



EBOOK

A guide to navigating policy and regulation for the tech sector

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IN L I N E P O L I C Y

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FOREWORD

About this eBook

This eBook has been written by Inline Policy, a London and Brussels-based consultancy who specialise in helping innovative businesses understand and influence policy and regulation. We have written this eBook as an introduction to the process and strategy of engaging in the policy environment for businesses who have not done so previously.

Developing a strategy for engaging with policy and regulation can be daunting without the know-how or the capability of a dedicated in-house function. How do you monitor policy and regulation? How do you analyse what it means for your business? How do you even begin to engage with and influence policy makers and regulators?

In this eBook, we address these issues and explore what you need to know about taking a proactive approach to policy and regulation. We discuss the relationship between policy and business, and outline three potential strategies for staying ahead of the curve. Should you consider engaging a public affairs agency to support you, we also help you determine how to choose the right one for you.

This is not a full “how to” guide; it is intended to provide an introduction to the tools and steps you should consider if your business is facing new regulation or about to enter new regulated markets. This eBook can also be valuable to businesses that are beginning to feel the need to influence politicians or policy makers in order to take their next steps in growth and development.

We have written this eBook in simple terms, avoiding any specialist language in order to make it a quick and easy starting point for busy executives. We hope you find it useful.

The Inline Policy Team
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PARLIAMENT STREET SW1

CITY OF WESTMINSTER

CHAPTER 1

How policy and regulation affect innovative businesses

Policy and regulation can have a significant impact on businesses, especially those operating in the technology sector where innovation is a constant. Innovative businesses are at risk of falling foul of outdated laws or hastily introduced new ones that could harm their operations and growth. However, changes to policy and regulation can also open up new commercial opportunities for existing companies and start-ups, especially those addressing public sector markets.

All organisations face regulatory hurdles in their endeavours to break away from industry norms. This has been particularly true in recent years in the tech sector where Uber, Facebook, Google and Amazon have all faced regulatory challenges from many governments around the world. However, this is not a new phenomenon as innovators have always faced regulatory hurdles. For example, the Locomotives Act of 1865 required that someone walk in front of “road locomotives” (the precursor to automobiles) waving a red flag to warn pedestrians; a rule which remained on the UK’s statute books for 30 years.

The fact is, any organisation in the business of offering innovative products and solutions are bound to come up against regulatory and policy issues in their attempts to develop new ways of meeting consumer demands. This is particularly the case where innovation is disrupting an existing regulated industry, as Uber have done for taxis and Airbnb have done for hotels.

You could wait until your business is hit with a new policy or regulation to confront adversaries. While this sometimes works, the damage has already been done and appealing against a new regulation that sees your existing model suffer will involve time and costs that could be spent growing your business. Likewise, taking a backseat may cause you to miss out on a new opportunity.

By taking a proactive approach and keeping an ear to the ground on policy and regulatory trends, businesses can anticipate risks to their activities before they become a problem. Moreover, by building relationships with the policy community through advocacy and campaigning, you can create an open line of communication with decision makers, so they better understand your business processes and ambitions.

OPPORTUNITIES AS WELL AS THREATS

At the same time, it is true that policy makers often seek to identify breakthrough innovations that can provide economic or social advantage to their country, state, region or town. For example, the UK Government has identified both autonomous vehicles and artificial intelligence as sectors in which they would like to see the UK take a global lead. To this end they are changing the law, providing public funding and offering other support to companies in those sectors. The EU has similar initiatives in a range of sectors, including the development of 5G mobile services, financial technology and the application of blockchain technology to address social policy concerns.

Keeping abreast of the opportunities is just as important as tracking the threats. A new development may mean you are able to move into a previously untapped market or move to a more profitable business model. If you do not take advantage of these opportunities, you can be sure that at least one of your competitors will.

GETTING THE RIGHT REGULATORY FRAMEWORK FOR NEW INNOVATIONS

While there is much media and political focus on how innovation is disrupting existing regulatory structures, there are times when an area of innovation requires regulatory or legal change to allow it to happen. For businesses operating in new areas that have not previously been considered by regulators and policy makers, getting the right regulatory framework can be crucial to the success or failure of their innovation.

For example, autonomous cars and trucks cannot even be tested without a regulatory regime that allows them to be used on the road. Similarly, the use of drones for commercial deliveries in urban areas requires a new approach to the regulation of airspace. Policy makers today are keen to understand these sorts of innovations and to engage with the companies who are developing the technology. This can, and should, be a win-win for regulators and businesses because well-informed policy makers make well-informed regulations.

It is important to remember that regulatory frameworks for these sorts of innovations do not just concern the obvious rules about safety and flight paths. There are many other regulatory rules to consider, from the mundane matters of insurance and parking, to the highly detailed issues of hacking and potential for criminal misuse.

ENGAGING WITH POLICY MAKERS IS AN INVESTMENT IN YOUR BUSINESS

Since policy and regulation can have such a big impact on a business’ operations and growth prospects, it is in the best interest of organisations to stay ahead of the curve, so they can spot potential threats or opportunities early on.

Many of the most successful organisations have developed strategic engagements with policy makers and regulators in order to create relationships where government, regulators and industry can work together to achieve better outcomes. This does not mean you need to spend the amount of time and money that Google, Amazon and Apple spend lobbying (they are now amongst the biggest spenders in US politics). However, by approaching engagement with policy makers as a dialogue, you can build trust which will help you influence emerging policy and regulatory changes.

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CHAPTER 2

How to take a proactive approach to policy and regulation

We have already made the case for why your business should be taking a proactive approach to policy, regulation and engaging with decision makers. In this chapter, we examine how innovative businesses go about it.

MONITORING POLICY DEVELOPMENTS

You need to have your finger on the pulse of policy and regulatory trends in your market and understand how they could affect your business. By conducting in-depth, up to the minute research you can identify worldwide trends in your sector.

To achieve this, you need to develop the right political expertise and connections to draw out crucial information on upcoming policy changes and regulations and how they might impact your business.

To start with you need to have a process to systematically monitor developments in government, parliament, regulators and the areas of the public sector that are relevant to your business. Most government and regulatory initiatives are announced via press releases and you can subscribe to receive these in your area of interest from the UK Government, European Commission, etc.

Parliamentary proceedings can similarly be tracked through email alerts if a particular phrase is used in the Parliament.

There is an important balance to be struck between ensuring your monitoring coverage is broad enough in terms of keywords that you do not miss relevant developments, whilst ensuring that they are not so broad that you are inundated with irrelevant information. It is also important to ensure that you are covering all political institutions that may be relevant such as devolved administrations and city authorities like the Greater London Authority.

The downside of undertaking a comprehensive monitoring operation by yourself is that you will be inundated with information, much of which will be repetitive or irrelevant. Trawling through monitoring emails to ensure you have not missed something relevant can take up a significant part of your day. It is therefore one of the areas where using a public affairs agency offers an obvious economy of scale.

ANALYSING AND UNDERSTANDING POLICY DEVELOPMENTS

While monitoring developments is all about getting the process right, analysis is much more about judgement. It has never been more difficult to sort the wheat from the chaff in terms of political developments due to the myriad forms that political campaigning can now take. Sites like 38Degrees, WhatDoTheyKnow, and of course Twitter make it difficult to judge which developments will simply be a political side show and which will be the next #MeToo moment.

Having a strong network within the broad policy world of politicians, regulators, think tanks, relevant academics, the media and industry is helpful in understanding which issues are gaining political salience. Taken together with careful monitoring of the policy environment, this knowledge will allow you to make informed analytical judgments.

POLITICAL RISK ASSESSMENT

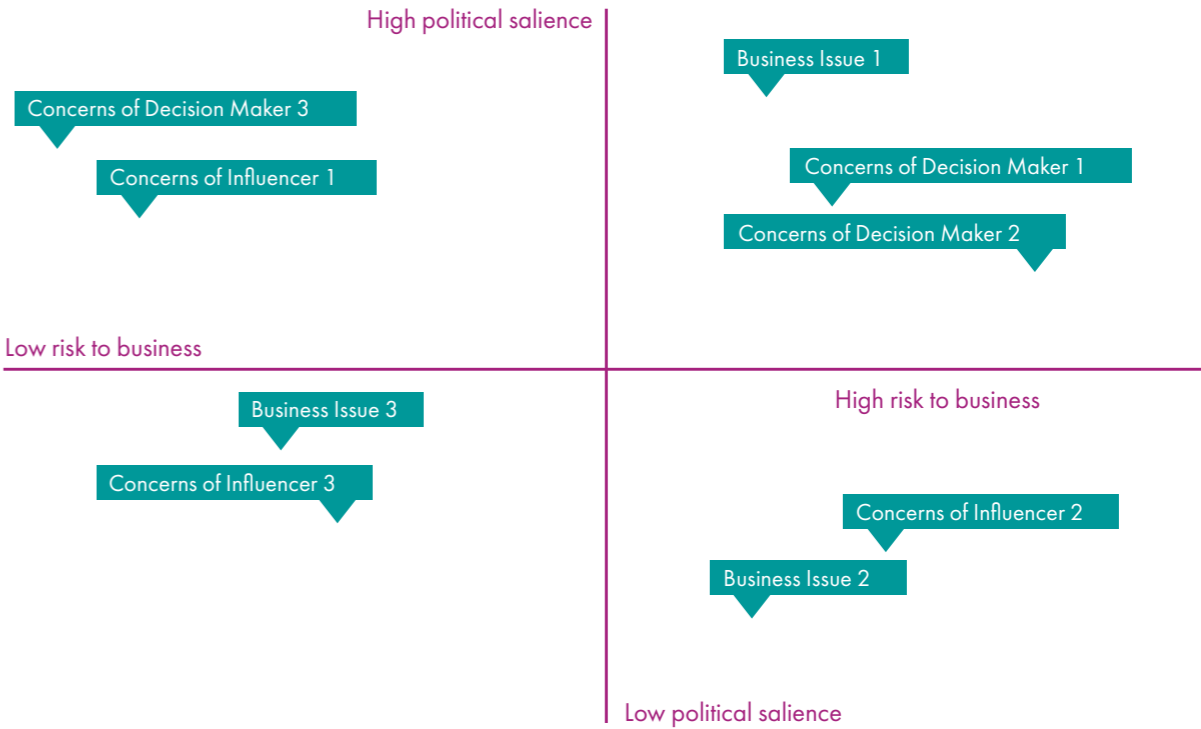
Many innovations carry an element of political risk. Whether you are merging, acquiring, launching a new product, or entering a new market, it is likely you will be facing an unfamiliar regulatory landscape. You need to understand the political and regulatory risks involved and analyse current and potential future regulations that may impact on your investment.

Understanding the regulatory environment of a new business or new market requires significant levels of research. You will need to map out any specific legal requirements, assess questions of jurisdiction and understand the regulatory position of your competitors. Where there is an element of disruption you will need to understand who the regulators are, what powers they have, and how they tend to use them.

Much of this work on regulation can be done as desk research, using a wide variety of sources to gain a balanced view. Understanding the policy environment requires more in-depth knowledge from people with experience of the relevant policy makers. This will allow you to build up a full picture of your policy stakeholders across politics, regulators, industry and pressure groups. Importantly, you will need to differentiate between those who are decision makers of most relevance to your business, who are the decision influencers (who influence the decision makers), and who are the broader policy influencers (who influence the environment in which decisions are made and received).

Putting this research together should allow you to create a clear matrix of political and regulatory risks identifying key issues for the business and the concerns of critical decision makers and policy influencers. Using this matrix of topics you can identify the issues and people you need to spend most time and effort seeking to influence.

EXAMPLE OF A POLITICAL RISKS MATRIX



MESSAGE DEVELOPMENT

Having identified your key issues, decision makers and influencers you will be able to identify the messages that you need to engage in the debate and respond to the arguments and concerns of your opponents. Message development is not about denying facts or dismissing legitimate concerns, it is about engaging in a reasoned debate to promote your point of view.

In general, your messages should avoid the temptation towards hysterical headlines heralding a solution to all problems or an unmitigated disaster if your point of view is not accepted. There are some limited occasions when these techniques may be appropriate, depending on the audience you are trying to influence and your position in the debate.

Your messages should communicate your arguments in a manner that reflects the outlook and concerns of your audience. It is important to demonstrate that you are looking beyond your own commercial self-interest to the wider benefits that will result from decision makers acting in the way you want them to.

LOBBYING CAMPAIGNS

Having identified the people you want to influence and developed appropriate messages you can now begin to communicate your messages to them. This is often referred to as lobbying.

WHY IS IT CALLED LOBBYING?

The term ‘lobbying’ comes from the lobbies through which MPs and Peers enter the chamber of the House of Commons or House of Lords. Members of the public have a right to enter the House of Commons Central Lobby and request a meeting with their constituency MP in order to make their case on a particular issue.

The term is now more commonly used to refer to corporate activity to engage with politicians, but the fact remains that, whether it is carried out by companies, charities or individuals, lobbying is a fundamental part of a representative democracy.

Put simply, lobbying means directly contacting politicians and other policy makers to discuss a particular issue. Politicians and policy makers tend to be open to lobbying when it is done in an honest, open and respectful manner. They understand that they need to hear a variety of views, especially views from experts in the field and those most affected by a proposal, before they make a decision on important issues. A 2009 report from the House of Commons Public Administration Select Committee noted:

“The practice of lobbying in order to influence political decisions is a legitimate and necessary part of the democratic process. Individuals and organisations reasonably want to influence decisions that may affect them, those around them, and their environment. Government in turn needs access to the knowledge and views that lobbying bring.”

Lobbying on its own is not a solution to political or regulatory issues. For most businesses, especially those that are not household names, lobbying is more effective when it comes as part of a wider campaign or programme to build relationships and engagement with policy makers. Building relationships gives you the opportunity to help decision makers better understand your business and to work with you to find solutions to policy problems in your sector.

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CAMPAIGN STRATEGY

Lobbying on particular issues works best when implemented alongside other campaigning techniques, such as coalition building, media engagement, and research to provide evidence. These elements need to be built into a coherent campaign strategy so that each element supports the other, building momentum for the campaign messages amongst the target audiences.

No two campaigns are the same, as a good campaign strategy will be closely tailored to the issue and the decision makers that are being targeted. You will need to decide which methods of communication are best for your messages and target audience. In an increasingly crowded lobbying environment, finding the right medium for your message is as important as the message itself. While traditional methods like letters, emails and phone calls remain effective, getting meetings with busy policy makers can require considerable persistence. Using social media to engage with politicians is more effective than with other policy makers, but the approach has to be carefully crafted to attract support rather than come across as stalking or spam.

BUILDING COALITIONS

Single issue lobbying campaigns can be effective if there is enough support in terms of numbers and/or a broad range of interests lobbying for a particular decision. In order to achieve the required scale, you will need to identify a coalition of supportive businesses, trade groups and stakeholder organisations who are willing to actively mobilise their leadership, members, or customers to support the campaign.

Grassroots campaigns remain one of the most effective forms of influencing politicians who are accountable to their constituents and will always have one eye on the next election. These campaigns are much less effective at persuading civil servants and regulators, who tend to treat the simplistic messages of mass campaigns with some disdain.

It may be that a campaign on a single issue helps you team up with like-minded businesses to form a trade group that can represent your wider shared concerns. While forming trade associations can be time consuming, they are often more effective in lobbying terms than one company working alone.

WHERE TO START

So now you have a clear plan about what you need to do, the question we tackle in the next chapter is how to do it.





CHAPTER 3

Your options

Having analysed your position, identified your messages, and considered your campaign strategy, how you decide to implement your plans is up to you. In this chapter, we explore three potential strategies for navigating the policy and regulatory landscape in your sector.

We explore the key characteristics and the pros and cons of three potential strategies:

1. Do it yourself
2. Recruit policy specialists into your company
3. Engage a public affairs agency

1. DO IT YOURSELF

You could take control of policy and regulation matters internally by making it a focus for either you as the business leader or assign it to another individual or team within your business.

While keeping it in-house means you have full control over where your efforts are focused, success will be dependent on having the right skills and expertise in-house.

The pros

Knowledge - No one knows your business better than you, so by managing activity personally you can ensure efforts are aligned with your business strategy and goals.

Control – You have the best interests of your organisation at heart, and by taking responsibility you will have the reassurance that dedicated attention is being given to your cause.

Wider benefit – Engaging in the policy world can have wider benefits for your profile as a business leader in your company, your industry, and the media.

The cons

Resource – As a business leader, policy and regulation will be just one of many priorities, so giving it the attention it needs may be unrealistic. You could appoint someone internally to take on the role, but do you have the capacity to take someone away from their current focus, or indeed have someone with the right knowledge and expertise?

Expertise – Managing policy and regulation activity is a craft that requires specific skills such as, analysis, writing, and crucially, knowledge of the intricacies of policy. Without this internal expertise, you may not achieve the results you desire.

Training – Without existing expertise, you'll need to train yourself or the relevant people in the right tactics.

2. RECRUIT POLICY SPECIALISTS INTO YOUR COMPANY

You may decide to look for outside help and hire an experienced policy specialist to join your company and establish a team to deliver a public affairs programme. A senior policy adviser will have the relevant skills and expertise and, as they are an employee of your company, you maintain much of the control.

You should start by recruiting someone who is experienced enough to develop a successful strategy and has the gravitas to act as your company's representative. You can then work with them to establish how many other people you need. It may be that you only need one additional person to sift through monitoring and providing analysis, or you may need a larger team to deliver a broader programme.

You can always supplement in-house resources with support from a public affairs agency, which mitigate against needing to recruit more than one person.

The pros

Skills and expertise – A senior policy adviser is an expert in their field. They have the relevant skills and expertise to drive activity. Your role will be to make sure this activity is aligned with the business strategy and goals.

Network – An experienced policy adviser will have made connections to decision-makers that they can leverage to lobby for or against policy change on behalf your company.

Control – Hiring an in-house policy adviser or team provides you with the reassurance that policy and regulation will be given the dedicated and consistent attention required, and by someone who has the know-how and experience to deliver value.

The cons

Learning curve – Bringing in someone new to advise you on policy and regulation means they will need to learn the business from scratch. The time taken to get up to speed will hamper your ability to react quickly.

Cost – Hiring new employees requires you to have the budget to hire someone at the right level who can work well with you and establish a team if necessary. Permanent employees obviously come with more management and cost overhead and with less flexibility than outsourcing to an agency.

Resources – You will need to consider what support the adviser may need from other team members or from an external agency in order to implement the strategy and stay on top of all the relevant developments.

3. HIRE A PUBLIC AFFAIRS AGENCY

A public affairs agency, or lobbying firm, work with a variety of clients and are not directly affected by policy outcomes. They provide a business, or individual, with up-to-date policy and regulatory trends, analyse how they could impact your business, and use their network in the policy community to help you engage with decision makers.

A public affairs agency tends to work with a business on an ongoing basis, meaning you can focus fully on other priorities with the knowledge they will be there as a trusted and consistent adviser. However, employing a third-party does not come without some management requirements; as with any consultancy relationship you will need to ensure they understand your business priorities and maintain a high quality level of work and service.

The pros

Skills and expertise – Like an in-house policy adviser, an agency will be professionals in their field and have a deep understanding of public affairs. As an agency, they also bring broad experience gained from working with a variety of clients and will have a team of experts with a range of specialist skills to meet your requirements.

“A public affairs agency tends to work with a business on an ongoing basis, meaning you can focus fully on other priorities with the knowledge they will be there as a trusted and consistent adviser.”

A broad team – Because a public affairs agency will generally provide a team to work with a client they will have the resources necessary to provide support at all levels, from monitoring, through event management to strategic advice.

Efficiency – Engaging a third-party with the necessary skills and expertise means you can focus on your priorities and what you do best: driving the business forward. Agencies can also provide significant economies of scale when it comes to monitoring and analysis compared to in-house resources.

Flexibility – A public affairs agency will work with you on a continual basis, providing a consistent and dedicated source of support. They will be able to ratchet up and down their level of support in response to your needs.

The cons

Cost – As with outsourcing any area of your business, hiring the services of a public affairs agency requires you to have the budget to fund it. Public affairs agencies do not tend to be as expensive as management consultants, lawyers or accountants, but are generally more expensive than similar sized PR and marketing firms.

Risk – Engaging an external agency can carry with it an element of risk. They will be working for a variety of clients, so you need to be confident that they will always act ethically, will give your business the dedicated attention it needs, and avoid any conflicts of interest with other clients.

Procurement – Appointing an external agency in an area where you do not have your own in-house experts makes it harder to run a well-informed procurement process. Different public affairs agencies tend to have different areas of focus and expertise and different cultures, so it is important to get the right fit for you and your business.

In our next chapter we look at the things you should consider when looking to engage a public affairs agency to support your business.



CHAPTER 4

What to consider when hiring a public affairs agency

If you decide to hire a public affairs agency, you will need to consider which organisation will be right for your business. Whether they are a good choice for you will depend on their knowledge, skills, connections, and how well they ‘fit’ with the culture and values of you and your business.

A good public affairs agency will:

- Proactively keep you abreast of any upcoming changes to policy or regulation that may impact your business operations or growth prospects.
- Help you to engage with, define and steer policy and regulation.
- Help you develop strategies to navigate new policies and regulations.
- Support you in engaging with policy makers in a proactive manner and, when required, in times of crisis.

We set out below some of the ways you can assess whether an agency is the right one for your business.

DO THEY HAVE THE RIGHT KNOWLEDGE?

It goes without saying that a public affairs agency needs to have deep knowledge and experience of the political and policy environment. Equally important, however, is a solid understanding of your industry and the challenges faced by companies like yours. They may not know your specific company, but they should be able to bring to the table experience in addressing the types of issues you face.

Most public affairs agencies are generalists but have specialists in different fields working within the firm. It is important to ensure that you are going to be getting advice and support from the people who have a genuine interest and insight into the work of your businesses, not simply a team who are providing a generic public affairs programme with a few of the names changed for relevance.

With this in mind, it is worth asking each agency you consider to provide you with a list of past clients with similar challenges to yours, that you can contact for a testimonial.

DO THEY HAVE RIGHT THE SKILLS?

Beyond the obvious, there are a number of skills you want your public affairs agency to possess. You need them to be:

Outstanding problem solvers – Experts at analysing, distilling and turning complex information into digestible, actionable information.

Fast acting – Provide fast, up to the minute research and analysis.

Professional – They will, at times, be representing your business, so need to be consummate professionals.

Exceptional communicators – Providing you with clear written research reports and presenting facts and arguments to decision makers are a large part of the role, so it is vital they can speak articulately and write eloquently. Of course, communication is a two-way street, so equally important is the ability to listen. No matter how much experience they have in your sector, they need to fully understand the specific challenges you face and your goals, and this requires listening to you.

Honest – A good public affairs practitioner will always tell you what you need to hear, even though you may not want to hear it. As part of this they should be honest about the chances of success you have in achieving your objectives and what the possible negative outcomes may be.

Ethical – It is important to assure yourselves that your selected public affairs agency will act ethically at all times. This goes beyond the letter of the law, to cover conflicts of interest (whether commercial or political), and a clear view regarding occasions when it is and is not appropriate to use their contacts to achieve a particular outcome for their clients.

ARE THEY THE RIGHT FIT FOR YOUR COMPANY?

As well as taking the time to investigate the capabilities of your shortlist of public affairs agencies, you should establish their overall ‘fit’ with your organisation. Ultimately, the success of your partnership will depend on this compatibility. Some people think this means that big companies need to hire big agencies and vice versa, but this is rarely the case and questions of culture are far more important than size.

When selecting an agency you should think about whether they have the same values as you in terms of work ethic and commitment to quality? Does their culture of management and strategic thinking match yours? Similarly, if you are a forward-thinking, innovative and dynamic company, you want to partner with an agency that exemplifies these characteristics.

Your relationship with your public affairs agency will hopefully be a long and prosperous one, and the right fit is therefore, arguably, the most important element to consider.



CHAPTER 5

Conclusion

In this eBook we have taken you through the reasons why innovative businesses need to consider how developments in policy and regulation may affect their growth. We have also sought to provide an introduction to the work of monitoring and analysing the policy environment and a guide to how you can go about engaging and influencing policy makers. We have then set out three different options for implementing an engagement and influencing strategy within your business and things you should consider if you choose to hire a public affairs agency.

In providing the outline of what you need to do in order to engage with policy makers we have sought to demystify the process. There is no question that trying to deliver an engagement programme without professional assistance is a significant undertaking. If you are busy running a business, then you are unlikely to have much spare time to devote to this task.

Hiring your own in-house adviser is a good strategy if you have medium to long-term policy objectives and need someone inside the company to help marshal resources. However, the work of running an effective policy engagement programme is likely to require more than one person. You could supplement your in-house adviser either with other new employees or, through outsourcing some elements of the work to a public affairs agency. Many in-house teams use agencies to provide additional resources for monitoring, analysis, and as a sounding board for strategy development.

If you are just starting the process of engagement with politics, policy and regulation then you may not be ready to recruit a permanent employee into your business. Using an agency can help you identify the strategies that will deliver your business objectives whilst providing a flexible and adaptable level of support. Finding an agency with the right culture is critical if you are going to get the most out of your investment.

Inline Policy was founded in 2013 to meet a gap in the public affairs market for a consultancy that could provide in-depth policy and regulatory analysis to fast-moving innovative businesses. With technology transforming every aspect of our economy and society, we provide strategic insight into what policy makers and regulators are thinking and how best to influence their decisions.

Everything we do is driven by delivering a great service to our clients. We believe that a great consultant-client relationship comes from being dependable at every level and getting the details right – in strategy, in implementation, and in logistics. We are proud to work for highly-demanding clients who stretch us and our track record of delivery.

If you would like to find out more, or to tell us what you think about this eBook, then please get in touch at enquiries@inlinepolicy.com.

You can find out more at www.inlinepolicy.com



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