

Entrust Breach Management Consultation 2023

Purpose of consultation: to enquire if EBs believe Entrust's Breach Management process is proportionate, effective and fit for purpose, and inform future developments.

1. Introduction

- 1.1. As part of Entrust's regulatory responsibilities we are required by the Landfill Tax Regulations 1996 (Regulations) and the Entrust/HMRC Terms of Approval to ensure that LCF monies are only spent on approved Objects (Regulation 33A.-(b) and to take appropriate actions when there is non-compliance (TOA section 9).
- 1.2. Following feedback from in our 2022 satisfaction survey responses and during discussion with EBs during the management of breaches cases, it was suggested that our Breach Management Framework ([Framework](#)) is not clear and therefore we are undertaking a review, to ensure it complies with best regulatory practice.

2. Purpose

- 2.1. To enable Entrust to gather empirical evidence to undertake our review, we wish to seek the feedback from all our stakeholders on the operation of the Framework.

3. Scope

- 3.1. The consultation will cover the following areas:
 - Section 1 relates to the clarity of the Framework in explaining to EBs how it operates;
 - Section 2 relates to our information and evidence gathering process in order to help us to assess whether it minimises the administration burden on EBs; and
 - Section 3 investigates whether the Framework provides sufficient appropriate interventions to manage breaches in the Regulations.
- 3.2. A list of all questions relating to each of these areas is detailed in Appendix A.
- 3.3. Due to the nature of the questions, the Survey will be offered as anonymous if a respondent wishes. However, we welcome the opportunity to discuss specific responses, therefore we would encourage respondents to include their contact details. If a name or EB is provided, this will not be included in any public version of the report.

4. Timeframe

- 4.1. The consultation document and questionnaire will be uploaded to Survey Monkey, and a link provided on the Entrust website, it will run for 4 consecutive weeks from 2 October to the 30 October 2023.

Evidence Gathering

- 4.2. All EBs who receive and spend LCF funds will be sent a general link, regardless of whether they have been subject to Breach actions, for their general thoughts from their longer-term experience of the fund.
- 4.3. If there are any EBs who wish to answer any of the questions, or provide general feedback as part of this process, but are unable to use the Survey Monkey platform,

we will be offering via the invite to respond, alternative methods such as emailing the helpline.

- 4.4. After the consultation, a focus group and/or a one to one discussion will be offered for those wishing to contribute further in person at a time and date to suit all parties, in the week beginning 13 November.
- 4.5. A summary report of this consultation will be presented to the December Entrust Board meeting, and a public document will be completed by February 2024 for upload to the website with an accompanying news item.

Entrust

October 2023

Appendix A – Questions for Breach Management Consultation 2023

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The list of questions that will be presented on the Survey Monkey platform is set out in the following table:

Question No.	Question
Section 1: Clarity of Framework	
1.	Were you aware that the details of our Framework is published on our website?
2.	Having read the Framework do you consider it is clear in explaining how the Framework operates and that if you were subject to breach management process, you would have a clear understanding of each stage of the process?
3.	Are there any areas of the Framework that you feel could be developed to improve your understanding?
4.	If you have been subject to managing breaches action, did you consider that the reason for the action was made clear to you at the start of the review process?
Section 2: Information and Evidence Gathering	
5.	In assessing whether an EB has complied with the Regulations, we are required to gather all of the relevant information to make a fully informed decision. Do you consider that our requests for information were: <ul style="list-style-type: none"> • Relevant? • Timely? • Reasonable? • Comprehensive?
6.	Having responded to all information requests, did you consider the time to arrive at a decision was timely?
7.	Do you feel Entrust updated you regularly on the progress of the case, if not, how often would you prefer to be updated.
8.	Do you consider, our case investigation and review process could be improved by setting a target to close a case file?
9.	Do you consider that the current interventions available to Entrust ensure that breaches in the Regulations are dealt with in the most appropriate manner?
10.	If you have been subject to managing breaches actions, were you satisfied that that we worked sufficiently with you to rectify the breach?
11.	If you have been subject to managing breaches action where you satisfied that the explanation of the intervention was fully explained to you?
12.	Do you have any suggestions for improving the outcomes of breach management?

13.	What do you think Entrust could have done differently to help your EB prevent the need for a breach management process?
14.	Following the completion of the breach management process, did you take any positive action to mitigate the risk of future breaches?
Section 3: Improvements to the Framework	
15.	We recognise that the current framework does not provide any guidance as to how we make a final determination, do you consider it would be useful to publish this information?
16.	How might you suggest making improvements to the Framework? For example, you may believe the approach of sending letters does not act as a sufficient deterrent.
17.	In connection to the previous question, what types of actions do you believe may act as a good deterrent? For example, using the Charity Commissions approach .
18.	Please use this space to give any further feedback or suggestions for Entrust's breach management framework and processes.
19.	If you would like to be part of a focus group on this subject, please tick the checkbox.
20.	If you would like a phone conversation to talk about your answers, please tick the checkbox, and leave a name and contact number in the next few questions so we can contact you.