An eye on supervision

Enforcement Communication in Theory and Practice
An eye on Supervision Enforcement Communication in Theory and Practice

November 2005
There can be no enforcement without communication...but definitely no communication without enforcement!

This is the fifth publication in ‘An eye on Supervision’, a series of publications explaining how the Dutch Food and Consumer Product Safety Authority (VWA) implements its supervision task. The VWA’s approach to Effective Supervision is based on the concept of ‘enforcement in the broad sense’, i.e. focusing on the objective of ensuring compliance with rules and standards while allowing for the use of innovative methods.

Enforcement communication, an approach that integrates enforcement and communication, is an example of such an innovative method. It has been used successfully in recent years as a means of enforcing the Beverage and Catering Act and the Tobacco Act. Currently, this approach is also increasingly being applied in the other fields for which the VWA is responsible.

This publication deals with the reasons behind enforcement communication and defines what it actually involves. It explains the theory and background and describes how it is implemented – both in theory and practice – by means of a step-by-step plan.

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1 Summary

Effective Supervision
January 2005 saw the publication of the report Effective Supervision...what does it take? [Effectief toezicht houden, hoe doe je dat?]. The report explains the VWA’s approach to Effective Supervision and gives a number of guidelines for actual implementation. What is involved is no longer merely supervision as such but the public effect it has. What is important is to raise the level of compliance, and to achieve this one needs to choose the right mix of methods. The classic methods, such as inspection and sampling, have now been joined by a variety of innovative methods, one of them being enforcement communication. This publication deals with the reasons behind enforcement communication and defines what it actually involves as part of the mix of methods used. Although this publication forms part of the An eye on Supervision series, it can also be read as an independent document.

Enforcement communication
Enforcement communication means the planned use of communication combined with enforcement to promote compliance with legislation and regulations.

Enforcement communication is effective because it increases the subjective risk of being caught. Businesses adjust the way they act to the type of supervision they expect to be subject to, without actual reality playing much of a role. The factors of communication being “planned” and “combined with enforcement” are important because if enforcement communication is to be successful, it needs to be organised effectively and integrated with enforcement as such. In other words, enforcement and communication need to constitute a single entity.

Greater effect
The main objective in using enforcement communication is to increase the effectiveness of enforcement, thereby promoting compliance. Enforcement supplemented by communication is more effective than enforcement without it, and the combination also leads to greater efficiency. Enforcement communication means that a number of the businesses concerned will comply with the relevant rules and ultimately fewer corrective measures will be necessary. Enforcement communication therefore has a preventive effect, although it cannot replace enforcement as such. Realistic and proportional enforcement is necessary in all cases.

Application
Enforcement communication can be applied at various different points in the enforcement programme and in various different ways. It can be used before, during, and/or after the campaign concerned and can also make use of a variety of different media. The different choices, which are set out in the communication plan, depend on the objective, the target group, and the various different possibilities available. So as to apply the tool of enforcement communication in actual practice, a step-by-step plan has been drawn up for developing and implementing the enforcement programme. This plan makes it possible to closely combine preparation and implementation of enforcement with enforcement communication.
Conditions
Before enforcement communication can be used, there are a number of basic conditions that need to be complied with.

- Sufficient enforcement capacity needs to be available.
- The rule concerned must be enforceable.
- There must be a realistic sanction available.
- The target group must be homogeneous (or capable of being made homogeneous).
- Enforcement must be clear and highly effective.
- There must be at least a certain measure of public support for enforcement.
- The behaviour that is to be influenced must be based on some rational consideration.

In addition to these basic conditions, the following aspects are also essential for successful use of enforcement communication:

- Enforcement and communication are dependent on one another.
- Actively involve those responsible for implementing enforcement in developing plans of action.
- Enforcement communication is a tool, not an end in itself.
- Always do everything you say you are going to do but don’t always say everything you intend doing if that will endanger your enforcement strategy.
- Get to know the target group by specifically researching it.
- Don’t lose sight of your internal target groups.

Structure of this publication
This publication deals with the reasons behind enforcement communication and defines what it actually involves. Section 2 looks at the environment in which enforcement communication is used in relation to the concepts of ‘enforcement’, ‘communication’, and ‘compliance’. We also deal with the role of this type of communication within the context of Effective Supervision. Section 3 discusses just what enforcement communication actually is, what advantages it has, and what conditions must be fulfilled for it to be used. We examine how enforcement communication can be applied and discuss the various different types of such communication on the basis of the ‘Shell Model’. The basic principle underlying enforcement communication is dealt with in section 4. Actual application of the tool in practice (explained on the basis of a step-by-step plan) is the subject of section 5. Section 6 provides a number of practical tips for successful application of enforcement communication.
2 Enforcement and communication

2.1 Introduction
This section looks at the environment in which enforcement communication is used in relation to the concepts of ‘enforcement’, ‘communication’, and ‘compliance’. We also deal with the role of enforcement communication within the context of Effective Supervision.

2.2 Enforcement
Enforcement/supervision\(^1\) is taken to mean:

‘Collecting information regarding whether an action or item complies with the requirements set for it, assessing this, and if necessary intervening.’ (see Figure 1)

Traditionally, this kind of supervision involves the supervisory body in checking whether the statutory requirements have been complied with and then imposing a penalty if the party concerned continues to fail to comply. This kind of ‘enforcement in the narrow sense’ is corrective by nature. In the past few years, however, the concept of supervision has come to be defined as ‘ensuring compliance’. This approach is also referred to as ‘enforcement in the broad sense’. It focuses on the objective of supervision, offering scope not only for corrective measures but also for preventive action that promotes compliance, for example communication regarding enforcement. It is this latter definition of supervision that the VWA applies.

2.3 Communication
Communication involves the transfer of information. The relevant literature\(^2\) describes this as a process in which information is exchanged between people and organisations (for example), with the purpose of influencing the knowledge, attitude, and/or behaviour of individuals, groups, or organisations. The information (sometimes referred to as the ‘message’) is tailored to (‘coded for’) the target group by the sender and then transmitted to the recipient either directly or indirectly via a medium or channel. Processing of the information by the recipient is sometimes referred to as ‘decoding’.

A clearly formulated message that links up with the target group’s background and experience and use of the right channel are necessary if one is to achieve the intended goal of communication. If you know, for example, that the target group do not read much, there is little sense in trying to get your message across in the form of a long letter.

Media (channels) include radio, television, newspapers (national, regional, and local), the Internet, leaflets, and letters. In some cases, one can make use of intermediary target groups such as sector organisations or counselling centres. These can then ‘translate’ the message into a form suitable for the actual target group.

Figure 1
Phases of supervision


In the course of the communication process (see Figure 2) the message can be distorted by a whole range of different influences. This ‘noise’ disturbs the process and therefore needs to be prevented as much as possible.

### Types of communication
The relevant literature distinguishes a number of different types of communication, these include:

- **Marketing communication**: types of communication that can assist in marketing brands at product or service level.
- **Management communication**: communication by management so as to run an organisation (line communication).
- **Organisational communication**: collective term for public relations, public affairs, investor relations, labour market communication, corporate advertising, public service information, and internal communication.

#### Example
If you are at the cinema and an advert is shown before the main film for a well-known soft drink, there is a greater likelihood that you will buy that drink during the intermission. Communication about the product therefore influences your behaviour.

The communication is therefore informative but may also be intended to influence the behaviour of the target group.

### 2.4 Communication and compliance
There are a number of elements that influence compliance with legislation and regulations (see Figure 3). These include such things as knowledge of the rules, whether the business owner supports those rules, the influence of the environment, the business owner’s personal situation (for example his/her financial situation), and how the rules are enforced. These elements are set out in the ‘Table of 11 Dimensions’. This is a model developed by the Expertise Centre for Law Enforcement (Expertisecentrum Rechtshandhaving, ERH) (Ministry of Justice in collaboration with Erasmus University Rotterdam). The influence of the various elements will differ according to the rules and target group concerned.

Compliance can be encouraged by taking measures to influence these different elements, for example by making use of communication. If a business owner fails to comply with the rules because he is unaware of them or does not understand them, he will need to be provided with relevant information. Someone who considers certain rules to be pointless needs to be given an explanation of why those rules have been imposed, i.e. what the underlying arguments are. Knowing the background will

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5. Details at www.it11.nl.
change his attitude to the rules, thus increasing the likelihood of his complying with them.

Communication is therefore an important means of providing business owners with information, influencing their behaviour, and thus promoting compliance.

**Example**

Research is carried out periodically on the consumption of alcohol beverages by young people and the attendant dangers. The results are then published. That information helps businesses understand the background to the prohibition on selling alcohol to those aged under 16. It influences their attitude to the rules and therefore the extent of their compliance with them.

If the communication intended to influence compliance behaviour is combined with enforcement, we speak of ‘enforcement communication’.

We will deal in greater detail with the effect and application of enforcement communication below.

**Example**

Checks are carried out during various summer events of sales of alcohol to those aged under 16. This enforcement campaign is announced in the media earlier in the year. Information is provided about the fact that checks will be carried out, what rules the checks will cover, and what the consequences are of failing to comply with the rules. This information, in combination with enforcement, influences the compliance behaviour of businesses.

Effective coordination of this communication (i.e. regarding enforcement, investigation, the rules, the background, etc.) is the best way of ensuring maximum influence on compliance behaviour. In practice, the various different types of communication blend into one another. Reporting in the context of enforcement communication, for example, will often also involve explaining the rules and the reasons for them.

### 2.5 Enforcement programme

This publication in the A Close Look at Supervision series focuses on the use of enforcement communication. The tool of enforcement communication forms part of the enforcement programme and is therefore one of the activities in the context of ‘Effective Supervision’.

The process of Effective Supervision can be visualised by means of the ‘effective enforcement cycle’ model⁶ (see Figure 4). This shows the sequence of activities and how they relate to one another.

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⁶ A Close Look at Supervision, part 1: Effective Supervision...what does it take? [Effectief toezicht houden, hoe doe je dat?], p 11.
Once one knows the current level of compliance and has defined the target compliance level, performed the target group and risk analysis, and determined an enforcement strategy, one can begin developing the enforcement programme. This involves selecting the right range of tools. An effective and efficient range of tools can be chosen by looking at the problem, the target group, the target group’s reasons for wanting to comply, organisational options, etc. Enforcement communication is one of the tools within the programme.

Other tools include:
- Inspections (regular inspections, targeted inspections, interregional campaigns).
- Sanctions (written warning, fine report, official report, confiscation, obligatory attendance at a course).
- Publication of inspection results (for example by means of the Smiley system).
- Sampling (regular sampling, targeted sampling, target level samples).
- Setting up of a complaints hotline (encourage influence of social control).
- Collaboration with other supervisory bodies, bodies providing information, sector organisations.
3 Enforcement communication

3.1 Introduction
This section deals with the tool of enforcement communication. It discusses just what it actually is, what advantages it has, and what conditions must be fulfilled for it to be used. We examine how such communication can be applied and discuss the various different types of enforcement communication on the basis of the ‘Shell Model’.

3.2 What is enforcement communication?
Enforcement communication means combining communication with enforcement so as to promote compliance.

Enforcement communication means the planned use of communication combined with enforcement to promote compliance with legislation and regulations.

Enforcement communication is preventive; after all ‘forewarned is forearmed’. By making communication an integral part of enforcement, we can raise the level of compliance more effectively. This does not just mean compliance on the part of the businesses that are inspected but also of those that are not but which have heard or read about the inspections. If enforcement communication is to be successful, it needs to be organised effectively and integrated with enforcement as such. In other words, enforcement and communication need to constitute a single entity.

3.3 Why do we need enforcement communication?
The main objective in using enforcement communication is to improve enforcement and promote compliance. Communicating about enforcement makes things more efficient. Communication regarding inspections means that businesses expect to be inspected, so that some of them will comply with the rules. This means that enforcement communication has a preventive effect. It then turns out during the enforcement campaign that fewer businesses transgress the rules, meaning that fewer corrective measures are necessary. Enforcement communication cannot, however, replace actual enforcement. It is always necessary to carry out actual enforcement measures.

3.4 When do we apply enforcement communication?
Before enforcement communication can be used, there are a number of basic conditions that need to be complied with.

1 Sufficient enforcement capacity needs to be available.
Communicating about inspections creates expectations among businesses, meaning that inspections must in fact be carried out. Not doing what you say you are going to do undermines your organisation’s credibility. The enforcement capacity deployed must also be proportionate to the number of potential inspection sites.

2 The rule concerned must be enforceable.
In order to carry out enforcement and communicate about it, the rule concerned must in fact be enforceable.

3 There must be a realistic sanction available.
If no realistic sanction is available, or if businesses are unimpressed by the available sanction, communication regarding enforcement will be ineffective.

4 The target group must be homogeneous (or capable of being made homogeneous).
If the target group is too broad, the message will often be formulated in too general a manner. This may well also apply to the media used, so that the message will then fail to reach the target group – or will not do so sufficiently – thus having little or no effect.
5 Enforcement must be clear and highly effective. It goes without saying that the actual quality of enforcement must be high.

6 There must be at least a certain measure of public support for the rules and for strict (or stricter) enforcement of those rules. It is not a good idea to pursue enforcement of rules that the public consider pointless.

7 The behaviour that is to be influenced must be based on some rational consideration. If the rules are contravened as a result of impulsiveness, then it is very difficult to bring about changes in behaviour by means of enforcement communication. In order to influence behaviour by means of enforcement communication, the business owner concerned must be basing his actions on rational considerations.

In short:
- if your internal organisation is effective;
- if you are enforcing rules that concern actual risks to the public;
- if your bite is at least as bad as your bark;
- if you have sufficient enforcement capacity (relatively speaking);
- if the target group concerned is an appropriate one;
- if the rule concerned is contravened deliberately;

then enforcement communication is an excellent way of making enforcement more effective.

3.5 How do we carry out enforcement communication?
Enforcement communication can be applied at various different points in the enforcement process and in various different ways. One can, for example, decide to announce enforcement campaigns and/or publish the results afterwards. The greatest effect can be achieved by means of a combination of announced and unannounced inspections. The police regularly announce, for example, that they will be carrying out speed checks on certain roads, but everybody knows that there will also be unannounced checks on other roads.

Communication between the supervisory body and the business and ensuring that the checks are conspicuous (police uniform, marked police car...) are also types of enforcement communication. One can communicate about the various different aspects of enforcement, for example enforcement plans, enforcement results, sanctions imposed, enforcement methods, inspection priorities, and expansion of enforcement capacity. Enforcement communication can take place by means of a variety of channels. This may involve the use of personal media such as letters, on-the-spot discussions, or contact by phone. Communication can also take place with the relevant sector via sector organisations or trade publications. One can also make use of mass media such as television, radio, and the newspapers. The choice of communication channels naturally depends on the issue concerned and the target group.

Example
For years, chemists and hairdressers along the route of Rotterdam’s Summer Carnival had sold alcohol during the parade, even though this is prohibited by the Beverage and Catering Act. In such a case, the VWA may decide to adopt a repressive approach, in other words carry out inspections during the Carnival and take action in the event of contraventions. The disadvantage of such an approach is that alcohol will still be sold illegally until the inspector actually arrives. This method also involves deploying a relatively large amount of capacity and the inspectors can expect to meet considerable
opposition from the businesses concerned. In 2002, the VWA decided on a different approach. It sent letters to the relevant businesses beforehand, explaining the rules and announcing that inspections would take place. It also indicated what sanctions could be imposed, i.e. the size of the relevant fines. During the course of the parade, the VWA then carried out a restricted number of inspections, during which it discovered that hardly any alcohol was in fact being sold illegally. The businesses indicated that they had been influenced by the letter they had received.

3.6 The Shell Model
Various types of communication can be distinguished in the context of enforcement communication, all of which influence the compliance behaviour of the target group. The Shell Model developed by the Bloemendaal Enforcement Advisory Group groups these different types of communication logically, focusing on actual inspection (see Figure 5). The model serves as an aid to formulating the message that is to be communicated.

The Shell Model focuses on inspection. Inspection is surrounded by a number of different communication shells, representing the preventive side of enforcement. All the shells influence the compliance behaviour of the target group.

The model comprises six communication shells (numbered from 2 to 7), grouped around inspection. Shells 2 to 4 concern enforcement; they therefore constitute enforcement communication. This type of communication influences the subjective risk of being caught.

Shells 5 to 7 concern what needs to be enforced and why. This is referred to as policy communication. It primarily influences businesses’ attitude to the rule concerned and their knowledge of that

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rule. That attitude in turn influences their compliance behaviour. It is important for the various different types of communication to be properly coordinated with one another.

We will now give a brief explanation of each shell, together with a number of practical examples.

1. **Inspection**
   Actual inspection carried out by the supervisory body – together with any sanction imposed – is the core of the model. Inspection is the most direct type of communication with the business. It is therefore essential for the inspector to carry out his inspection in the prescribed manner and to act in a way that conforms with ‘being an authority’. This is because the professionalism of the supervisory body influences the compliance behaviour of the business.

2. **Enforcement indicators**
   The most elementary type of communication is directly linked to the physical presence of inspectors. Communication on the spot gives enforcement a high profile, thus reinforcing its effect on the subjective risk of being caught. The maximum effect can be achieved by means of both conspicuous and inconspicuous inspection. Examples:
   - Uniforms
   - Conspicuous official vehicles

3. **Enforcement information**
   This is communication about the enforcement campaign itself, i.e. publicity and information about the inspection being carried out. It ensures that the campaign is not merely visible for the businesses that are actually inspected but also – which is more important – for businesses in the same sector that are not. Examples:
   - Announcement of an inspection campaign in the media
   - Publication of the results of enforcement

4. **Information about enforcement in general**
   This is information regarding enforcement and enforcement policy that is not directly combined with a specific enforcement campaign. It ultimately reinforces the effect of inspections. Examples:
   - Publicity regarding enforcement methods, policy, and priorities.
   - News regarding enforcement capacity (and expansion of that capacity).

5. **Information about measures**
   The fifth shell does not relate directly to enforcement activities but the activities may well give rise to reporting on the rules and associated measures. Communication on legislation and regulations serves to explain the rules. This information function is the basis for proper compliance. Compliance may be reduced, for example, if the target group has little or no knowledge of the rules and measures. Examples:
   - Booklets providing information about amendments to legislation
   - Announcement of more stringent sanctions
6. Information about arguments
Information about arguments is provided in an attempt to encourage the target group to comply with the law, not because of the sanctions that may be imposed if they fail to do so but because doing so is in the public interest and because of a general feeling of responsibility. The aim is to inculcate a knowledge of the rules and a positive attitude towards them, thus increasing support for enforcement. This kind of information also focuses on the general public because public opinion generally influences compliance with legislation and regulations.
Examples:
- Information campaigns regarding the consequences of drunk driving in relation to the rules
- Meetings to provide information about the damage to health caused by passive smoking in relation to the rules regarding a smoke-free workplace

7. Problem to be considered/agenda-setting
The outermost ring of the Shell Model draws attention to specific problems of the various different target groups, such as business owners, politicians, and the general public. It places the matter on the agenda, keeps it alive, and opens it up for discussion. Agenda-setting smooths the way to regulation and can contribute to legitimising enforcement.
Examples:
- Discussions in the media regarding the sale of alcohol to juveniles
- Publication of research results regarding the risks of babies’ cots and playpens in a childcare setting.
4 Why enforcement communication works

4.1 Introduction
This section deals in greater detail with the basic principle underlying enforcement communication.

4.2 Enforcement and compliance
Enforcement is one of the elements that influence compliance with legislation and regulations (see Figure 6). The fact that compliance with a rule is monitored, with non-compliance being subject to a sanction, influences the compliance behaviour of businesses. Communication regarding enforcement reinforces that effect.

4.3 Objective versus subjective
The VWA carries out more than 150,000 inspections a year. There is therefore a certain likelihood of a particular business being inspected. If a business contravenes the rules, it has a chance of being ‘caught’ (i.e. the risk of being caught).

We can explain the risk of being caught in two different ways:
- **Objective risk of being caught**
  The actual risk of being caught if one contravenes the rules, based on the actual number of inspections carried out.
- **Subjective risk of being caught**
  The risk of being caught for contravening the rules as estimated by the business itself.

People’s behaviour – including that of business owners – is primarily determined by what they perceive. It is not the objective likelihood of being caught but the subjective likelihood (i.e. what people think, feel, and believe) that determines how they actually behave. For the enforcing body, it is therefore important to influence the subjective risk of being caught (i.e. to increase it).

Figure 6
Influence of enforcement on compliance
Example
If someone asks you how great the risk is of being caught if you drive at 150 kph on the A2 motorway between Utrecht and Amsterdam (where the speed limit is 100 kph), you will give an estimate based on your experience and on information you have received.

The elements that will play a role in arriving at your estimate include:
- Have I ever been caught before?
- Have I ever seen someone else being caught?
- Do I frequently see police cars on this stretch of motorway?
- Are there any speed cameras along this route?
- Are speed checks announced on radio and TV?
- Is information provided about the number of speeding tickets issued and the size of the fines imposed?

If you do not know the actual risk of being caught, then it is your perception of that risk (the subjective risk of being caught) that determines your behaviour. After all, you behave according to how you think checks will be carried out.

Enforcement communication works because it increases the subjective risk of being caught. Ways of doing this include:
- Increasing presence (Will we be carrying out regular inspections?)
- Increasing conspicuousness (Will people notice our presence or will we always be carrying out checks unobtrusively?)
- Increasing collaboration with other organisations (Can others help reinforce our effectiveness?)
- Improving the VWA’s image as regards effectiveness and professionalism (How professional is our reputation as an enforcement body?)

Magnifying glass
Enforcement communication is somewhat like a magnifying glass (see Figure 7). It distinguishes between the objective and subjective risks of being caught (with the latter being greater). Enforcement communication also means that the penetration is much greater. It is not just those actually inspected who know that inspections are carried out but also those who see, hear, or read that the VWA carries out inspections.

Figure 7
Enforcement communication as a ‘magnifying glass’

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4.4 Factors influencing the subjective risk of being caught

The following factors influence the subjective risk of being caught.\(^9\) (An application is given for each factor.)

<table>
<thead>
<tr>
<th>Influencing factor</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Being caught oneself</td>
<td>Increasing the objective risk of being caught and effectiveness</td>
</tr>
<tr>
<td>2 Observing an inspection</td>
<td>Increasing conspicuousness of enforcement</td>
</tr>
<tr>
<td>3 Observing among one's acquaintances</td>
<td>Making inspections more talked-about</td>
</tr>
<tr>
<td>4 Observing in the media</td>
<td>Communicating about enforcement</td>
</tr>
<tr>
<td>5 Seriousness of sanction</td>
<td>Increasing sanctions and communicating about the increase</td>
</tr>
<tr>
<td>6 Distribution of risk of being caught</td>
<td>Spreading inspections</td>
</tr>
<tr>
<td>7 Avoidance of inspection</td>
<td>Developing intelligent inspection methods</td>
</tr>
<tr>
<td>8 Social control</td>
<td>Mobilising social environment (complaints hotline)</td>
</tr>
<tr>
<td>9 Attitude</td>
<td>Information about rules and arguments</td>
</tr>
</tbody>
</table>

Making use of all these influencing factors in the context of an enforcement strategy ensures the maximum effect. In actual practice, enforcement bodies frequently focus on increasing the objective risk of being caught and improving the selectiveness of their inspections. Factors 2, 3, and 4 relate primarily to the use of enforcement communication.

5 Enforcement communication in actual practice

5.1 Introduction
How is enforcement communication applied in actual practice, what aspects do we take account of, and what is or is not possible? This section deals step-by-step with how enforcement communication actually operates. It does so on the basis of the step-by-step plan for drawing up and implementing the enforcement programme.

5.2 The step-by-step plan
Prior to drawing up the enforcement programme, it is necessary to go through the various steps in the ‘effective enforcement cycle’. This means that:

- Deficient compliance within a particular homogeneous target group has been selected on the basis of a risk analysis.
- An analysis has been carried out of the compliance behaviour of the target group to which this problem relates.
- The current compliance level and the desired compliance level (objective) are known.
- The internal factors (budget, manpower, etc.) and the external factors (legal aspects, political aspects, etc.) have been analysed.
- An enforcement strategy has been drawn up.

An enforcement strategy has been drawn up.

It is now possible to construct an enforcement programme to achieve our objectives. This is done in accordance with the following step-by-step plan:

- Step 1: Closer target group analysis
- Step 2: Selection of tools to be used
- Step 3: Formulation of subordinate objectives
- Step 4: Drawing up plan of action
- Step 5: Implementation of plan of action
- Step 6: Evaluation

We will now explain each step. (Step 6, Evaluation, will be dealt with in greater detail in a later publication in the ‘A Close Look at Supervision’ series.)

5.2.1 Step 1: Closer target group analysis
Besides analysing the compliance behaviour and attitude of the target group and its knowledge of the rules, it is important to understand various other aspects, including:

- the size and distribution of the target group
- the various segments within the target group
- the culture/cultures within the target group
- whether – and if so how – the target group is organised (sector organisation)

The following aspects are important when applying enforcement communication:

- What media can reach the largest proportion of the target group?
- Are there any trade publications that are read by the target group?
- What is the primary language of the target group and what is their linguistic level? (This is important in formulating the message to be put across.)
- What proportion of the target group are members of a sector organisation?
- What information has been communicated to the target group in the past regarding enforcement?

Needless to say, it is businesses that normally constitute the primary target group and the activities deployed focus on influencing their behaviour. In addition to this primary target group there are often one or more secondary target groups, for example the general public or politicians. Providing information about enforcement activities to these secondary target groups can help create support for enforcement. Public and political support is necessary if one is to achieve one’s objectives.

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10 ‘A Close Look at Supervision, part 1: Effective Supervision...what does it take?’, p. 11.
11 Target group analysis using the Table of 11 Dimensions (Details at www.it11.nl)
5.2.2 Step 2: Selection of tools to be used
An effective mix of tools is selected depending on the compliance deficiency (i.e. the desired level of compliance minus the actual level), the data available on the target group (for example their reasons for non-compliance), and the options open to the VWA (and perhaps other organisations).

Examples of enforcement tools include:
- Enforcement (targeted inspections, interregional campaigns).
- Alternative sanctions (for example compulsory attendance at a course)
- Publication of inspection results (for example by means of the Smiley system).
- Setting up of a complaints hotline (encourage influence of social control).
- Collaboration with other supervisory bodies, bodies providing information, sector organisations.
- Financial measures to promote compliance (tax levy on negative behaviour, reduced contributions for positive behaviour).
- Certification for businesses that comply with the rules, together with the possibility of reduction in supervision charges (for example the ‘smoke-free school’ certificate issued by Stivoro, the Dutch Public Health and Smoking Foundation).
- Enforcement communication (for example advance notification of campaigns, publication of inspection results, inspectors in uniform or with an identifiable vehicle).

The VWA cannot use all these tools by itself and it is therefore important to seek out partners that can help it promote compliance. These include bodies providing information, civil-society organisations, sector organisations, schools, other supervisory bodies, local authorities, and certification bodies.

The ‘4 Es’ model
The ‘4 Es’ model (developed by the Bloemendaal Enforcement Advisory Group) clarifies the interplay between the tools that can be deployed and which jointly make up the enforcement strategy. Selecting activities from all four quadrants produces an effective mix of tools to promote compliance behaviour (see Figure 8).

5.2.3 Step 3: Formulation of subordinate objectives
In order to determine subsequently whether the activities deployed have actually had the intended effect, it is important to formulate objectives clearly and in a quantifiable manner (i.e. it must be possible to quantify the objective). It is also necessary to ensure that the objectives are realistic. A number
of subordinate objectives are formulated in addition to the main objective of increasing the level of compliance within the target group.

Examples of communication objectives include:

- After the campaign has finished
  - 80% of the target group will have heard/read something about the age limit checks carried out by the VWA.
  - 90% of the target group will know that the VWA is the body in charge of enforcing the Commodities Act.
  - 70% will know that the sanction for not applying the hygiene code is a fine of EUR 450.
  - 90% will know that the lower age limit for purchasing tobacco products is 16.
  - 70% will consider that the rules regarding a smoke-free workplace are important.
  - 50% will believe that they have a significant risk of being caught if they sell tobacco to persons below the age of 16.

The communication objectives relate to the nine factors that influence the subjective risk of being caught (see section 4.4).

5.2.4 Step 4: Drawing up plan of action

A plan of action is then drawn up on the basis of the information that has been assembled. The tools have now been selected and the objectives/subordinate objectives have been clarified. The details can now be filled in.

The action plan consists of implementation and communication activities, whether or not they are linked to the activities of external organisations. These are a number of important questions per topic; they form the basis for drawing up the plan.

Enforcement

- What is the target group for the enforcement campaign?
- When will enforcement take place?
- How many enforcement officers will be deployed?
- Where will enforcement take place?
- What components will be inspected?
- What enforcement policy (i.e. measures) will apply during the campaign?
- How many inspections will be carried out?

The enforcement aspects will ultimately be formulated in an enforcement plan (i.e. a protocol). This will allow the enforcement officers to determine precisely what is expected of them at any given point.

Communication

- What is the target group for communication (primary and secondary target groups)?
- At what level (i.e. of the Shell Model: see section 3.6) will communication take place (enforcement indicators, enforcement information, information about measures, etc.)?
- What is the message (and its tone)?
- What topics will be the subject of communication (enforcement campaign, investigation, etc.)?
- When will active communication take place (before, during, and/or after the campaign)?
- What channels/media will be used (letters, e-mail, website, conferences, radio/TV, press: general/specialist press, national/regional press)?
- Are there any intermediaries (sector organisations) with which one can communicate?
- Give the enforcement campaign a catchy name.

The communication aspects are formulated in a communication plan which clarifies both the external and internal communication. It is also important to draw up a Q&A list to help answer press questions during the implementation phase.
Collaboration with external bodies

- Which are the external bodies with which collaboration will take place (sector organisations, other inspection services, municipalities, police, bodies providing information, etc.)?
- Which activities will the other organisation carry out (provision of information, enforcement in combination with the VWA, certification)?
- When are these activities planned to take place?
- How do the VWA’s activities link up with those of external bodies?

Campaign planning

It is important to plan the whole campaign, both enforcement and communication, so as to clarify what needs to be done and when. This makes it possible to coordinate the various phases of the campaign, for example enforcement, communication, investigation, and activities carried out by external bodies.

Coordination is essential

The plan of action is drawn up in close collaboration between the project manager, the enforcement officers, the communication/press information department, and collaborating external organisations (if any). Arrangements are also made in this phase as to the role of the parties involved, i.e. who does what and who is responsible for what. Such collaboration and clear arrangements are essential if the campaign is to be a success.

The ministry responsible must be informed about the campaign plans so that communication activities, for example, can be coordinated. It is also necessary to ensure coordination between both internal parties (for example other project managers) and external parties with departments that are indirectly involved. Even if there is no direct collaboration with external organisations, it is important to provide information on one another’s activities so as to prevent them cancelling each other out. If unannounced inspections have been decided on, for example, the effect will be counterproductive if another party involved refers to the inspections before they take place. (This situation actually occurred in the course of an inspection campaign regarding underage consumption of alcohol. As a result, businesses made changes to their operations on the particular evening concerned, with young people not being allowed access to the discotheques and cafes involved.)

5.2.5 Step 5: Implementation of plan of action

This phase involves implementing the enforcement and communication activities. One important point in this phase is ‘do what you say you are going to do’. If it has been announced, for example, that contravening the rules will lead to a penalty, then a penalty must actually be imposed. It would be disastrous for the effectiveness of subsequent campaigns and for the credibility of the VWA if the majority of inspections merely led to a warning being issued.

It is also important in this phase to be flexible and key in directly to changes, trends, and media reports. If one proactively approaches the media, the media will devote more space to the topic. They will, for example, ask more questions, ask to accompany inspectors, etc. Communication is therefore an interactive process.

Internal communication is also extremely important during the implementation phase. Enforcement officers need to be kept abreast of such things as media reporting, press releases that are to the issued, and results.

5.2.6 Step 6: Evaluation

Once the campaign has concluded, evaluation takes place of the process and the effects achieved. That evaluation makes it possible to determine the extent to which the objectives have in fact been achieved and allows the enforcement strategy to be revised. (A future publication in the...
‘An eye on Supervision’ series will deal with the various different types of evaluation in greater detail. We will now look at a number of evaluation methods as they relate to the use of the enforcement communication tool.

**Media analysis**

A media analysis can clarify the nature of the reporting regarding a specific issue, for example how much attention that issue receives in the press and what kind of attention, the extent to which VWA press releases are actually used, and which media concern themselves with enforcement by the VWA. This information is useful in developing and revising communication strategy and plans. An annual analysis has been carried out since 2002 of reporting on the enforcement of the Beverage and Catering Act and the Tobacco Act. Reports are collected from a variety of sources (Internet, newspaper cuttings, etc.) and then analysed and categorised in accordance with the different communication levels in the Shell Model (see section 3.6). The communication strategy is then revised on the basis of the analysis.

**Example**

Figure 9 shows some of the raw results of the 2003–2004 media analysis regarding enforcement of the Tobacco Act. The table shows various features of each article published: date of publication, medium, title, content, subject, relevant communication shells, tone of voice, and the name VWA or KvW.

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13 Until 2005, the Consumer Goods Inspectorate [Keuringsdienst van Waren, KvW] was a separate body within the VWA.
Example

Figure 10 shows the distribution of reporting about the Tobacco Act for each communication shell (Shell Model). It is clear from the figure that in the period covered by the analysis (October 2003 to September 2004) the media devoted considerable attention to explaining the legislation and regulations (information regarding measures). This was due to the fact that the rules regarding the smoke-free workplace came into force on 1 January 2004. The controversy created by this issue was also the result of a relatively large amount of media coverage in the ‘agenda-setting’ shell. The graph also shows that the media were not really interested in the reasons underlying the introduction of the new rules.

Perception survey

The perception survey is intended to measure the effect of enforcement and communication activities on businesses. It involves a telephone survey of the target group (random sample). Businesses are asked about:

- Penetration of the communication (Have they heard or read about the inspections?)
- Knowledge of the legislation/regulations and enforcement
- Attitude to the rules (worthwhile/pointless)
- Behaviour (Are they currently observing the rules?)
- Their perceived risk of being caught

Carrying out this kind of survey both before and after the campaign clarifies the effects that the campaign actually has.

Example

During a perception survey of supermarkets and liquor stores in connection with a campaign to enforce and communicate about the Beverage and Catering Act, businesses were asked how likely they thought it was that they would be inspected by the VWA. That question was put to them both before and after the campaign. The campaign involved a combination of enforcement and communication. The results of the survey (see Figure 11) show that the perceived risk of being caught increased, both among businesses that were actually inspected and those that were not.

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Monitoring studies
An effective long-term approach requires regular analysis of the effects of enforcement/communication action. Monitoring studies are therefore carried out in addition to studies relating to specific campaigns.

Example
A biennial study is carried out of the relevant target groups (businesses in a number of sectors and young people) regarding the availability of alcoholic beverages and tobacco products. A biennial study is also carried out of businesses in the various different sectors (ranging from construction companies to insurance companies) regarding the introduction of rules for ensuring a smoke-free workplace.

The results of these surveys help alcohol and tobacco project managers to clarify the effects of all the various measures taken; they also provide information that can be useful in revising strategies and planning campaigns. They also make it possible to communicate the results of the surveys so as to increase public awareness of the issue.

Given that studies of this kind are often contracted out to external research organisations, it is essential to reserve sufficient funds for them.

Figure 11
Results of perception survey as regards perceived chance of being caught

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6 Practical tips

This section provides a number of practical tips for successful application of enforcement communication.

1. **Enforcement and communication are mutually dependent.**
   Given that communication reinforces the effect of enforcement, one is neglecting an important opportunity if one merely enforces legislation without communicating about it. Combining the two is quite simply more effective. It may be tempting to believe that communication can replace enforcement, particularly when little or no enforcement capacity is available. Let’s assume that communication takes place regarding planned inspections but that no inspections are actually carried out. This may well be effective in the short term but in the longer term it is counterproductive because businesses will no longer believe reports about enforcement. This will ultimately have a negative effect on compliance with the rules.

2. **Work hand-in-hand with those who actually carry out enforcement**
   You should certainly not just devise the whole plan while sitting at your desk and then simply dump it in the lap of those whose job it is to actually enforce the legislation/regulations. They should be involved in developing the plans and you should make good use of their knowledge and experience. Involvement and shared responsibility ensure support for the plans, meaning that they can be implemented effectively.

3. **Enforcement communication is a tool, not an end in itself**
   Enforcement communication is one of a range of tools available. An effective mix of tools is selected by looking at the compliance deficiency, the data available on the target group, and the options open to the VWA (and perhaps other organisations).

   In applying this tool, you should therefore take account of the basic conditions discussed in section 3.4. Enforcement communication is not, therefore, an end in itself.

4. **Always do everything you say you are going to do but don’t necessarily say everything you intend doing if that will endanger your enforcement strategy.**
   The use of enforcement communication does not mean that all the available information about planned inspections should be actively publicised. Announcing which companies are to be inspected may reduce the level of compliance among companies that are not. The maximum effect can be achieved by means of a mix of announced, conspicuous inspections and unannounced inspections.

5. **Know your target group**
   You should analyse your target group so that you can gear your message, channels of communication, and resources to that target group. A good understanding of the target group’s reasons for compliance is a precondition for creating an effective enforcement and communication mix.

6. **Don’t lose sight of your internal target groups**
   It is essential – during every phase of the process – to keep your internal target groups abreast of what is going on. That applies in particular to those whose job it is to actually carry out enforcement.
Colofon

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