



# The use of data publication to enable reputational regulation

A UK Regulators Network Consumer Working Group discussion  
paper by Philip Cullum

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This paper was drafted by Philip Cullum of Ofgem, as a contribution to a working group that was first established by the Joint Regulators Group (now replaced by the UK Regulators Network). Other working group members included Ofgem, Office of Fair Trading (now the Competition and Markets Authority), Ofwat, Ofcom, the Civil Aviation Authority, the Office of Rail Regulation and Monitor. This paper is for discussion and does not necessarily reflect the views of these regulators, either individually or collectively.

We welcome reactions to this discussion paper – please email [philip.cullum@ofgem.gov.uk](mailto:philip.cullum@ofgem.gov.uk).

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There is a powerful agenda in the UK and internationally towards greater transparency and a recognition of the ‘power of information’<sup>1</sup>. The Government’s Open Data initiative is now well-established, and although the focus has been on public services it has made clear that it wants to cover businesses and charities too: ‘We want to move towards a truly transparent society in which relevant data is released, whoever holds it.’<sup>2</sup>

Transparency is one of the five principles of good regulation, developed over a decade ago by the Better Regulation Taskforce and now enshrined in some regulators’ statutes. Former Charity Commission chair Dame Suzi Leather has spoken<sup>3</sup> about the need for regulators to adopt ‘a default position of maximum openness and candour’:

*‘Most regulators are of course restricted as to how much they can say about certain areas of their work. Most work with personal data that they are required to handle very carefully. And the [Charity] Commission, for instance, has to be very careful about what we say publicly about any ongoing investigations. But generally speaking our attitude is and should be: What are we able to say? Not: what can we get away with not saying? And we ask: what’s in the public interest to disclose? Not: what could embarrass us as a regulator?’*

The Financial Conduct Authority has identified<sup>4</sup> three main dimensions to regulatory transparency:

- The transparency of the regulator itself as a corporate entity
- Information that the regulator could require companies to release about their products and other aspects of their performance, in order to inform consumer decisions
- The information that the regulator could release about firms, individuals and markets, in order to improve performance.

This short paper from the UKRN Consumer Working Group does not consider the first category, although as noted above it has been an increasing focus for government and now regulators. The FCA publishing<sup>5</sup> its transparency framework in August 2013 and Ofgem more recently committed<sup>6</sup> to ‘publish a policy statement setting out our commitment to transparency wherever possible across our processes and activities.’

The second category is a well-established part of the regulatory toolkit, aimed at enabling people to make well-informed decisions that are right for them. This might for example include information on the composition or sustainability of a product, or the presentation of information about product cost and/or key features in a standard format, allowing consumers to compare different options. This has been a longstanding approach in financial services, for example through the APR and various disclosure requirements. It underpins Ofgem’s Retail Market Review, for example, and the issues are

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<sup>1</sup> <http://www.opsi.gov.uk/advice/poi/power-of-information-review.pdf>

<sup>2</sup> [http://data.gov.uk/sites/default/files/Open\\_data\\_White\\_Paper.pdf](http://data.gov.uk/sites/default/files/Open_data_White_Paper.pdf)

<sup>3</sup> <http://www.gresham.ac.uk/lectures-and-events/what-makes-a-good-regulator>

<sup>4</sup> <http://www.fsa.gov.uk/static/pubs/discussion/dp13-01.pdf>

<sup>5</sup> <http://www.fca.org.uk/your-fca/documents/feedback-statements/transparency-framework>

<sup>6</sup> <https://www.ofgem.gov.uk/ofgem-publications/83518/simplificationplan201314final.pdf>

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considered in detail in two 2013 papers, Ofcom's 'Review of Information Remedies'<sup>7</sup> and Ofwat's 'Empowering water and sewerage customers through information'<sup>8</sup>.

This approach is not without its difficulties, not least the challenges of conveying complex information simply or the diminishing returns which come with the excessive provision of information. Another danger is a focus by companies on the regulator's requirements rather than the needs of each customer. This led the Better Regulation Executive and National Consumer Council to conclude that 'Too much information can harm'.<sup>9</sup> This is why energy suppliers and consumer organisations approached Ofgem to establish a working group examining what could be removed from bills to make the remaining information more engaging; and it underpins Ofwat's 'new, less prescriptive regulatory approach [that] gives companies the freedom to be more innovative and significantly more responsive to customers' rapidly changing information needs'<sup>10</sup>.

It remains an important part of many regulators' strategies, with some now acting to mandate regulated businesses to supply information that is customised to each consumer's circumstances. Some regulators themselves gather and publish information to inform consumer decision-making – CAA for example regularly publishes details of charges levied by both airports<sup>11</sup> and airlines<sup>12</sup>.

Ofcom sets out a useful range of characteristics that appropriate information remedies might take into account:

<b>AWARENESS</b>	• Are consumers aware of the information?
<b>ACCESSIBLE</b>	• Is the information easy to access, find and use?; Is it clearly identifiable?
<b>TRUSTWORTHY</b>	• Is the source of information trustworthy and totally impartial? • Has the information been endorsed by multiple stakeholders?
<b>ACCURATE</b>	• Is it true to a sufficient level of resolution, and can it be checked for correctness? Is it up-to-date and pertains to consumers' current situation?
<b>COMPARABLE</b>	• Is it presented in such a way by different providers to allow for easy and sensible comparisons?
<b>CLEAR AND UNDERSTANDABLE</b>	• Is the information expressed in units, concepts, or terminology that is unambiguous and easy to understand? Do consumers have the technical competence to understand it?
<b>TIMELY</b>	• Is the information readily available at the point of making decisions?

Ofwat has similarly set out<sup>13</sup> some principles for regulated businesses in terms of information provision: transparent, clear, accessible, timely and customer-led. Ofgem has established<sup>14</sup> new enforceable standards of conduct, which include a requirement that suppliers must provide information which is: complete, accurate and not misleading; communicated in plain and intelligible language; relates to products or services that are appropriate to the customer to whom it is

<sup>7</sup> <http://stakeholders.ofcom.org.uk/binaries/research/research-publications/information-remedies.pdf>

<sup>8</sup> [http://www.ofwat.gov.uk/regulating/tools/consumerpolicy/pap\\_tec201305infoprovision.pdf](http://www.ofwat.gov.uk/regulating/tools/consumerpolicy/pap_tec201305infoprovision.pdf)

<sup>9</sup> <http://www.bis.gov.uk/files/file44367.pdf>

<sup>10</sup> [http://www.ofwat.gov.uk/regulating/tools/consumerpolicy/pap\\_tec201305infoprovision.pdf](http://www.ofwat.gov.uk/regulating/tools/consumerpolicy/pap_tec201305infoprovision.pdf)

<sup>11</sup> [http://www.caa.co.uk/docs/2200/Airport\\_Charges.pdf](http://www.caa.co.uk/docs/2200/Airport_Charges.pdf)

<sup>12</sup> [http://www.caa.co.uk/docs/2200/Comparing\\_airline\\_charges.pdf](http://www.caa.co.uk/docs/2200/Comparing_airline_charges.pdf)

<sup>13</sup> [http://www.ofwat.gov.uk/regulating/tools/consumerpolicy/pap\\_tec201305infoprovision.pdf](http://www.ofwat.gov.uk/regulating/tools/consumerpolicy/pap_tec201305infoprovision.pdf)

<sup>14</sup> <https://www.ofgem.gov.uk/press-releases/new-standards-conduct-suppliers-are-first-step-simpler-clearer-fairer-energy-market>

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directed; and fair both in terms of its content and in terms of how it is presented (with more important information being given appropriate prominence).

Government is now seeking to bolster such moves through its 'midata' initiative, which will allow consumers access to information on their own consumption and spending in sectors such as energy and communications. And it is supported by some regulators' codes accrediting comparison sites, enabling consumers to compare deals from different businesses, confident that the information provided is reliable<sup>15</sup>.

### Regulatory performance data

There can be some overlap between this information which is directly about consumer choice and the third category identified in the FCA paper, the use of regulatory data to raise standards.

Alongside the information made available to individuals typically sits a wealth of data about the performance of regulated businesses, though until now relatively little of it has been made public. Much of this exists within businesses and is used for their own management purposes, but regulators also typically hold a substantial amount of data about the performance of the companies they oversee. Some can indisputably be classed as commercially confidential – but by no means all.

There has been a growing recognition that publication of more of this data could have regulatory benefits – and that it can make sense for regulators to require the collection and publication of additional performance data even where it does not relate directly to choices made by an individual.

The argument is that consumers have a right to know when companies are performing poorly – and that by ensuing information about individual regulated businesses' performance is made public, regulators can allow consumers both to hold poor performers to account and reward those who are doing better. Bringing details of performance into the sunlight can give businesses an incentive to improve their performance – hence why it has been called 'reputational regulation'<sup>16</sup>. It can be of particular value in markets where choices tend to be made on the basis of price alone, adding a new dimension of service quality, or where there is little or no choice in a market and so no means for consumers to exercise power directly.

The Government has engaged enthusiastically with this idea, linking it to the emerging emphasis on behavioural economics and 'nudge'. The Coalition Agreement<sup>17</sup> declared that '*We need to promote more responsible corporate and consumer behaviour through greater transparency and by harnessing the insights from behavioural economics and social psychology.*' The Government's Consumer Empowerment Strategy<sup>18</sup> went further, stating:

*'To support access to... data that empowers consumers and holds public service providers and regulated businesses to account, the Government will... set an expectation that regulators, Government departments, regulated businesses, and public service providers to be open as a default position. They should continue to free the complaint and performance data (in particular on individual businesses) they already own unless they have a good reason to do otherwise.'*

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<sup>15</sup> See <http://www.ofgem.gov.uk/domestic-consumers/compare-with-confidence/Pages/index.aspx> and <http://stakeholders.ofcom.org.uk/consultations/ocp/statement/pricescheme/consumerfaq>

<sup>16</sup> [http://collections.europarchive.org/tna/20080520143211/http://www.ncc.org.uk/nccpdf/poldocs/NCC142ft\\_regulation\\_and\\_reputation.pdf](http://collections.europarchive.org/tna/20080520143211/http://www.ncc.org.uk/nccpdf/poldocs/NCC142ft_regulation_and_reputation.pdf)

<sup>17</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/78977/coalition\\_program\\_me\\_for\\_government.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78977/coalition_program_me_for_government.pdf)

<sup>18</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60540/better-choices-better-deals.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60540/better-choices-better-deals.pdf)

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Thinkers on technology and social innovation, Don Tapscott and Anthony Williams, are bolder still in their book *Macrowikinomics*, suggesting that greater data release will engage consumers in identifying problems and creating pressure for change: *'Open up the regulatory process. Make everything transparent on the Web and let citizens and other parties contribute their own data and observations.'* There are few practical examples of this yet, though one along these lines is the [grade.dc](http://grade.dc.gov) website<sup>19</sup>, where residents of the District of Columbia are able to assess different government agencies, with users' overall monthly ratings visible online.

### Action by regulators

The Government's commitment in this area has in some instances been established in legislation, with for example the Financial Services Act 2012 requiring the Financial Conduct Authority to have regard to two new principles of transparency and the Civil Aviation Authority gaining new information duties in the Civil Aviation Act 2012. The latter statute states that the *'CAA must publish, or arrange for the publication of, such information and advice as it considers appropriate for the purpose of assisting users of air transport services to compare' airports' and airlines' performance.* There is a parallel power relating to information about the environmental impact of aviation.

Regulators are engaging strongly with the new agenda. The Office of Rail Regulation has for example put reputational regulation as a core part of its transparency programme, noting<sup>20</sup> that *'more transparency enables the performance of companies to be compared. This has a direct benefit to consumers who can exercise choice; to advocacy groups who can campaign for improvements; and to business itself as it can learn from the performance of others.'*

The Civil Aviation Authority has conducted consumer research in this area and last year published a consultation paper on how it might exercise its new powers<sup>21</sup>. Its statement of policy<sup>22</sup> published in early 2014 notes that regulators have an important role to play, ensuring that reliable, comparable performance data is made available to help markets work well, in areas such as sustainability as well as in relation to price or service:

*'information is frequently under-produced in competitive markets. For example, where a business considers that disclosing information about an aspect of its performance where it compares poorly to its rivals will decrease consumer demand for its product, the market fails to provide the necessary incentives for it to do so. But better performing businesses may not voluntarily disclose relevant information if they fear being adversely judged by consumers (and/or the public) if they provide information when their competitors do not, or if consumers (and/or the public) cannot easily verify the truthfulness of their statements.'*

Ofgem included reputational regulation in its 2012-13 Simplification Plan<sup>23</sup>, noting that it might deliver significant better regulation benefits: *'Publishing data on regulated businesses' performance can be an effective alternative to more traditional regulatory approaches, by allowing consumers, NGOs and the media to compare and contrast companies and hold them to account for their performance. This approach... can impose less of a burden on companies and give them more space to innovate. Alongside this, the publication of performance data can enable third parties to create new services. Switching websites could, for example, allow users to see which company has the best performance in terms of complaints-handling alongside which one has the cheapest tariff.'*

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<sup>19</sup> <http://grade.dc.gov>

<sup>20</sup> <http://www.rail-reg.gov.uk/server/show/nav.2869>

<sup>21</sup> <http://www.caa.co.uk/default.aspx?catid=1350&pagetype=90&pageid=14745>

<sup>22</sup> <http://www.caa.co.uk/docs/33/CAP%201143%20Jan%2014.pdf>

<sup>23</sup> [http://www.ofgem.gov.uk/About%20us/BetterReg/SimpPlan/Documents1/Ofgem%20Simplification%20plan\\_WEB.pdf](http://www.ofgem.gov.uk/About%20us/BetterReg/SimpPlan/Documents1/Ofgem%20Simplification%20plan_WEB.pdf)

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Alongside this, regulators can steer other bodies towards greater release of data to enable reputational regulation. Ombudsman Services, which runs a number of ombudsman schemes in regulated sectors, has announced a new approach to data release<sup>24</sup>. In energy, it will release company-specific data, a move proposed by Ofgem.

### Consumer perspectives

This approach received substantial endorsement in consumer research<sup>25</sup> conducted by Passenger Focus and ORR in 2011, looking at what information should be released about train company performance. Initial reactions were found to be *'muted, unconcerned and unenthusiastic'*, but interest grew and potential applications broadened as passengers considered the matter in more depth. Even after discussion, few said that they would use it in a proactive way, but they believed that simply as a result of its existence in public the information would increase the accountability of rail services, though greater transparency about performance. Network Rail now makes available a range of data feeds to developers of mobile apps and websites, in the hope that this will enable the development of new products for passengers<sup>26</sup>.

The findings of this research may reflect some difference between the use of information in a competitive market, where consumers are able to take action in response to performance data, for example by switching from an underperforming supplier, and in markets where there is less choice, where information is used more generally to put pressure on regulated businesses and improve the effectiveness and accountability of the regulatory process.

Two other significant findings from the Passenger Focus/ORR research were:

- The desire for a substantial level of disaggregation. The research report notes: *'Across the sample, among passengers and interested parties, the demand was for information that was disaggregated and detailed, especially for data on punctuality, reliability and station facilities. Almost everyone with any interest in the offer of performance information felt it would only be useful if it covered individual routes and departure points.'*
- The need for the information to have integrity and come from a trusted source: *'A key requirement was independence and objectivity: passengers wanted reassurance that performance information was not influenced by vested interests'* and would preferably come from *'a known organisation'* and be *'credible and based on reliable data gathering and sampling.'*

A Food Standards Agency<sup>27</sup> evaluation of food hygiene rating schemes<sup>27</sup> suggests the benefits of a layered approach, where simple information is presented to consumers with the option to get more detail about different aspects.

### Measurable impact of reputational regulation

Regulators have long known that the publication of action against regulatory breaches can effectively act as a sanction in itself. For example, YouGov reported<sup>28</sup> that Ofgem's 2013 decision to fine SSE had a substantial impact on perception of the company's brand. On the day of the announcement, 41 per cent of the UK's Twitter users were exposed to a tweet about SSE, and nearly half of these mentioned the £105m figure.

<sup>24</sup> <http://www.ombudsman-services.org/downloads/OServicesdatapublishingResponsefinal090413.pdf>

<sup>25</sup> [http://www.passengerfocus.org.uk/media/bad419c601347efc5b7965015b2dcd7a937d4e00/passenger\\_information\\_in\\_the\\_public\\_domain\\_final.pdf](http://www.passengerfocus.org.uk/media/bad419c601347efc5b7965015b2dcd7a937d4e00/passenger_information_in_the_public_domain_final.pdf)

<sup>26</sup> <http://www.networkrail.co.uk/data-feeds/>

<sup>27</sup> <http://www.food.gov.uk/multimedia/pdfs/citizens-forum-report-2012>

<sup>28</sup> <http://yougov.co.uk/news/2013/04/17/watchdog-fines-can-bite-companies-through-twitter>

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And comparative information for consumers is well-established as a way of both informing consumer choice and driving change in the market, most notably through the reports in Which? magazine and its many counterparts around the world.

The UKRN consumer working group will consider how the impact of reputational regulation approaches might be evaluated, although there is already evidence that is producing measurable benefits in a number of sectors:

- Research by the Financial Services Authority<sup>29</sup> suggested that both industry and consumer groups believe the publication of complaints data by financial services firms has had a positive effect, and initial concerns about unintended consequences have not materialised.
- There has been a substantial fall in the number of energy disconnections over the last few years, which Ofgem attributes at least in part to the substantial fall in to be the result of data being published in its quarterly Social Obligations Report<sup>30</sup>.
- Ofcom notes<sup>31</sup> that the publication of its broadband speeds research, widely reported in the media, has had a positive impact for consumers in terms of both improved performance and more accurate claims.
- Ofcom also publishes complaints data from its own consumer contact team each quarter, and the data shows significant improved performance (i.e. lower complaints volumes) by the most complained about firms over time<sup>32</sup>.
- A Food Standards Agency evaluation of local food hygiene rating schemes<sup>33</sup> found evidence that schemes encouraged businesses to improve standards and may have led to measurable improvements in inspection scores. It also says that local authorities reported benefits including a more positive attitude to compliance amongst businesses, improved profile of food safety activities and a reduction in high risk category businesses, which reduces inspection workload.

### Facing up to the challenges

However, despite regulators' initiatives in this field and the apparent support from consumers, practical action is not always straightforward. Data release can pose challenges for regulators, as the Financial Services Authority noted in a 2008 discussion paper<sup>34</sup>: *'Consumer representatives press us to 'name and shame' in circumstances where we believe we are legally unable to disclose that information, whereas practitioners generally claim that any disclosure of a firm-specific nature will result in a reputationally damaging environment which in turn will lead to less cooperation between firms and the FSA.'* It then noted that *'many of our stakeholders do not have a clear understanding of what, in law, we can and cannot disclose. Many of the things firms fear we might disclose we cannot, in law, do so.'*

Even so, the FSA paper affirmed that *'If we have been given statutory powers that allow us to publish specific information, and if by publishing that information we can better achieve our objectives, then it is legitimate for us to do so... we draw a clear distinction between simply making information available, which in*

<sup>29</sup> <http://www.fsa.gov.uk/static/pubs/discussion/dp13-01.pdf>

<sup>30</sup> <http://www.ofgem.gov.uk/Sustainability/SocAction/Monitoring/SoObMonitor/Pages/SocObMonitor.aspx>

<sup>31</sup> <http://stakeholders.ofcom.org.uk/binaries/research/research-publications/information-remedies.pdf> para 3.23-3.24

<sup>32</sup> <http://media.ofcom.org.uk/news/2014/latest-phone-broadband-and-pay-tv-complaints-revealed-2/>

<sup>33</sup> <http://www.food.gov.uk/multimedia/pdfs/sotdmainreport.pdf>

<sup>34</sup> [www.fsa.gov.uk/pubs/discussion/dp08\\_03.pdf](http://www.fsa.gov.uk/pubs/discussion/dp08_03.pdf)



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*some cases can perversely make things less clear, and presenting information which illuminates issues and so improves how markets function.'*

One area of progress across different sectors has been company-specific complaints data. After much debate with the financial services industry, consumer groups and other stakeholders, the FSA first published this data on a six-monthly basis in September 2010<sup>35</sup> and this is now well-established. Also in 2010, ORR took on responsibility for collecting complaints data from train operating companies, and the following year the Prime Minister asked that this be published in a more disaggregated form, which it now does on a quarterly basis<sup>36</sup>. Having now taken on full responsibility for ensuring that train operating companies comply with their complaints handling policies, ORR is also currently defining a minimum set of data for the purpose of monitoring changes in the quality of the experience delivered to passengers; and the amount of volume of activity in dealing with complaints. It will be publishing this data.

Ofgem agreed with energy companies that they should publish quarterly complaints data from January 2013, with a number of suppliers embracing this agenda to the extent that they publish more substantial information than was initially requested. Which? now regularly uses the data to report on energy supplier performance. There has been a debate about publication of company-by-company complaints data in other regulated sectors, such as legal services and now air transport.

Regulated businesses are typically resistant to such developments, at least initially, with objections to the publication of complaints data often including:

- **consistency** – businesses typically fear that their competitors may seek an advantage (or, more neutrally, inadvertently get one) by excluding some categories of complaint from the data or in some other way under-reporting
- **public understanding** – there is a fear for example that large businesses will be disadvantaged because inevitably they get more complaints than smaller rivals (raising the issue of how much contextualisation is needed even for relatively raw data) or that those who take positive steps to make their complaints system more accessible may have higher numbers than those who make it hard to complain
- **whether some data is meaningful** – this usually concerns data on complaints made, the argument from regulated entities being that the only data which matters is the data for complaints upheld
- **unintended consequences/adverse outcomes** – these might include the creation of incentives not to treat contacts from aggrieved consumers as complaints, so as to keep the numbers down
- **public attention** – whether consumers will be aware of the availability of such data and engage with it in any way
- **regulatory burden** i.e. whether the effort needed to produce the data is out of line with the benefits.

Some of these points are stronger than others, but all are worth engaging with and feed into the next section below.

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<sup>35</sup> [http://www.fsa.gov.uk/library/other\\_publications/commentary](http://www.fsa.gov.uk/library/other_publications/commentary)

<sup>36</sup> <http://www.rail-reg.gov.uk/upload/pdf/passenger-rail-quality-report.pdf>

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Alongside these points come some issues for regulators themselves, not least what their powers and duties are, the resources they are able to devote to the task of data gathering, analysis, quality assurance and publication, and the extent to which the skills to present it publicly exist within the organisation. Given the typical level of industry resistance, at least initially, to performance data publication, senior level commitment may be needed to create momentum for change; after which point experience suggests at least some regulated companies tend to become converts to publication, seeing benefits for their business.

### Possible approaches

There are different models of publication, including (but not limited to):

- Regulator publishes all data, where the law allows it, as a matter of principle/policy and in the hope and expectation that third parties will re-work it and where appropriate make suitable for public use
- Regulator publishes selected sets of data which have direct relevance to the public, again expecting others to present it to consumers
- Regulator publishes selected data in a form that the public can easily engage with – reflecting the view of the Financial Conduct Authority<sup>37</sup> that *‘Being transparent is about disclosing relevant information in a way that can be clearly understood’*
- Require the regulated businesses to publish their own data in a standard format, with overviews/analyses undertaken when appropriate by the regulator
- Require the regulated businesses to publish data in a way that is communicated directly to consumers
- Third parties (predominantly statutory consumer groups) are required to analyse information and publish it in an engaging way, such as in a league table or using star ratings.

These models come with different advantages and disadvantages, and may suit some situations better than others. The final section below sets out some questions to help regulators think through what the best approach might be.

### Key questions to answer

Considering which approach is best, regulators should consider a number of issues:

#### ***What is the default position?***

- Where powers allow it, does the regulator intend to publish all data which it holds (unless there is a compelling reason not to) as a matter of principle or consider each instance separately and publish only where there is a positive and specific reason to do so?

#### ***Which data?***

- Where it seeks to publish data of direct relevance to consumers, how will this data be selected?

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<sup>37</sup> <http://www.fsa.gov.uk/static/pubs/discussion/dp13-01.pdf>

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- Does the data format need to be standardised across all regulated businesses?
- Will the regulator publish 'raw' data and/or analyse it and/or re-work it in some way?
- If it is re-worked, how will decisions about the detailed approach be made and to what extent will consumers or their representatives inform this?
- What is the appropriate level of aggregation?

### ***How easily?***

- Is the data already captured in a suitable form by regulated businesses?
- If not, is it in any event reasonable to expect that a well-functioning business would have this data?
- Even if these answer to these questions is no, are the costs of capture outweighed by the potential benefits?

### ***For whom?***

- Is the data likely to be of direct value to consumers, or is the audience more specialist?
- Could the information be used by third parties to develop new services?
- Are there any other potential public interest uses that should be considered?

### ***How should it be presented and what are the risks that the information will not be understood as intended?***

- Where the data is set out for direct use by the public, should it be presented as a league table or more neutrally (e.g. in alphabetic order)?
- Should it be contextualised, for example by presenting figures in relation to the size of the business concerned (eg complaints per thousand consumers)?

### ***By whom?***

- Will the regulator publish the data, or ask regulated businesses to do so?
- Or should some other public-facing body (such as a consumer body) take responsibility?
- Or should the regulator try to stimulate a market for such information, with businesses or third sector enterprises as the means of distribution?

### ***How often?***

- Is this data needed just once, or on an ongoing basis?
- How often is the data likely to see significant changes, and so how regularly should it be published?

### ***With what if any explanation?***

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- Will the regulator or regulated businesses include any narrative about what the figures mean?

### ***On what basis?***

- Is this done on a voluntary basis or through formal regulation?
- If the latter, what is the appetite for enforcement where there is non-compliance (e.g. data submitted late or of poor quality)?

### ***With what consequences?***

- To what extent will the regulator scrutinise the data to drive policy interventions or for enforcement purposes?
- What will it do if the data suggests that there is a problem which needs to be tackled?

### ***How will effectiveness be assessed?***

- Are the costs and benefits of information collection and publication considered as part of any Impact Assessment process?
- Is the effectiveness of information release reviewed periodically and if so how?