann Nielsen (2017) “Chapter 13: Compliance, 14 questions” (pp. 217–231), *Regulatory Theory*, Canberra: ANU Press.

Video:

[youtube.com/watch?v=R9LnWhnogR0](https://www.youtube.com/watch?v=R9LnWhnogR0)

- What does compliance mean to you?
- What motivates people/organisations in your sector to comply?

# Course details

## Session 3: Output and outcomes

### Risk-based allocation of regulatory resources

Jeroen van der Heijden (2019) Risk governance and risk-based regulation: A review of the international academic literature (pp.3-26), *State of the Art in Regulatory Governance Research Paper – 2019.02*. Wellington: Victoria University of Wellington/ Government Regulatory Practice Initiative.

Video:

[youtube.com/watch?v=H9cPOCTjuyA](https://www.youtube.com/watch?v=H9cPOCTjuyA)

- How does your agency understand and articulate risks to its outcomes at strategic and operational level? If not: why?
- Resources for risk analysis are available to the agency? Are these sufficient? Why (not)?
- How does your agency make use of risk frameworks? How does it engage with stakeholders in developing these? If not: why?

### Regulating with and through intermediaries

Jeroen van der Heijden (2017) “Brighter and darker sides of intermediation” (pp. 207-221), *Annals of the American Academy of Political and Social Science*, 670(1).

Video:

[youtube.com/watch?v=nHyg5oo6AZ4&t=181s](https://www.youtube.com/watch?v=nHyg5oo6AZ4&t=181s)

- What intermediaries does your agency involve and why?
- What are the challenges of involving those intermediaries? How are these challenges mitigated?

### Behavioural insights and regulatory governance

Jeroen van der Heijden (2019) Behavioural insights and regulatory practice: A review of the international academic literature (pp.6-28), *State of the Art in Regulatory Governance Research Paper – 2019.01*. Wellington: Victoria University of Wellington/Government Regulatory Practice Initiative.

Video:

[youtube.com/watch?v=965pd\\_bCxD&t=2s](https://www.youtube.com/watch?v=965pd_bCxD&t=2s)

- What biases and heuristics affect compliance behaviour of the targets of your agency?
- What biases and heuristics affect the development, delivery, and governance of regulation by those working in your agency?

### Understanding regulatory impact: Ex-ante, on the go, and ex-post

OECD (2020) *Regulatory Impact Assessment* (14-32), Paris: OECD.

Video:

[youtube.com/watch?v=5zehDTZFvBA](https://www.youtube.com/watch?v=5zehDTZFvBA)

- How does your agency identify appropriate impacts and outcomes, from strategic to operational? If not: why?
- What is the impact measurement (ex-ante, on the go, and ex-post) culture and capacity of your agency? To what extent is this sufficient? Why?

# Course details

## Session 4: Impact and governance

### Accountability in a regulatory context

Graham Russell & Helen Kirkman (2019) “Chapter 7: Accountability” (pp. 105–121), *Regulatory Delivery*, Oxford: Hart Publishing

Video:

[youtube.com/watch?v=hp\\_yHAVXn3w](https://www.youtube.com/watch?v=hp_yHAVXn3w)

- What does accountability mean in and for your agency?
- What (in)formal accountability mechanisms and forums are in place in your agency? Are these sufficient? Why (not)?

### Anticipatory and intelligence-led regulation

Harry Armstrong, Chris Gorst & Jen Rae (2019). *Renewing regulation: ‘Anticipatory regulation’ in an age of disruption* (pp. 9–31), London: NESTA

Video:

[youtube.com/watch?v=ChotI9hOYFk](https://www.youtube.com/watch?v=ChotI9hOYFk)

- What data collection and analyses processes and protocols are in place in your agency?
- To what extent are these providing sufficient foresight? Why (not)?

### Ethics in a regulatory context

Aric Dutelle & Randy Taylor (2018). “Chapter 1: Ethics, a look at the basics” (pp. 1–13), *Ethics for the public service professional (2nd ed.)*. London: CRC Press.

Video:

[youtube.com/watch?v=4dl5Fy8Tf9o](https://www.youtube.com/watch?v=4dl5Fy8Tf9o)

- What does ethics mean in and for your agency?
- Whether and how are ethics and morals separated from the regulatory tasks or goal of your agency? If not: why?

### Talking about regulatory failure and success

Jeroen van der Heijden (2022) Regulatory failure: A review of the international academic literature (pp.6–28), *State of the Art in Regulatory Governance Research Paper – 2022.11*. Wellington: Victoria University of Wellington/ Government Regulatory Practice Initiative

Video:

[youtube.com/watch?v=IOJ8r8uTRWs](https://www.youtube.com/watch?v=IOJ8r8uTRWs)

- How does your agency identify regulatory success and regulatory failure? If not: why?
- How does your agency take ownership of a regulatory failure? If not: why?
- How does your agencies take ownership of regulatory failure narratives presented by outsiders (e.g., the media)? If not: why?



# Get in touch – register today

If you're interested in participating in this masterclass series, we're here to help you.

If you'd like to stay informed about future regulation masterclasses and other aspects of the Institute of Regulation professional development, please let us know.

Contact us:

---

✉ [info@ioregulation.org.uk](mailto:info@ioregulation.org.uk)

in [Institute of Regulation](#)

