

## Learning to comply - enlivening the law

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**We live in a world that is increasingly regulated. New legislation, increasingly powerful regulatory bodies, the influence of Europe and greater emphasis on organisational governance all serve to clip our wings or provide a safety net, depending on which way you look at it. Often wrapped up in complex legalese language, it is natural for the majority of us to glaze over, mentally shut down and dismiss this as something for everyone else to worry about, not me. However, this is an area organisations ignore at their peril.**

There are real teeth behind much of the legislation and the consequences of non-compliance can be serious indeed. Just look at the recent spate of fines imposed on some of our largest financial services companies around money laundering - in December 2003 it was reported that Abbey National had to pay £2.3m in fines, Belfast-based Northern Bank £1.25m, and The Royal Bank of Scotland £1m. Undoubtedly there is debate within the industry about the fairness of such fines, but it illustrates the impact on the bottom line when you are found to be falling foul of the regulations.

For all those readers not within the finance sector, how about a more general example - health and safety. The Health and Safety Executive states that over 1 million injuries and 2.3 million cases of ill-health are experienced by workers, losing around 40 million working days, with 25,000 people being forced to give up work permanently. This costs employers an estimated £3.3 to £6.5 billion each year. Alarmingly, much of this isn't covered by insurance. In one study within a large organisation, for every £1 recoverable from their insurance, the company had to meet a further £3.30 themselves. So, aside from the personal impact, it makes good business sense to ensure all staff in an organisation take seriously their responsibility for keeping the work place safe.

### Where's the context?

Training clearly plays a significant role in ensuring that all employees can demonstrate compliance. e-Learning is increasingly seen as an ideal solution, primarily because the training is often mandatory and must reach a wide audience. Then, of course, there are the obvious benefits of automating the legal

requirement to keep detailed records of training provision for auditing purposes. It's also relatively cheap to deploy, so job done. Or is it?

Too much training, e-learning or otherwise, often centres on the legislation itself and lacks any true context that is specific to the organisation and the individual roles staff play within it. For example, there are plenty of generic training solutions available that cover The Data Protection Act. However, the learning is often focused on the eight principles embodied in the Act and staff can come away from the experience lacking an understanding of how to apply what they have learned in their own workplace and appreciating the consequences for their organisation and themselves personally should they not comply. Context is crucial to truly taking ownership for all manner of regulation and policy.

Bupa, the global health and care organisation, traditionally relied on standard, 'off the shelf' e-learning materials, videos and paper documents to convey the importance of data protection, IT security, regulation and health and safety. Charlotte Staal, Account Consultant, Learning and Development, at Bupa UK Membership, commented, "What we have found is that employees see this 'standard' approach as interesting but not necessarily applicable to themselves or our organisation. We are currently developing more bespoke e-learning solutions using Bupa case studies that powerfully demonstrate the impact and consequences of adhering to the rules and guidelines. We believe this will help our employees understand the context and application of what is often seen as a 'nice to know'." Make no mistake, it is evidence of application rather than simply of training that demonstrates compliance in most cases.

## **So what can we do to improve the learning experience and enliven the law for the learner?**

### **Making it CLEAR**

Recently, we've been working with a number of clients to design e-learning that focuses on the attitudinal and behavioural messages that are at the heart of the regulatory content being addressed. These tend to be shorter, sharper, more engaging multimedia experiences that immerse the learner in the personal and organisational consequences of non-compliance in a setting they recognise and can relate to. These modules embody a model by Bill Jensen, a change consultant in the USA and author of the book, *Simplicity*. Derived from an extensive study conducted in the 1990s (and which is still ongoing) of over 400 companies and through interviews with over 2,500 people, the CLEAR model is aimed at accelerating and simplifying communication in order to engage and encourage decision-making and action.

- **Connected to what I do:** How is this relevant to what I do?

- List of next steps: What, specifically, should I do?
- Expectations: How will I be measured, and what are the consequences?
- Ability: What tools and support are available?
- Return: What's in it for me? For us, the participant group?

**(Jensen, 2000)**

By ensuring that there are explicit answers to each of these five questions, engagement of your audience will be dramatically increased. When applied to legislative content, it helps to sharply focus the learning design on what matters to the learner. Potentially abstract and confusing content is translated into messages the learner can operate with.

Dominic Wigley, Health and Safety Manager at the satellite television broadcaster, Sky, agrees, "At Sky, we have a particular mix of technical, creative and visually sophisticated employees, both permanent and contract. Any health and safety related learning experience must therefore remain aligned in design, content and style with their professional standards. e-Learning offers me the opportunity to engage them with interactive situations that immerse them in the core messages. It also offers flexibility of delivery that means staff can complete the learning at a time that suits them rather than the trainer."

In a recent programme covering email and Internet misuse, the learner sees, in a short video sequence, the consequences of a 'colleague' circulating inappropriate and offensive emails around the office. The culprit ends up losing his job and is subject to a civil suit. While hard hitting, it gets the message across that simple actions can lead to outcomes that can be very severe. By placing the learner in simulated situations where they inadvertently trigger viruses, allow unauthorised access to networks through poor password management and send out mass emails that would be classed as spam, they get a clearer sense as to why policies are in place to govern this behaviour. Having addressed the core principles and fired up the learner's motivation, we can present the core content in simpler, more readily maintainable ways. This is important since the detail of legislation and policies change on an increasingly regular basis, while the principles behind them tend to stay relevant for some time.

Another way of looking at regulatory training is to see it not as a nuisance, but as an opportunity. More enlightened organisations say to themselves that if we must go through the process of demonstrating compliance then let's make it work for us. If we have to spend time and money on training then let's get as

much value from it as possible. They will seek ways of making compliance training useful for the business, not just an expensive tick in the box.

## Looking beyond mere compliance

At one financial services company that we have been working with, up to eight weeks of training time per employee is spent on regulated sales policies and protocols. It has to be done and this company rightly prides itself on the thoroughness of its training. Little chance for them, of the FSA fining them or suspending trading through non-compliance. That's all fine, you might think, and indeed it is a comprehensive recipe for avoiding the negatives – but what about accentuating the positives? Now we are looking at weaving into this compliance training much keener messages around optimising sales opportunities, cross-selling a variety of products and generally making the most of the available training time. Not only that but, among these more interesting and - let's face it - more motivating learning points, the relatively heavy regulatory content can be lightened considerably, in this case, using mini-models that help the learner explore and experiment with the wide variety of regulated financial product types. This blend of carrot and stick cuts across the blend of training techniques. The classroom and coaching sessions can then focus on the application of the theory and the context learned online.

With new legislation seemingly emerging on a daily basis and with increasing influence over business practice at all levels it is essential that we find ways to keep staff able to maintain appropriate working methods. Assessment-led e-learning will continue to play a growing role in supporting regulatory and compliance training, and for many training situations this will be deemed sufficient. But let's not forget the human dimension nor underestimate the importance of putting training in context, where both the spirit and the letter of the law count in equal measure.

Call us on 01273 827676 or email us at [enquiries@brightwave.co.uk](mailto:enquiries@brightwave.co.uk) to find out how we can help you meet your compliance targets with our corporate compliance training.