



**Regulation Matters:  
a CLEAR conversation**

## **Episode 61: Regulatory Connections – UK’s New Institute of Regulation January 10, 2023**

**Line Dempsey:** Welcome back to our podcast, Regulation Matters: a CLEAR conversation. Once again, I'm your host, Line Dempsey. I'm currently the chief compliance officer with Riccobene Associates Family Dentistry here in North Carolina and Virginia, and I'm also CLEAR's president for 2022-23.

As many of you are aware, the Council on Licensure, Enforcement and Regulation, or CLEAR, is an association of individuals, agencies, and organizations that comprise the international community of professional and occupational regulation. This podcast is an opportunity for you to hear about important topics in our regulatory community. Joining us on today's episode is Marcial Boo. He is the chief executive of the Equality and Human Rights Commission in the UK and also the chair for a new professional body for regulators in the UK, the Institute of Regulation. We're really glad to have you with us today.

**Marcial Boo:** Great thanks, Line. Good to be here.

**Line:** Well, we're certainly happy to speak with you and glad we have our listeners with us. I know you've had an opportunity to speak with Adam Parfitt, CLEAR's executive director, and I understand that you're setting up an Institute of Regulation in the UK. So, please kind of tell us a little bit about that.

**Marcial:** Well, thanks very much, Line, and thank you for inviting me on this podcast, because we're trying to do in the UK with the regulatory community here a lot of the stuff that I know that CLEAR has been doing for a long time, which is bringing together people who are interested in regulation and work in regulation and establishing a professional community, so we can learn from each other and see what works and 'chew the fat' a little bit about some of the issues of the day, which some of those will be the very similar to the ones that exist in the United States, Canada, and many other countries, but some are obviously specific to the United Kingdom. And we talk with the regulatory community here about those. We set ourselves up about eighteen months ago. We've got a website now. We're running events, bit of training, and we have an annual conference coming up in February next year, where we're looking to invite as many people working in regulation to meet in person in central

London and talk about all of these geeky issues that we care so much about.

**Line:** That sounds fantastic! Now, you know, regulation is a very large scope of area. So, who are making up your members currently, and kind of what kind of regulation do they do now?

**Marcial:** Sure. Well, we reckon that there are around one hundred bodies in the UK who have very specific regulatory responsibilities. There are other organizations as well, obviously, that regulate and enforce the law, but they're about one hundred or so, and they range from organizations that deal with, let's call it, professional regulations. So, making sure that, whether they're accountants, or doctors, or airline pilots or nurses, they meet professional thresholds, so that they have a license to do their job properly. And there are processes to determine whether they're fit to practice, if there are challenges to them. So, there's a whole professional regulation.

There's obviously also economic regulation - those organizations that set prices and make sure that consumers are treated fairly and that businesses can make a reasonable profit and invest in innovation and development.

There are also public service regulators. So we've got members who are working in health or education, making sure that those services are delivering good quality value-for-money services to members of the public. And I work in, as you mentioned, the Equality and Human Rights Commission. And previously I worked regulating politicians and making sure that they behaved; so, I would say that my own background is more ethical. So, it's kind of ethical regulation, making sure that people uphold standards of behavior and, in our case, comply with equality law, so that they don't discriminate or show prejudice in the way they're treating people by their race or by their sex or by their age.

**Line:** That's interesting. I want to hear more about your regulatory journey. You know, a lot of the listeners know mine, from being a senior investigator with the North Carolina Dental Board, going through the whole Federal Trade Commission and Supreme Court stuff, and now working kind of on the other side, if you would, as a compliance officer. Tell us more about how you got to where you got to be.

**Marcial:** Cool! Well, I've worked in five different regulatory bodies. Now the first one, I was with an organization that doesn't exist anymore. It was called the Audit Commission, and it was responsible for inspecting the services provided by local government in the UK, in England and Wales. And so those were housing services and some local health services and street cleaning, and all the kind of things that local government does. So, I was working as a director of policy and organization, inspected all of those and wrote reports, and made sure that they spent money properly.

Then I moved to a similar body that does the same at a national level. It's called the National Audit Office in the UK. I was Director of Strategy and Communications there, and that meant that the organization was responsible for checking that central government did its job properly, spent public money properly. So, it wasn't a clear regulatory role. It was more an audit function, but nonetheless,

we published reports on whether the government did its job properly. There's a parallel body in the United States; now I forgot the name.

I then worked, as I mentioned, regulating members of Parliament here in the UK and around 2008-09 had what we call an expenses scandal where members of Parliament here were caught spending public money on themselves basically in various different ways. So, Parliament here created a new regulator to make sure that politicians were paid fairly and in line with the rules. That's what regulators do, obviously, is they enforce the rules. So in this case, I was responsible for paying the salaries, setting and paying the salaries of all politicians, setting and paying their pensions, and also setting the rules for them to claim for travel costs, for staffing costs, for office costs, and all of the things that they needed to spend in order to do their jobs as politicians. So, obviously those politicians who travel further, in our case from Scotland or from Northern Ireland, would get more money in order to compensate them for those extra travel costs, but all of them got the same budget to employ staff and pay their wages and things like that. And in the six and a half years I did that job, I had the power to report politicians to the police. And I did that, and one of them lost his job as a result. It wasn't because I sacked him, because obviously I didn't have the power to do that, but I did have the power to recall him in effect. And it was his constituents, his voters, who decided that actually, after he was found guilty of fraud, but they did not want him to represent them anymore. So, I did that job.

Then I did a bit of regulation of public health during the pandemic, and here I am now, regulating equality law.

**Line:** That's awesome. Well, it sounds like quite the -I like this term I'm using- 'regulatory journey'. I think we've all been on different types of regulatory journeys. So, what are some of the current regulatory challenges that you are facing in the UK?

**Marcial:** Well, lots, lots obviously. I mean, as I said earlier on, there are some of them which are common to some of the regulatory challenges that everybody is facing. How do you make sure that businesses can innovate and improve and have the freedom to do that while you're also protecting vulnerable consumers and making sure that people aren't exploited? How to balance those needs of different interest groups - the consumers and the producers, current taxpayers and future generations. That's a challenge I'm sure we all face in different ways.

There's another challenge which is similar around the world, which I don't think any of us have quite grappled with properly, which is how we regulate those goods that we use, which transcend national boundaries. So I'm thinking here about big tech, finance, cryptocurrencies, but also the environment. You know, we're all breathing the same air and the waters that swirl around our countries - it's all the same. And nobody really regulates that, and there's a risk, as in all sectors that are poorly regulated, that one person can do some bad things, and nobody stops them. So, that's the challenge that we're facing alongside everybody else.

But there are some challenges in the UK that I think are a bit unique to us, and some of those stem

from Brexit, so called, in leaving the European Union, where for thirty years nearly we have benefited from directives and rules and regulations that have been negotiated by twenty-eight countries. And now we in the UK are faced with coming up with our own rules, and that's a challenge for us, because there's lots and lots of rules that we have to decide whether we want to keep from the EU or whether we want to change. So, that's the process that we're going through at the moment. It's obviously an opportunity for us to take stock of our regulatory environment and choose whether to tighten some rules or to loosen others. But it's certainly a challenge that we've got at the moment.

**Line:** So how do you think CLEAR members and members of the Institute of Regulation can make connections and interact? What are our options there?

**Marcial:** Well, one of the things that we've done when we set up this Institute of Regulation here in the UK is look around the world at other bodies that are grappling with similar issues. And we found that there are four or five organizations, like CLEAR, in New Zealand and Australia, the United States and Canada, as well as India. There's a really interesting group of regulators in India. All of us are trying to learn from each other, understand what makes good regulatory practice, where over time we can tighten the rules if we need to, you know, like when we are regulating new medicines or new technology and it's important to make sure that we give confidence to consumers, and where we can loosen rules, because we don't need some of the regulations that we had in place thirty or forty years ago when the world was a different place. So, all of this is something that we can learn from each other. And I hope very much that members of CLEAR and members of the Institute of Regulation in the UK can cross fertilize, you know. As I say, we've got a [conference coming up in February](#). We've also got a website. We've got events just as you do, and it may be that there are some CLEAR events that some of colleagues I have here on this side of the pond would be interested in attending, or vice versa.

And one of the great things I've discovered over the years is that even though we're regulating different things, we have a common language and common concerns. I spoke to a chap who regulates the seas, a maritime regulator in New Zealand, and he grapples with how to enforce the rules, just as I grapple with that here in the UK. So, the geography might differ, but some of the problems are the same. And I would really like to think that CLEAR members and members of the Institute of Regulation can make connections, interact over time, and benefit from the insight that we each have on our different regulatory challenges.

**Line:** Excellent! Well, make sure that you send information to Stephanie about the upcoming February conference, and we, of course, have our [International Congress](#) happening in Ireland in May. So, there's always potential for us to have some overlap. So, that's great. Thank you. It has been great to hear about this initiative, and we look forward to hearing more about the Institute of Regulation. So, thank you, Marcial, for speaking with us today.

**Marcial:** Thanks very much indeed, and it's great to have this opportunity. And I'd encourage those listening to this podcast to check out our website. It's [ioregulation.org](#), if you're interested. I very

much look forward to meeting some of your members, whether in Ireland or in London or somewhere else, over the coming period of years. And I wish you all the very best with your own regulatory challenges.

**Line:** Excellent! Absolutely. Thank you. And it's been a pleasure. You know we'd like to continue this conversation, and here are some of the things that our listeners can think about. Do any of the regulatory challenges that Marcial mentioned resonate with you? How is your organization addressing these challenges, and what resources can CLEAR and the Institute of Regulation develop to help you meet those challenges? We greatly appreciate and thank our members for your feedback.

I also want to thank our listeners for tuning into this episode. We'll be back with another episode of Regulation Matters: a CLEAR conversation very soon. If you're new to the CLEAR podcast, please subscribe to us. You can find us on Podbean or any of your favorite podcast services. If you've enjoyed this podcast episode, please leave a rating or comment in the app; those reviews help us to improve our ranking and make it easier for new listeners to find us. Feel free also to visit our website at [www.clearhq.org](http://www.clearhq.org) for additional resources and a calendar of upcoming programs and events.

Finally, I'd like to thank our CLEAR staff, specifically Stephanie Thompson; she's our content coordinator and editor for this program. Once again, I'm Line Dempsey, and I hope to be speaking to you again very soon.

*The audio version of this podcast episode is available at [https://podcast.clearhq.org/e/institute\\_of\\_regulation/](https://podcast.clearhq.org/e/institute_of_regulation/).*