

CANVAS

REGULATION EDITION 2023

BY *Saxton Bampfylde*

MAKING LEMONADE

REGULATORY LEADERSHIP
DURING CHALLENGING TIMES



CANVAS

REGULATION EDITION BY SAXTON BAMPFYLDE

Welcome to the 2023 Regulation edition of CANVAS, the insights update from Saxton Bampfylde and our global partners. Our aim is to share interesting thoughts and perspectives on topics and issues that are relevant and current in your sector. We very much welcome any thoughts or comments you would like to share.

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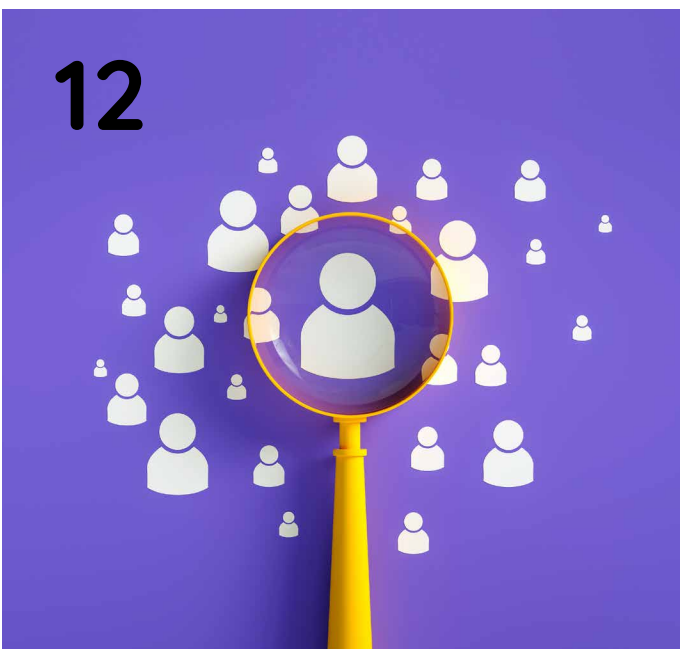
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Jonathan Morgan,
Head of Regulation Practice
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EDITION OVERVIEW

This edition of CANVAS is our first since we have emerged from the pandemic, but life in the UK and beyond comes with continued and acute economic, social and environmental challenges. It is a difficult world to navigate for many people and regulators have a vital role to play in protecting and promoting consumer interests over the coming year.

Strong, flexible and people-focussed leadership made the difference between success and failure for many organisations during the pandemic and individuals and organisations are investing time well if they reflect on what they should learn from that time. In our last edition we talked about people's enthusiasm to see innovation in leadership, technology, community and purpose remain high on the agenda. We are delighted to be able to share two interviews with leaders who have been delivering across these areas.

We were pleased to speak to **Richard Moriarty**, the outgoing Chief Executive of the Civil Aviation Authority (CAA). Richard tells us how his team and the aviation industry at large has navigated many challenges of the pandemic, while recognising the increasing responsibility to innovative positively for the climate, the public and the industry. Authentic and collaborative leadership is at the heart of his approach and he shares how his experience has shaped this view and offers great advice for future leaders coming behind him. Richard will leave the CAA in April 2023 after five years as CEO and we wish him all the very best for his next role

“Strong, flexible and people-focussed leadership made the difference between success and failure for many organisations during the pandemic.”

We are also delighted to talk to **Dr Bill Moyes**, after his first year of becoming Chair of the Accounts Commission for Scotland. Bill's depth of regulatory experience is augmented by his previous broader roles and presents a perspective that encourages challenge while fostering positive engagement.

Our own Partner community is what makes us stand out and so we are very happy to introduce our colleague **Corrie Cowlard** as she shares her personal and professional experience and snapshot insights into the sector.

We do hope you enjoy this edition and welcome any feedback you may have.

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Meet Corrie Cowlard, Associate Consultant in Saxton Bampfylde's Government & Regulation practice



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Opportunity to thrive and responsibility to sustain



Interview with
Richard Moriarty,
 outgoing Chief Executive of
 the Civil Aviation Authority



Richard Moriarty has led the Civil Aviation Authority (CAA) through the toughest time the aviation industry has faced on a global scale. He talks openly about the challenges faced during the pandemic and the current recovery period for the industry and maintains a very measured view on the responsibility of the regulator and the aviation sector to create more sustainable and environmentally sound alternatives. This necessitates a great emphasis on innovation and investment, much of which grew positively at home and with international engagement during and post pandemic.

Richard's experiences have allowed and encouraged him to reflect on good leadership and why it has become more important than ever and particularly in regulation as consumers continue to face extremely challenging times. Richard will be leaving his position in April 2023.

You were appointed chief executive of the Civil Aviation Authority in 2018. How has the consumer's experience of the sector changed during that time?

The UK has one of the most vibrant and connected aviation economies in the world. It is the third largest behind the US and China. This choice, competitiveness and innovation has been a tremendous positive for the UK public to connect with people and places around the world – and for UK plc given aviation's vital role in cargo and trade.

Set against these strong underlying market fundamentals, I should highlight two significant things that I've had to deal with in my time as CEO.

Firstly, we must recognise that COVID has had a profound impact on aviation and aerospace since the outbreak of the pandemic and the associated travel restrictions. The last couple of years have been very challenging for consumers and all those working in aviation with flight activity at times dropping to 10-20 per cent of pre-pandemic levels. That was quite an existential threat, however, I am really pleased to see how strongly aviation has recovered now that travel restrictions have been lifted. We are back to over 80-85 per cent of pre-pandemic levels of activity and expect to exceed pre-pandemic levels of activity in the next couple of years. It demonstrates that this industry is resilient and there is a lot of pent-up demand for people to travel and connect. The pandemic has been quite an experience for us all in aviation and under my Chief Executive at the CAA.

The second point is that since I became CEO, I've noticed that despite their strong demand for aviation services, the public has become increasingly aware of its environmental

“It starts with recognising in whose interest we ultimately serve – consumers and the public. Protecting the public is the core mission for any regulator.”

impacts and keen that the industry ensures it earns its place as a modern responsible corporate citizen especially in terms of carbon emissions. I am pleased that the industry is rising to this challenge, supported by the CAA and the Government through the Jet Zero challenge. There are some really exciting developments to help decarbonise aviation through sustainable aviation fuels, hydrogen technology and electric flight. I am keen that the UK is at the forefront of these developments as a leading aviation nation and as the industry regulator we play our facilitation role to ensure this is done safely. For example, the CAA helped to ensure that the world's first commercial grade test flight of hydrogen fuel happened in the UK. I am really keen that we see more of that in the coming years in the UK – we have an important role to play.



“Part of leadership must be to see and bring a broad range of perspectives to bear to solve knotty problems and create great opportunities.”

The pandemic and its aftermath have presented a unique set of challenges for the airline industry. Can you share some of the challenges, but also the opportunities and innovations which have arisen as a result?

Part of the challenge in the early days for all leaders was there was no playbook for a global pandemic and hence it was difficult for airlines and airports to plan ahead and set resourcing and investment levels when cash conservation was so important given their basic survival was threatened.

In the early stages there were problems with some airlines refunding consumers for cancelled bookings and we had to intervene to make sure the backlogs were reduced at sufficient pace. There were also operational challenges for airlines and airports from downscaling, and we worked very closely with them given our roles to ensure high levels of safety, security and cyber resilience. Equally we have seen challenges on the return to growth post pandemic given labour shortages and the impact this has had for some consumers earlier in the year in terms of disruption to their journeys or plans.

I'm always slightly reluctant to say there are upsides from a devastating global pandemic, but some opportunities have arisen. In recent months there has been a strong pent-up demand for travel and for people to reconnect with the world. It has also made consumers more conscious about

the need to think about if their travel plans should be protected or flexible in the event of changes. Airlines and travel companies have shown a good level of innovation in their response to this desire for more flexibility. They have certainly worked out that offering people choice and offering people optionality is something that is popular and we expect to see more of that.

How did investment in aviation fare during the pandemic?

I have certainly noticed during the pandemic that while there was not a lot of investment going into commercial aviation as it faced a lot of existential threats, the amount of investment and focus going into new technology, particularly around decarbonising aviation actually increased. We had more people coming to us during the pandemic to launch new technologies including electric and hydrogen flight. Globally we had people relocating to the UK as they see it as a great place to launch and develop new technologies, as well as homegrown new industries taking advantage as well. We have a very proud aviation heritage in the UK and we are keen to preserve that. We have universities like Cranfield who have specific courses and research dedicated to aerospace and both the Government and CAA are keen to make the UK the best place in the world for such innovation.

As we move into another period of challenge with the cost-of-living crisis how is the CAA looking to protect the rights of consumers at such a time?

Protecting consumers' legal rights is an important role of the CAA. There are three areas where we pay particularly close attention, and we are often seen as the most proactive consumer-based regulator in Europe.

First, we ensure that airlines are complying with their obligations to refund and compensate consumers for delayed and cancelled flights. We have been very active on this throughout the pandemic and have held airlines to account. We have taken legal action against airlines where necessary to ensure compliance and have called on Government and Parliament to strengthen our powers; something that I'm pleased to say has been supported with a recent Government consultation on this matter.

Second, we pay special attention to how airports provide services for passengers with disabilities, both physical and non-physical. The UK has a proud record of accessible aviation travel. We are the only regulator in Europe to publish an annual assessment of airport's performance – often called a league table – and from that we use reputational regulation to drive improvements across the system.

“It must start with a recognition that one of the core responsibilities of any CEO, Board or Executive team is to be responsible for the health, vibrancy and diversity of the future talent pipeline for leadership positions.”

Third, we run the ATOL scheme for package holidays which gives you protection against your tour operator going bust. This has really demonstrated its value with collapses over recent years of both Monarch and Thomas Cook where the CAA undertook the largest peacetime repatriations in history to ensure consumers could finish their holidays and be flown home at no extra expense to them.

There has been an assertion from some travel operators that the regulator should be given more power over airlines. Can you share your view on this?

Quite simply we agree. Our formal legal powers over airlines for delayed and cancelled flights are very bureaucratic and slow. We have called on Government to modernise them to enable quicker more decisive action and bring the powers into line with those of other regulators. I'm pleased that the Transport Select Committee and the Government have recognised this and has supported us. The next stage is to develop the powers in detail through legislation.

How can good regulation empower and protect consumers at difficult times like this? How can a regulator engage with consumers?

It starts with recognising in whose interest we ultimately serve – consumers and the public. Protecting the public is the core mission for any regulator.

As a consumer-focused regulator of a dynamic and competitive industry we believe that best way to empower consumers is by focussing on giving them choice, access to good information, and making sure their rights are protected when things don't go to plan. To do this we use full range of tools for example: informal influence, or soft power, with those we regulate to encourage them to do better and share best practice. The successful use of the sunflower lanyard for non-visible disabilities is one example of this; we set formal targets for Heathrow Airport in relation to security queue waiting times; and occasionally we have to take more formal legal action to enforce compliance.

We engage with consumers in a range of ways. We do so indirectly through an established Consumer Panel that advises us on policy development. We also engage directly through social media and other channels.

Other areas in which you have interest and experience face challenging times such as housing. Do you think this broader perspective has helped you in all of your roles?


Most definitely. Part of leadership must be to see and bring a broad range of perspectives to bear to solve knotty problems and create great opportunities. Experience across a number of industries or different contexts within an industry provide a greater range of data points and analogies to draw from. Albeit you need to be very careful not to fall into the trap of passporting a solution from somewhere without fully understanding the particular context. I am a big fan of my colleagues gaining experience elsewhere and bringing that experience back into the organisation.

Part of being a CEO is developing the next generation of leaders. How does the CAA, including in conjunction with other regulators, nurture that group to ensure that your successor, and theirs, can be drawn from a strong, diverse talent pool.

I think it must start with a recognition that one of the core responsibilities of any CEO, Board or Executive team is to be responsible for the health, vibrancy and diversity of the future talent pipeline for leadership positions. And that leadership is a skill and set of attributes and characteristics quite different to subject matter expertise. This is important to technical organisations like regulators who employ lots of experts.

There needs to be active and purposeful stress on succession planning, future skills planning, talent pathways, and diversity and inclusion. At the CAA we created something called the Skyline Board which is a shadow board of our younger talent to plug into a younger and more diverse demographic to feed into decision making

at the highest level of the organisation. That has been a great success.

There are many informal networks which exist, but regulators should actively promote their people, particularly next generation leaders contributing, buddying and shadowing in different organisations as I think that would stand them in good stead and I would certainly welcome that at the CAA. 

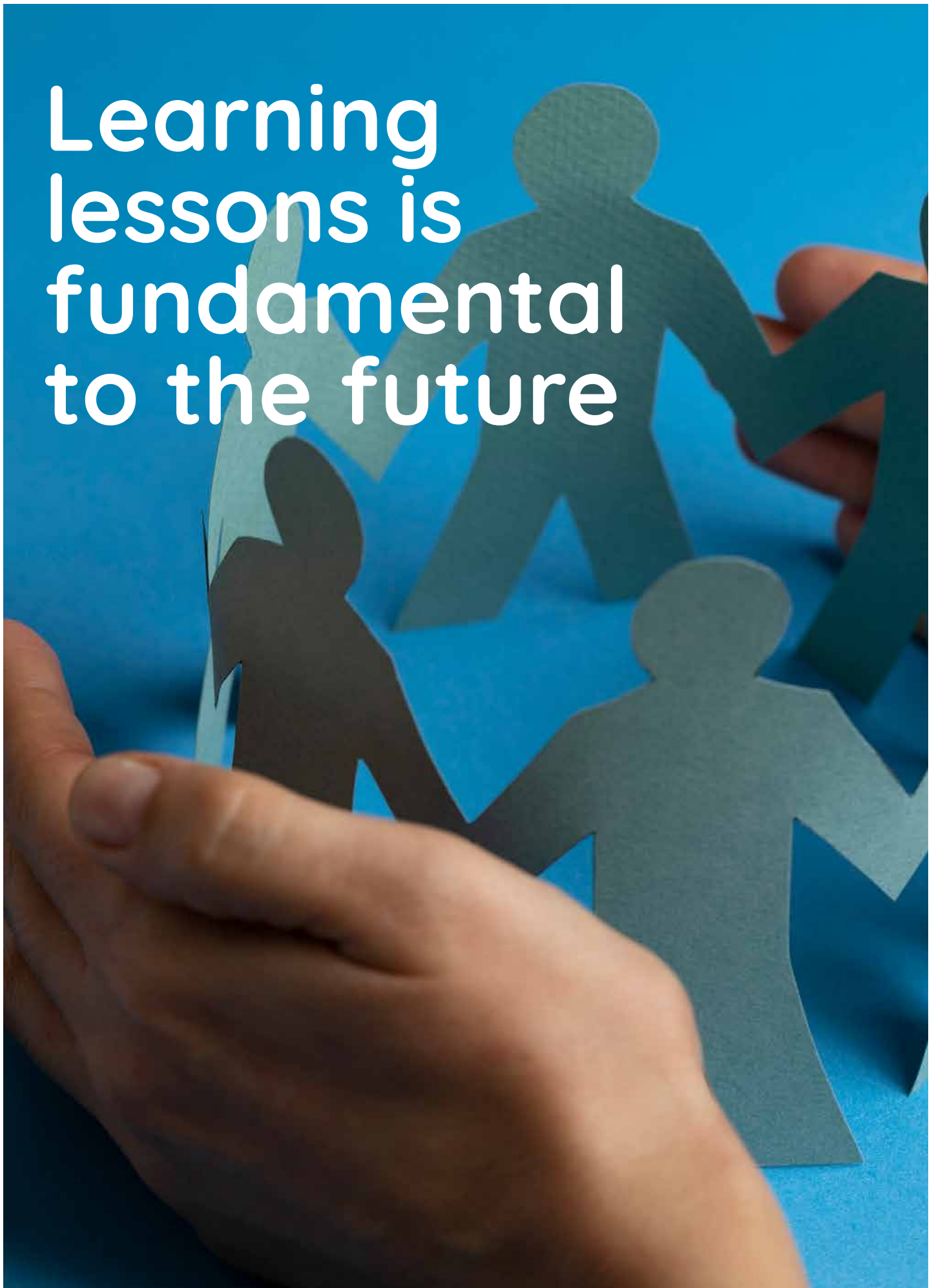
Richard Moriarty Biography

Richard Moriarty joined the Civil Aviation Authority, the UK's independent aviation and space regulator, responsible for the safety, security and consumer interests of those who fly, and those affected on the ground below, in January 2016 as Group Director of Consumers and Markets and Deputy Chief Executive, before taking over the role of Chief Executive in May 2018. He is now due to leave his position in April 2023.

Prior to the CAA, Richard was the CEO of the Legal Services Board, which oversees the regulation of the legal profession in England and Wales. Richard has also held senior public and private sector roles in several regulated sectors including water, energy, aviation, postal communications, and social housing.

Richard was, until 2019, a non-executive Director of the Homes and Communities Agency Regulation Committee; a non-executive Board

Learning lessons is fundamental to the future





Interview with **Dr Bill Moyes**,
Chair of the Accounts
Commission for Scotland

A very wide-ranging mix of Whitehall, private sector and regulatory experience combines in Bill Moyes to create unique insights and perspectives, which are complemented by a genuine commitment to finding the best solutions for the affected public. With firm-held views about deriving and demonstrating impact through the organisations he has worked with and lead, Bill advocates for challenge and learning to bring about successful and positive change.

As we emerge from the very challenging environment of the Covid pandemic and are faced with a public consumer crisis it is vital that organisations such as the Accounts Commission can work proactively at local and national level to make a real impact. We are delighted that Bill agreed to talk to us and share his views and experiences with such candour and clarity.

Your role as Chair of the Accounts Commission for Scotland started in January 2022. What is sitting in your in-tray in that role?

My focus has been to try and work out how we can be a more effective organisation. When I was appointed, I asked the Scottish Government what they wanted me to do, and it was acknowledged that while the audit work was good, the desired impacts were not being achieved and that was a real area for improvement.

This has taken us into a change programme, designed to raise our profile and explore in more detail what impact means. I believe impact means better services for the public. More and better media coverage for the Commission is welcome, but it's not sufficient. The general public, Scottish politicians and the elected members and staff of local authorities want the Commission's reports to lead to tangible improvements in how local services are designed and delivered, and in what they cost.

I am trying to move the Commission to be not only a supporter of those local authorities which are experiencing difficulties, although this is very important, but to challenge them too. Most people agree that Scottish local authorities performed to a very high standard during the lockdown - redesigning services and ensuring that central government funding quickly reached the groups for which it was intended.

There needs to be lessons learned from the pandemic as well as pushing back on the things we had to do to get through the pandemic but that we don't want to retain in the long term. We need to be more sceptical and ensure that problems

“We need to be more sceptical and ensure that problems are being seen earlier on and actions taken.”

are being seen earlier on and actions taken. There is a lot of transformational change happening and if we are not careful important elements will be lost.

There is a lot of good data about the performance of different services in each local authority. And there are a number of projects on how services can be improved. The Commission welcomes that. I hope the Commission can develop the capacity to give the Government an objective and realistic picture of the consequences for local authorities and service users of some of their decisions and policies. That doesn't take us into lobbying, but it does fill a gap in the understanding of local authorities and will derive the impact we need. I really want the Accounts Commission to be doing more of that.

The cost-of-living crisis presents considerable challenges for the public. What can an organisation such as the Accounts Commission do to help?

We see the public as being our ultimate customer. Therefore, it is really important that we can give them reassurance that the bodies we oversee, which are



“I think the pandemic has demonstrated to citizens and employees that things can be done differently and, on the whole, be done better.”

more than 100, are operating efficiently, effectively and economically. We will be trying even harder than in the past to ensure that those organisations are not wasting public money and that people are not having to pay more than they should for the services that they want.

We have no doubt that across Scotland there are lessons to be learned from the pandemic about how to use the workforce more effectively and how to cut costs - and keep them cut. We want to encourage local authorities to think about that, and while we know that there are different challenges in different areas, change is needed. Ultimately this equates to better quality services that reflect the needs and priorities of local people, and decreasing costs.

You were formerly Chair of the General Dental Council and the Gambling Commission. What are your reflections on how they will need to evolve to face the challenges in those sectors in the years ahead?

The General Dental Council was interesting as the role was to protect the public by regulating professional behaviour. An important part of this was the investigation of allegations that a dentist or dental care professional was not fit to practice their profession.

The law was not helpful to us or to the public. It required the GDC to prove that the dentist or dental care profession was currently unfit to practice. The thing that used to concern me was the way that

the dental defence unions, which insure dentists and offer them legal advice, often tried to delay a GDC decision for as long as possible so that their client could continue with professional development and have more time to address specific areas of concern and therefore would be judged as fit to practice when their case eventually came to be determined.

So, a system intended to protect patients, could be subverted to become a means of protecting professionals whose it would do the profession good to recognise that and make sure that serious action was taken quickly.

Gambling in Great Britain is a large and technically-sophisticated industry. Around 22m people gamble at least once every month. The job of the Gambling Commission is to ensure that the industry is free from crime, that it is conducted in a fair and open way and that vulnerable groups are safeguarded.

During my time as Chair I focussed the Commission's work increasingly on detecting and preventing gambling harms. This was a fairly significant change.

I feel pleased that we managed to persuade ministers at the Department of Culture, Media and Sport and the Department of Health and Social Care that problem gambling was a significant public health challenge which needed to be addressed as such. The view of the Commission changed to reflect that its primary role

was not to support the industry, but to support gamblers and to ensure that the industry played a major part in this effort.

Gambling is legal and the Commission didn't take any stance on whether it was good or bad. People should be allowed to gamble if that is what they want to do. But the great danger is that people are enticed into a habit they cannot support and that has all sorts of serious consequences.

During my time as chair there were about 350,000 people who were serious problem gamblers - addicts - and a further two million who were on the cusp of it. I felt very strongly that it was a significant public health problem and needed to be dealt with as such. To do that properly the legislation had to be strengthened. As I left my post the Commission was starting to make an impact on ministerial thinking. But the promised White Paper remains a work in progress.

Have you noticed major differences in how government and regulators in Scotland and England view their role and remit or how they approach tackling issues?

It is different, certainly in my experience. One reason is that a lot of big companies are not head-quartered in Scotland and the regulatory regimes within which they operate tend to be UK or GB regimes. Regulation in Scotland tends to be more public sector focused. There are exceptions, but generally speaking, this is the case. Since I took up this role in January I have been very interested to see the extent to

which the Scottish Parliament is involved. Much more so than with regulatory bodies in England, where I was very occasionally summoned to appear for a select committee at Westminster.

In the past several months I have spent a fair amount of time meeting different Committee Conveners. It seems to me that there is much more camaraderie between MSPs in Scotland compared to their peers in Westminster without the same kind of tension amongst Select Committees.

While I think there are positives in this and enables more opportunity to explore issues with less party-political point scoring, there is the potential for it to become a bit too cosy. I would question whether MSPs should be a little bit more challenging of the regulators in Scotland. We challenge local authorities and they should be able to challenge the regulator from time to time.

You have led the boards of a number of organisations undergoing significant change. How do you think the long-term effects of pandemic, such as hybrid working, will change the way in which the public sector works?

I think the pandemic has demonstrated to citizens and employees that things can be done differently and, on the whole, be done better. Every local body I have spoken to in Scotland has case studies that can demonstrate how they have positively changed systems and approaches. It will be really important for Government

and Local Authorities to ensure that any obstacles are removed to allow them to do things differently and better. However, we do need to ensure that we are not cutting people off from public services. We have a cadre of older people who could be at danger of this because they don't have access to the internet. I think that is one thing that local public bodies really must think hard about until we get to a point when every generation is technically literate which is some way away. As part of this all public sector bodies and governments should be encouraging greater conversation with technology companies to ensure that services and technical applications and innovations can benefit citizens.

How can a regulator engage with consumers to ensure that good regulation empowers and protects the public difficult times like this?

That is one of the biggest challenges for all the regulatory bodies I have been involved with. In the Accounts Commission we are considering this very issue at the moment. We have a specific programme and we consult on it but we don't really get much feedback from the public. But we absolutely do need to address this so we can work out whether we are drawing the right lessons about topics that we are looking at. If we can get the public genuinely engaged in basic, but fundamental things like bins and roads we have more opportunity to engage on more complex areas – e.g. the education system and the care system.

“We challenge local authorities and they should be able to challenge the regulator from time to time.”

The creation of the National Care Service in Scotland is going to require a huge amount of contact and interaction with the public to discuss systems and processes and how it is going to work. This may be something that the public can relate to. It is a huge upheaval for local authorities and for large parts of the Health Service and if we have not engaged the public properly by the time this legislation comes to be implemented we are going to have a real problem.

The public's voice is really important in this and it can't just be a consultation document which asks to validate the proposed approach. We need to be thinking broadly about communication and engagement and considering a much more authentic, wide-ranging and demonstrable approach. **C**

Dr Bill Moyes Biography

Bill is the current Chair of the Accounts Commission for Scotland, which holds councils and other local government bodies in Scotland to account and helps them improve by reporting to the public on their performance. He has extensive experience of regulation, having chaired the Gambling Commission, which regulates all forms of commercial gambling in Great Britain and the National Lottery; the General Dental Council, which is the professional regulator of dentists and dental care professionals in the UK; and Monitor (the Independent Regulator of NHS Foundation Trusts). Prior to these appointments he was a board member of the Legal Services Board and the Office of Fair Trading.

Outside the field of regulation his previous non-executive directorships have included the Priory Hospital

Group; the Council of the University of Surrey and chair of its audit committee; the Chairmanship of the Board of Governors of Heythrop College (a constituent college of the University of London); and being a trustee of the Catholic Trust of England and Wales.

His executive career included a range of Civil Service policy-making roles in Whitehall, including the Economic Secretariat in the Cabinet Office, and in various departments of the then Scottish Office; Head of Infrastructure Finance in the Bank of Scotland; and Director-General of the British Retail Consortium. Bill was educated at Edinburgh University, where he completed a Ph.D. in theoretical chemistry.



LEADERSHIP APPOINTMENTS

A selection of recent appointments in regulation
advised by Saxton Bampfylde





David Black
Ofwat, CEO



Abby Thomas
Financial Ombudsman Service,
Chief Ombudsman



Sara Vaughan
Elexon, Chair



Simon McCalla
Elexon, CEO



Gisela Abbam
General Pharmaceutical
Council, Chair



Aileen Armstrong
Solicitors Regulation Authority,
Executive Director for Strategy
and Innovation



Nicole Paterson
Scottish Environmental
Protection Agency, CEO



Alan Vallance
Chartered Insurance Institute,
Chief Executive



Lord Grade
Ofcom, Chair



Kate Spencer & Sophie Bold
Equality and Human Rights
Commission, Joint Director of
Legal Policy and Advice



Marcus Bokkerink
Competition and Markets
Authority, Chair



Raj Parker
British Horse-racing Authority,
Non-executive Director



VIEW FROM THE RIVER: TEAM INSIGHT

Meet Corrie Cowlard, Associate Consultant and Partner, Government and Regulation Practice

Take a closer glimpse into the Saxton Bampfylde team with our regular View from the River team insight feature.

The company's London office is based next to the iconic Thames.

We are proud of our team and enjoy this opportunity to share a closer glimpse into our Partner community at Saxton Bampfylde. Corrie is an Associate Consultant in our Government and Regulation practices.

Past, Present and Future - how you came to be at Saxton Bampfylde

I previously worked in New York in Executive Search at the start of my career. I was introduced to Stephen Bampfylde by my then boss as I was moving back to the UK in 2010. Saxton Bampfylde is values-led with a deep-rooted social conscience that prioritises people and purpose. I find that the company is a happy place to work; the people are fun and really care about each other. This, and the fact that it does genuinely interesting and impactful work, was what drew me to the firm.

Your role and focus in the regulation practice group?

My role is varied, but the main thrust of it is taking, shaping and delivering on briefs for our clients. The best part of my job is working with some of the most topical and significant organisations at the heart of government, which in turn means that I have the privilege of working with some of the most influential leaders in the UK.

What in your view makes the best leader?

The future of our society demands exceptional and diverse leaders who can demonstrate purpose and sustain change. At Saxton Bampfylde, our mission is to "change the world by changing leaders in interesting and important organisations." We therefore have high-expectations and maintain a very high bar when looking for 'the best' leaders. In my view, a first-class leader is someone who is dynamic and inspiring, able to distil often really complicated messages into a more palatable format. Communication is key: they must be able to listen to their team, engage with them and make them feel part of the journey.

Cost of living crisis - what role do the regulators have?

The core purpose of regulators is to protect and benefit the consumers - which is more important now than ever. They do need to support organisations

“A first-class leader is someone who is dynamic and inspiring, able to distil often really complicated messages into a more palatable format.”

and economic growth, but I do believe the cost of living crisis is putting their role into sharp focus in terms of the consumer, and this is their opportunity to show how they can really effect positive change for them.

What are your passions outside of work?

I have three small children so some of my passions are on hold at the moment! Spending quality time with the family for me is really important. I also enjoy a glass of wine and catching up with my friends - that is one of my favourite things to do!

With the choice - pop on a podcast or bury your nose in a book? And please share any good recommendations...

With three kids aged 6, 4 and 2 I don't get much time to myself! I have always loved books and I read every day, even if just a page before I go to sleep. The one book that I can read over and over again is Little Women by Louisa May Alcott; it reminds me of growing up with my own sisters.

Get in touch with Corrie

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Saxton Bampfylde

OUR MISSION STATEMENT

We exist to change the world by changing leaders in interesting and important organisations. At the same time we aim to create an environment wherein all members of our community can grow to their fullest extent emotionally, intellectually and spiritually.

Saxton Bampfylde is an employee-owned business.

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