Office for Nuclear Regulation

Regulators' Code Self-Assessment 2022 Update

July 2022

Regulators' Code Self-Assessment – 2022 Update

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Introduction

The Regulators' Code provides a framework for how regulators in the UK are expected to deliver regulation and to engage with dutyholders. We have gone beyond the statutory requirements by using the Code as a tool for self-assessment. This update provides details of our progress during the period March 2020 to March 2022 against the ongoing actions set out in the 2020 assessment. It also highlights the further progress we have made against the overall requirements of the Code in the last two years.

We have all experienced the most extraordinary two years because of the COVID-19 pandemic. While we had to adapt some of our working practices to respond, we have been able to maintain our resilience and continue to effectively deliver our mission to protect society by securing safe nuclear operations. This has included ensuring the principles of the Code have continued to be met.

Our new Service Standards publication brings us into line with Theme 6 of the Code, which means that we have, for the first time, rated ourselves as green reflecting our compliance with all the themes. In line with the ambitions set out in our Strategy 2020-25, we continue to seek opportunities to modernise and improve in line with the Code, striving to go beyond requirements where possible.

Our progress in summary

Since the 2020 Regulators' Code Self-Assessment report, the RAG ratings of our actions against the themes have now all moved to green as shown below:

Table 1 - Self-assessment against the Regulators' Code themes

Theme	RAG rating (2020→2022)
Regulators should:	
1. Carry out their activities in a way that supports those they regulate to comply and grow;	O > O
2. Provide simple and straightforward ways to engage with those they regulate and hear their views;	O > O
3. Base their regulatory activities on risk;	O > O
4. Share information about compliance and risk;	O > O
5. Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;	O > O
6. Ensure that their approach to their regulatory activities is transparent.	O > O

Our progress on all outstanding self-assessment actions

This section includes all the outstanding actions identified in the 2020 Regulators' Code Self-Assessment (covering the period May 2018 to March 2020) and notes our progress against each over the last two years.

Action 1	Review the content and layout of our website to make it more user-friendly, specifically tailoring it to our dutyholders by September 2016.
Complete	This action has been marked as complete under this Self-Assessment update as the website content and layout have been reviewed as part of our rolling review programme to refresh content and consider accessibility. In November 2020 our website was ranked in the top ten for accessibility and digital compliance from among 300 UK Government and public bodies by the Sitemorse Index, an independent benchmark that ranks public and private sector websites. In line with our Stakeholder Engagement Strategy 2020-25, we will begin work this year to develop a new, more accessible website.

Action 2	Improve our regulatory Key Performance Indicators (KPIs), making them better linked to international standards for nuclear regulators.
Complete	2021/22 was our second year using our new Organisational Effectiveness Indicators (OEI) framework to assess how we are delivering against our mission and strategic objectives. End of year assessments show that we are on track to deliver our Strategy 2020-25.

The OEI framework provides a broad evidence base for us to assure our board, government and the public of the efficiency and effectiveness of our regulation and progress against our Strategy 2020-25, and is based on the Organisation for Economic Co-operation and Development (OECD)'s Nuclear Energy Agency (NEA) Ten Characteristics of an Effective Nuclear Regulator .

We continue to refine the framework and are planning to further embed it into our core processes during 2022/23. |

Action 3	Review the Regulator Nuclear Interface Protocol (RNIP) to see if it remains fit for purpose for ONR and revise information on the website to reflect how it is currently used.
Complete	We continue to keep our mechanisms for gathering feedback under review. RNIP continues to play a role in gathering feedback from those we regulate. We expect to review our range of feedback mechanisms over the next 12-18 months, having re-timed this work due to the impact of the COVID-19 pandemic.

Action 4	Establish formal provisions for businesses (and other stakeholders) to be appropriately consulted in our process for making significant regulatory decisions, establishing regulatory guidance or when updating licence conditions.
Complete	This action is a part of one of the recommendations made during the International Atomic Energy Agency's (IAEA) Integrated Regulatory Review (IRRS) mission to the UK in 2019. It will be addressed through delivery of our Strategy 2020-2025, and we expect our forthcoming Openness and Transparency framework, which is due to be published in 2022, to set out further details.

Action 5	Regulators should publish a clear set of service standards, outlining what those they regulate should expect from them.
Complete	In March 2022 we published our Service Standards which sets out what members of the public, licensees and dutyholders can expect from us.

Action 6	Service standards published by regulators should include clear information on: a) how they communicate with those they regulate and how they can be contacted b) their approach to providing information, guidance, and advice c) their approach to checks on, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect d) their enforcement policy, explaining how they respond to non-compliance e) their fees and charges, if any. This information should clearly explain how these are calculated and should include an explanation of whether compliance will affect fees and charges; and how to comment or complain about the service provided and routes to appeal.

Complete	Our new Service Standards, and other publications signposted from it, explain how, as an organisation, we meet the requirements outlined in the above action. It covers how we communicate, provide advice and guidance, regulate, respond to non-compliance, charge for our work, and how to engage with us. A copy of the Service Standards publication is available via the ONR website and includes links to all relevant supporting documents. Our Technical Inspection and Assessment Guides ([TIGs](#) and [TAGs](#)) provide guidance to dutyholders on the standards we expect to see and what our inspectors are likely to focus upon depending on specific circumstances.

Action 7	Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.
Complete	In addition to our OEI framework, robust internal governance processes and peer reviews of our assessments and regulatory decisions, including through our regulatory assurance and oversight functions, provide assurance to ONR senior management and leaders that our inspectors are acting in accordance with the Regulators' Code and our [Enforcement Policy Statement.](#) We also seek feedback from dutyholders and others, including via our annual stakeholder survey.

Action 8	Regulators should publish, on a regular basis, details of their performance against their service standards. This includes feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.
Complete	Performance against our Service Standards is measured through existing mechanisms within ONR and reported as necessary through our Annual Report and Accounts. Feedback from those we regulate, and other stakeholders is collected independently via our stakeholder surveys, which we routinely publish. Our Annual Report and Accounts also include details of any formal complaints made against us and a summary of the outcome.

Our progress against each theme during 2020-2022

Theme 1: Regulators should carry out their activities in a way that supports those they regulate to comply and grow

In our 2020 Self-assessment, we reported that, through improvements to our processes and training programmes, we had gone beyond compliance with the Code in relation to theme one. In line with our Strategy 2020-25, we have continued to evolve our processes and training. For example:

We have established an innovation hub - this allows licensees, dutyholders and requesting parties to engage with us on innovative ideas and technologies in the development of relevant good practice, whilst maintaining our regulatory independence. Our new webpage ONR's Approach to regulating innovation outlines what we mean by innovation, and how our approach is centred around *supporting the adoption of innovative solutions* by the nuclear industry and its supply chain where it is safe and secure to do so. Examples of this approach are included on the website, such as the expert panel we hosted in March 2022 regarding the regulation of artificial intelligence in nuclear.

Advanced Nuclear Technology Programme - Over the past two years we have developed our capability in assessing and regulating innovative Advanced Nuclear Technologies (ANTs), ensuring our staff are ready to engage as new technical proposals emerge from industry. We have introduced training for our inspectors on the regulation of ANTs and participated in a range of cross-regulator events to build our knowledge and understanding.

Theme 2: Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

Since our last update we have published our Stakeholder Engagement Strategy 2020-25, which sets out our objectives and intentions to inspire stakeholder confidence. We continue to engage effectively with those we regulate, and our stakeholder survey results demonstrate their confidence in us.

As part of modernising how we engage with dutyholders, over the last two years we have created a portal through our Well Informed Regulatory Decisions (WIReD) platform, which is intended to improve the accessibility, effectiveness and consistency of end-to-end regulatory processes and increase our regulatory insight capability. The portal will allow licensees and dutyholders to track progress against our intervention and permissioning plans in real time, and to upload live information. This is expected to increase the efficiency of our communication with dutyholders by pulling the relevant information together from across ONR into one centralised source, which can be reviewed as required via secure log-in access.

Theme 3: Regulators should base their regulatory activities on risk

We remain mature in this area and routinely design our regulatory activities based on risk. Our WIReD platform will help us further improve our knowledge management, alongside our work with academia and risk training for licensees and dutyholders. For example:

Working with academia to enhance regulatory decision-making – We commissioned Lancaster University's '*Statistics and Operational Research with Industrial Partners Institute*' to develop a statistical framework for identifying the risks to sites from hazard combinations. The university's research will support our existing approaches for informing the design basis of nuclear facilities.

ALARP (As Low As Reasonably Practicable) Training - We have delivered ALARP risk training to a number of dutyholders, including internal regulators. This has supported our dutyholders in mitigating risk and helping them achieve a 'right first time' process through a better understanding of our ALARP principles.

Theme 4: Regulators should share information about compliance and risk

We routinely share information about compliance and risk through our Chief Nuclear Inspector's Annual Report, through publication of our decisions and the basis for them, and by working closely with other regulators, domestically and internationally, to improve our effectiveness, the outcomes we influence, and seek to ensure no unnecessary regulatory burden. For example:

Working with international regulators to help inform our domestic regulation - Our Strategic Framework for International Engagement (SFIE) was updated in March 2021. It further refined our priorities including; deepening our technical multilateral and bilateral collaboration with priority international regulatory partners; and participation in developing and harmonising international regulatory approaches.

Working with other UK regulators – We have in place a number of Agency Agreements to transfer statutory responsibilities between ourselves and other bodies and Memorandum of Understanding (MoUs) to ensure effective cooperation, collaboration and shared understanding of respective regulatory remits. By way of example, in March 2022, the ONR Chair and chairs of the Environment Agency and the Health and Safety Executive, attended a joint visit to Sizewell in Suffolk to discuss future working and collaboration on key projects. This joint visit demonstrated how all three regulators are committed to working together effectively to discharge their different responsibilities across the nuclear sector.

Transport Regulatory Bodies - We have quarterly meetings with other regulatory bodies who contribute to the regulation of the transport of class 7 (nuclear and radioactive) material, under the Carriage of Dangerous Goods regulations. These include the Health and Safety Executive, Civil Aviation Authority, Office of Rail Regulation, Maritime and Coastguard Agency and the Department for Transport amongst others. We share intelligence and ensure our regulation of transport across each of the modes is joined up, where necessary.

Theme 5: Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply

Our 2021 stakeholder survey demonstrates that the majority of our stakeholders find our information, guidance, and advice to be clear (85%), accessible (84%) and consistent (81%). Independent benchmarking showed that this compares favourably with other UK regulators and public bodies with published stakeholder surveys. However, we are not complacent, and we continue to develop to better meet the needs of our dutyholders. For example:

UK safeguards regulation – On 31 December 2020 we became the State Regulatory Authority for safeguards, following the conclusion of the EU Exit Transition Period. We have worked closely with operators to assist them in adjusting to the new domestic safeguards regime and complying with the Nuclear Safeguards (EU Exit) Regulations 2019. This has included making our safeguards inspector guidance, including the 'ONR Nuclear Material Accountancy, Control, and Safeguards Assessment Principles' (ONMACS), available to safeguards operators, and working directly with individual operators to ensure regulatory expectations in relation to safeguards are clearly understood.

Security Assessment Principles (SyAPs) and TAGs revision **–** We published the first revision to our [SyAPs](#) and associated Technical Assessment Guides in March 2022, with a targeted consultation providing affected dutyholders the opportunity to provide input to the amendments.

Theme 6: Regulators should ensure that their approach to their regulatory activities is transparent

The publication of our Service Standards in March 2022, together with the implementation of our OEI framework has taken us into full compliance with this theme. Our 2021 stakeholder survey showed that 76% of our stakeholders view ONR as operating with openness and transparency, and we continue to track our progress through the OEI framework. Our 2022 annual survey report is expected to be published later this year.

In the coming year we plan to publish our Openness and Transparency Framework which, together with the embedding of our Service Standards, will take us beyond compliance under Theme 6.

Service Standards – Our Service Standards were developed in consultation with our dutyholders to clearly set out what they can expect from us in one publication, which signposts to other key references and information. Our annual stakeholder survey, OEI framework and other feedback mechanisms will allow us to track our performance against the Service Standards in future.