



Pro-society innovation and regulation

GETS 2023

Evolution of responsibility and innovation



The background is a solid blue color with several abstract geometric shapes. A large, light blue arrow with a halftone texture points from the top center towards the right. In the top right corner, there is a circular shape with concentric circles and radial lines, resembling a target or a gear. In the bottom right, there are two overlapping circular shapes, one slightly behind the other, also with a halftone texture. The text is positioned on the left side of the image.

What is Pro-society Innovation and Regulation?

Pro-society innovation & regulation

Society
Inside

What
happens
now?

Policy
options



Innovation for
economic growth
only

Research



How do we?
Focus on tech

Next stage
funding



Attention on
technological
possibility

Applied
focus



Attention on
applying science
& tech

Funding &
incentives



Financial and
business drivers
primary

Regulation
emphasis



Promoting
innovation

Regulation
design



Top down,
limited
engagement

Success
model



Economic
growth

Pro-society
innovation
& regulation



Focus on
innovation for
public goods and
growth



How do we? What if...?
Should we?
Broader focus, incl
ideas, systems solutions



Attention on
societal problems
to be solved &
potential harms



Attention on
systems solutions
(inc, but not only
sci & tech)



Societal drivers
primary (inc, but
not only £\$€)



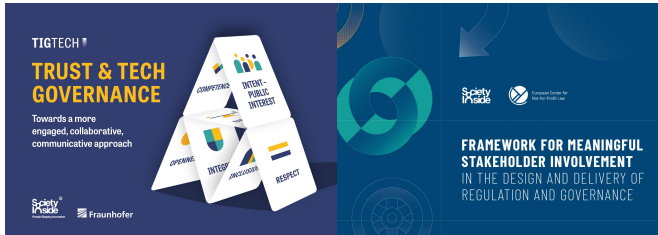
Shepherding
innovation for
social benefit &
mitigating harm



Collaborative,
open and
inclusive



Public good - social,
environmental,
economic flourishing



The biggest source of *distrust* in tech governance is the belief that political and business self-interest in smoothing the path of innovation is put before the public interest in design, delivery and enforcement

The greatest concern of citizens, civil society groups and many academics is about the ethical, moral and social aspects of new technologies which pro-innovation regulation struggles to deal with.

UK government Centre for Data Ethics found in its Covid-19 Repository & Public Attitudes 2020 Review that *“trust in the rules and regulations governing technology is the single biggest predictor of whether someone believes that digital technology has a role to play in the COVID-19 response.*

This trust in governance was substantially more predictive than attitudinal variables such as people’s level of concern about the pandemic, or belief that the technology would be effective; and demographic variables such as age and education.”

Solution??

A genuinely collaborative approach to policy & regulation design, which involves civil society and considers and takes seriously impacts on individuals, the environment and society as a whole.

Enforcement which works.

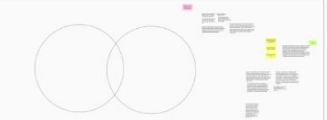
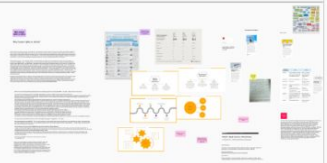
The background is a dark blue field with various geometric patterns. In the top left, there's a yellow and orange circular graphic with a grid. In the center, a large teal circular graphic with overlapping segments. In the bottom left, a large orange arrow points upwards and to the right. In the top right, a large light blue arrow points downwards and to the left. There are also several faint, light blue circular and grid patterns scattered across the background.

Society
Inside



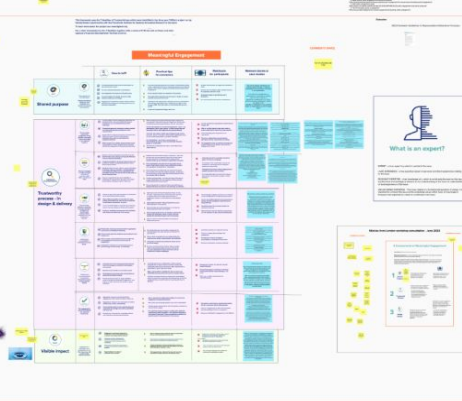
European Center for
Not-for-Profit Law

FRAMEWORK FOR MEANINGFUL STAKEHOLDER INVOLVEMENT IN THE DESIGN AND DELIVERY OF REGULATION AND GOVERNANCE



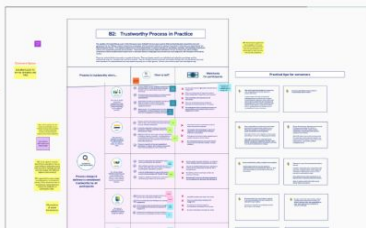
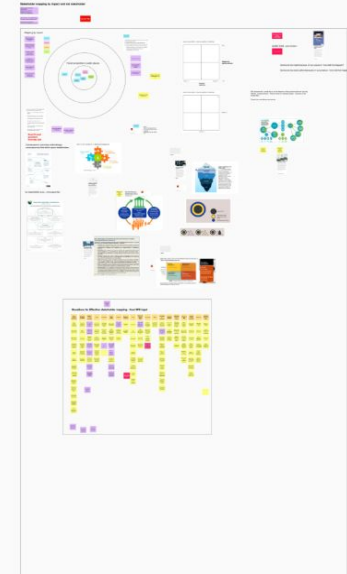
Comparison: procedural guide and best ideas

Feature	Procedural Guide	Best Ideas
Structure	Linear	Non-linear
Flexibility	Low	High
Adaptability	Low	High
Clarity	High	Low
Engagement	Low	High
Depth	Low	High
Visual Appeal	Low	High



Is the quality enough and is the process healthy?

Category	Item	Value	Color
Quality	1	100	Yellow
	2	100	Yellow
	3	100	Yellow
	4	100	Yellow
	5	100	Yellow
	6	100	Yellow
	7	100	Yellow
	8	100	Yellow
	9	100	Yellow
	10	100	Yellow
Process	1	100	Red
	2	100	Red
	3	100	Red
	4	100	Red
	5	100	Red
	6	100	Red
	7	100	Red
	8	100	Red
	9	100	Red
	10	100	Red



Why involve stakeholders in regulation?

- To improve the evidence base for decision-making?
- To increase understanding of implications and impacts?
- To anticipate and minimise negative consequences?
- To increase governance effectiveness and compliance?
- To improve process legitimacy?
- To increase trust in process and outcomes?

Exploring policy options

- Increasing knowledge and understanding for 'evidence based decision-making'.
- Generate a shared understanding of the problem and scope of interventions
- Understand implications of change and of the status quo
- Deliver a more creative approach to potential solutions including regulation and other options
- Test plausibility of alternatives
- Understand who needs to be part of eventual collaborative solutions design

Regulatory Impact Assessment

- Get a fuller understanding of potential costs, benefits and proportionality of the chosen path for those being protected, those regulated and wider society
- Get a better understanding of potential unintended consequences on those currently and potentially impacted, those being regulated and other stakeholders, including broader society.
- Increase understanding and effectiveness of complex ethical and rights decisions
- Better identification of preferred solutions which encompass all perspectives

Delivery and enforcement

- Help testing of proposed regulation and feedback from all stakeholders
- Get a better real time understanding of how the regulation is working

Regulatory Effectiveness Evaluation

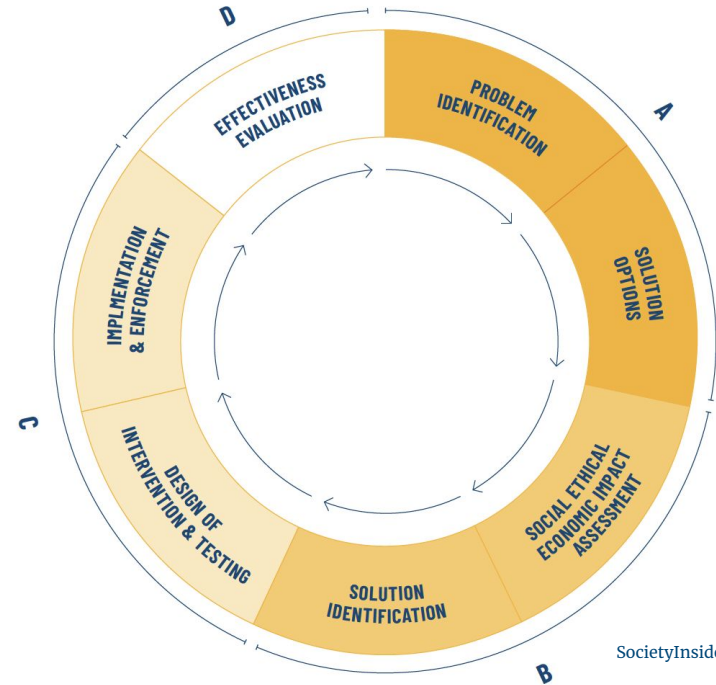
- Understand if the intervention is working as intended
- Understand why/why not
- Identify possible adaptations
- Design and deliver adaptations

When?

Systematising stakeholder involvement

- A. When exploring policy options inc regulation
- B. As part of Regulatory Impact Assessment
- C. As part of regulatory delivery and enforcement
- D. As part of Regulatory Effectiveness Evaluation

(OECD Regulatory Policy Outlook 2022 & connected texts, Outcome-Based Cooperative Regulation)



SocietyInside/ECNL 2023

NB: Focus on explicit social, ethical, environmental, economic impact assessment instead of just impact on business?

Deciding who is Stakeholder & prioritise

Impact & influence tool

- Do influence stakeholders loom larger than impact stakeholders? How to counter that for fairness?
- What counts as negative and positive impact?
- Should vulnerability to negative impact be prioritised?



TOOL

Stakeholder identification internal 'triage'

If you have identified in the Shared Purpose phase those internal groups who are essential to a meaningful outcome, engage with them to understand who may be important to them to engage with. Otherwise convene an Internal 'triage' brainstorm now of the relevant groups in your organisation, who may have the necessary expertise to identify stakeholders.

You could brainstorm potential stakeholders in many different ways. One useful approach could be to design prompts as the starting point for the brainstorm. As in other phases, prioritising members of marginalised groups should be the guiding principle.

For example, these may be useful, adapted from the ['Six Tests for Stakeholder Identification'](#) tool from The Consultation Institute.

Test 1: Who is directly impacted?

Whose lives will change if this regulation works or doesn't work as planned?

Who will have to change their behaviour as a result of this?

How and what may be the consequences of each?

Test 2: Who is indirectly impacted?

Whose daily lives will change because others have been directly impacted by this?

Who will gain or lose because of changes resulting from this?

Test 3: Who is potentially impacted?

In particular circumstances, who will have a different experience as a result of this decision?

Are there individuals or groups who will have to adjust their behaviour if particular conditions apply?

Test 4: Whose help is needed to make it work?

Who may understand the likely impact of this decision on other stakeholders?

Are there vital individuals or groups in the delivery chain whose help is needed?

Who if they obstruct the development will have a negative impact and why would they?

Test 5: Who has expertise on the subject?

Who has studied the subject and published views on it?

Who has detailed know-how that is needed for effective delivery?

Has anyone been campaigning about issues associated with positive and negative impacts and rights which may be affected?

Are there individuals or groups who are knowledgeable on the subject? Are there others in related worlds who may be perceived as knowledgeable – eg social media influencers

Test 6: Who has experience relevant to his subject?

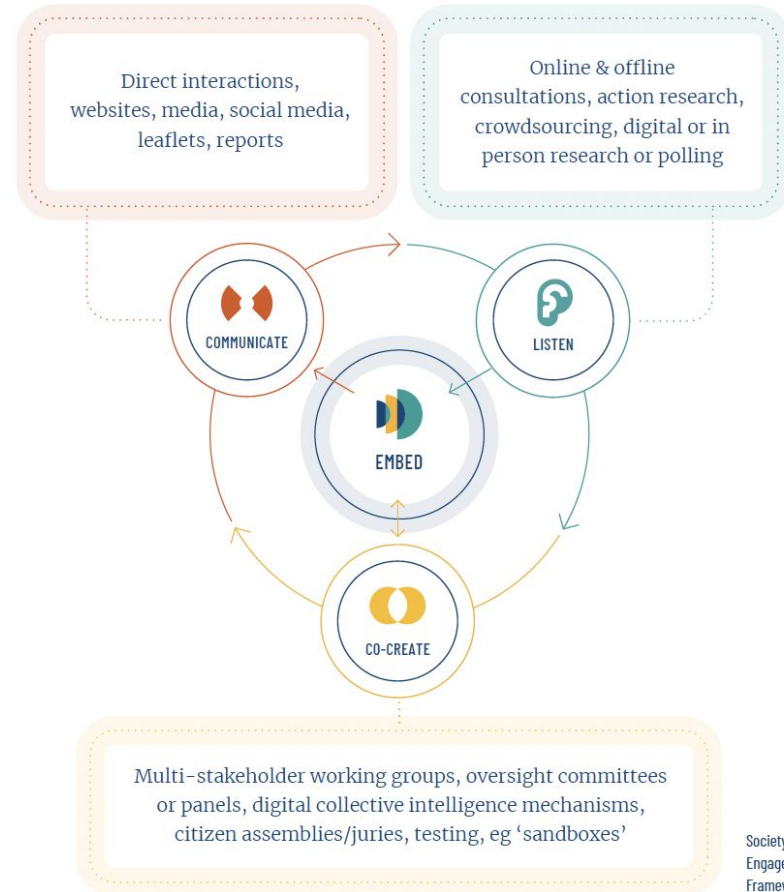
Are there individuals or organisations who have direct or related experience relating to impact?

Who would support or help the individuals or groups impacted?

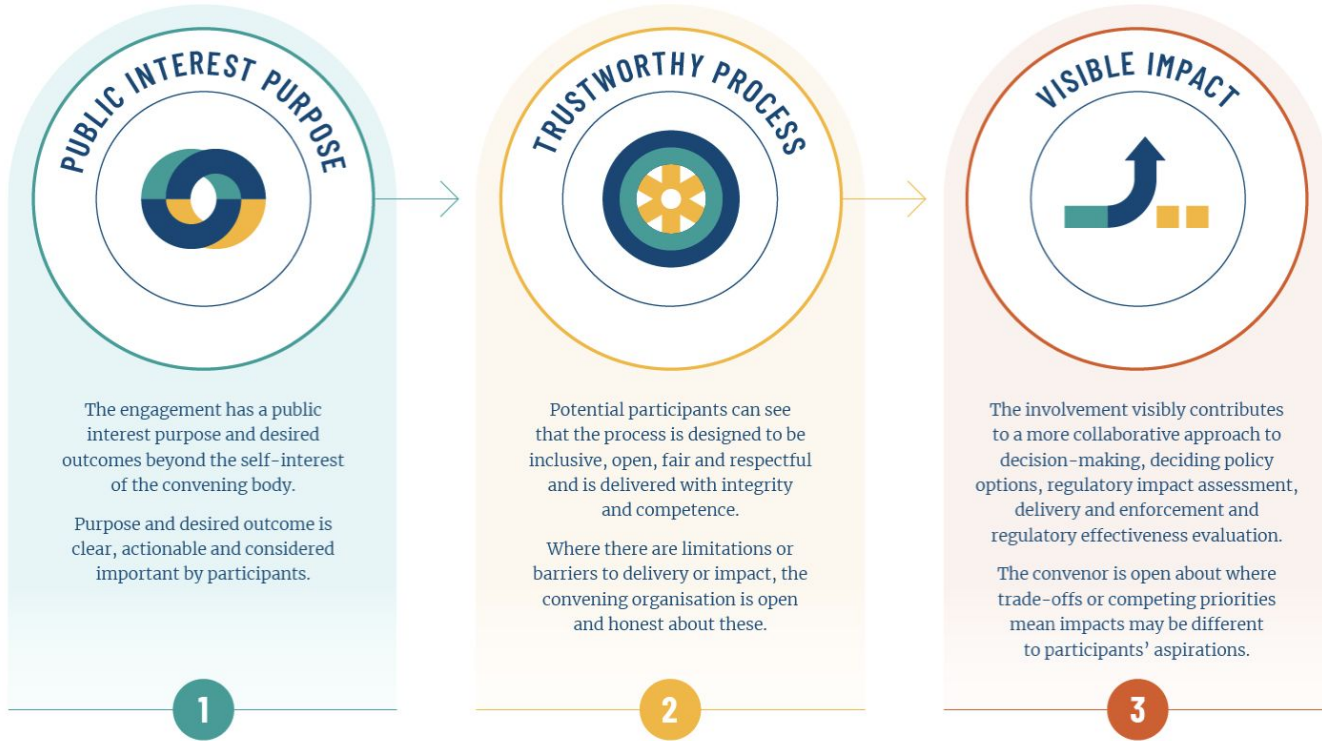


How to involve stakeholders?

Some methodology examples



3 Elements of meaningful engagement



EXPERIENCES AND MINDSET

Stakeholders

The decision will have already been made. This will be just be a tick box

They only care about business

They are so afraid of NGOs they don't listen to us

They will just use what we share against us later

Convenor

They will think they can influence everything, best not engage at all

We are just giving them more ammo to game the system

They are not experts, they don't know enough to be relevant

Everyone just shouts at each other, it doesn't work.



SKILLS AND PROCESS

Stakeholders

This isn't where the real decisions are made, why bother.

We haven't got the resources

I don't know enough about this area to contribute

They never seem to listen to us or act on what we say

Convenor

How can we be sure that they will take part in good faith and not try to derail or subvert the process?

It will just open a can of worms

We haven't got the time or the resources

I haven't got the skills for this sort of project



CONTEXT AND SYSTEM

Stakeholders

The government will have already decided what they want

The system is focused on only on helping business nothing else matters

This is complex with ethical and human rights issues, the system isn't set up to deal with this.

Convenor

The government has already decided what they want, there is no point

I haven't got the mandate to change to what they will want

This too complicated, the system isn't set up to deal with this.

It conflicts with x priority, I don't know how to resolve that.



It's hard.

Building a trusted environment for collaboration by understanding barriers and limitations And ensuring internal buy-in for impact



Discussion

The concept?

The ideas?

The need?