

## **PROJECT**

Using Soft Systems Methodology (SSM) with some Viable System Methodology (VSM) modelling to explore how best to regulate a specific construction product.

## **PRACTITIONER**

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## **APPROX. DATE**

2024-2026

## **SITUATION AND CONTEXT**

In the wake of the Grenfell tragedy, the [Hackitt report](#) recommended that *Government should ensure that there is a more effective enforcement, complaint investigation and market surveillance regime with national oversight to cover construction product safety*. This resulted in the Office of Product Safety & Standards (OPSS) becoming the national regulator for construction products in 2021. Very little regulation has been undertaken before this date and the lack of data and evidence regarding the safety and compliance of construction products was highlighted in the subsequent [Morrell Day report](#) into the regulatory regime for construction products.

Since OPSS took over the role of national regulator, we have carried out several reactive and proactive enforcement projects. This project aims to use Systems Thinking to explore a new approach to regulating a specific construction product based on evidence and risk.

I used SSM to explore and identify targeted enforcement interventions and aim to ascertain levels of compliance, test the reliability of the existing evidence, and gather data on non-compliance within this business sector so that OPSS can also consider other regulatory interventions to support businesses within this sector that promote and enable them to comply with the Construction Product Regulation (CPR) in the future.

## **SYSTEM OF INTEREST**

The system of interest is the business supply chain in relation to this construction product within the UK and is bound by the remit of the CPR.

## **APPROACH TAKEN**

I chose SSM to approach this problematical situation as the issues were pluralistic and uncertain. I carried out extensive internal and external engagement and collated data and information to identify issues emerging from the system. I then carried out the political and social analyses using tools such as the Mendelow matrix, Forcefield analysis and created a rich picture of the situation. I developed three conceptual models using the Weltanschauungs of OPSS and the personas of a compliant and non-compliant business.

I then looked to consider interventions to address these issues, mapping them against the enforcement provisions in the CPR, the business supply chain, and having regard to the [Regulators Code](#).

When developing these interventions, I used the VSM model to map the regulators that could deliver these interventions and used the model to look at how the system one units could deliver these interventions.

## **MODELS AND INSIGHTS DEVELOPED**

- Purposeful activity models of regulator and two business archetypes.
- VSM model of the regulators of the legislation and recursive mapping to consider how to deliver the different interventions.
- Weltanschauung of the regulator and one business persona.
- An understanding of good practice from business in developing and maintaining factory production control.
- An understanding of the issues faced by the local regulator (Trading Standards) when enforcing the CPR.

## **KEY INTERVENTIONS UNDERTAKEN**

- Facilitated one to one engagement and developed good working relationships with key external stakeholders to understand their viewpoints, facilitate connections and understand the system from different perspectives.
- Created an internal working group to develop the interventions collectively.
- Developed an approach for delivering through the local regulator at the border by providing training, giving information about the evidence and risk around this product, and resources to makes it easier for them to regulate.
- Developed enforcement interventions that have not previously been considered by OPSS.

## **RESULTS**

- Some of the interventions developed were different from previous proactive enforcement projects, focusing on different parts of the supply chain.
- Internal and external engagement brought different knowledge and skills to the project leading to a deeper understanding of the problematical situation and new ideas for intervention.

## **AFTERTHOUGHTS**

It has been challenging but rewarding using a different approach to crafting a programme of enforcement activity to address non-compliance with the CPR.

Although I was able to engage with a business and trade association that gave the Weltanschauung of a compliant, competent business, I was unable to engage directly with representatives of the other persona: the non-compliant business, so had to speculate regarding their Weltanschauung.

## **CONCLUSION**

By using SSM I am continually learning about the problematical situation and piloting new ways of working to inform how best to regulate the market. This helps OPSS as a regulator, grow and learn more about the environment in which we regulate.

I have yet to complete the cycle but look forward to continuing the learning journey.