



ACTING IN THE PUBLIC INTEREST – FRAMEWORK TEMPLATE

ICAEW does not believe that a detailed general definition would serve a useful purpose: individual circumstances are too variable and such a definition would inevitably result in unintended consequences. Our paper [Acting in the public interest: a framework for analysis](#) proposes a framework of matters to consider when justifying or challenging the justification of an action as being in the public interest.



Using such a framework will allow those advocating an action in the public interest to understand what they mean, and assist allow those assessing the action or proposal in determining whether they can support the measure as being in the public interest.

The key issues considered in the framework are:

Credentials for invoking the public interest	
Why might credentials be doubted? <ul style="list-style-type: none"> • Past actions (deliberate, poor judgement or error) • Fear of corruption • Conflicts of interest (eg self-interest, empire building) • Purpose: inconsistency of remit and authority with the public interest 	
What safeguards can be/have been put in place? <ul style="list-style-type: none"> • Lessons from the past (procedures, personnel, oversight, etc) 	

<ul style="list-style-type: none"> • Clarity on consequences for all • Transparent and accountable decision making process • Impact analysis (clarity on relevance and proportionality to frequency and impact) 	
A public interest matter	
What advantage is being sought in arguing that the issue is a public interest matter (improved implementation, persuasion, justification, serving remit)?	
<p>Should it be a public interest matter?</p> <ul style="list-style-type: none"> • Does it impact upon the public at large (note: impact upon, not be of interest to) • Is remit wide enough? • Are there practical limitations on a public interest outcome (market forces, politics, implementation practicalities)? • Are other rationales better to adopt through, eg opt out, compensation, etc? 	
The relevant public	
Are, in principle, the interests of the whole global public being taken into account?	
<p>In practice, is it clear who the relevant public are?</p> <ul style="list-style-type: none"> • Those who will benefit or be disadvantaged (consider degrees of effect, geographical exclusions, difference between interest and 'of interest') • Others with a legitimate interest (representatives, those with support to speak) 	
The relevant public's wants	
What do the relevant public really want (at a high level, generally: freedom to go about business; defence of interests; defence of basic living standards; preservation of core values)?	
Has the difference between actual and expressed opinion been	

distinguished? Have sections of the relevant public likely to have different views been considered?	
Are the goals compatible with the apparent wants?	
As a sense check (or in absence of input), do the wants make sense when 'standing in their shoes'?	
Constraints to wants	
Are there reason why the wants might have been 'wrong' (under or misinformation, emotional or charismatic sway, inadvertent collective harm)?	
Are there externalities that have not been factored in?	
Has the future been taken into account properly?	
Are there over-riding values (virtue, consequence, duty, justice)?	
If over-riding values are being applied, are they transparent, including how conflicts between values have been resolved?	
Aggregation and decision	
Have the problem, objectives and potential alternative actions been established?	
Has a rational assessment of the outcome of each potential action been made (eg on an expected value, or utility basis)?	
Are there measurement issues? Can they be overcome? (Consider incommensurability, subjectivity, interaction, weighting, trade off	
Is it clear whether the outcome is supportable in terms of ends and means?	
Does the solution stack up on an 'informed intuition basis'?	
Implementation	
Is the right approach carrot, stick or sermon (or combination)?	
<ul style="list-style-type: none"> Has motivation to support the action been considered (eg human nature, group think, risk averseness, 	

<p>overconfidence, unconscious bias, over commitment to prior decisions, satisficing, suspicion of information asymmetry)?</p> <ul style="list-style-type: none"> • What behaviour presumption is right to assume? • What deviation from the norm is tolerable? • Is remit and authority enough to enforce? 	
<p>What infrastructure and support tools are available, and do we need?</p>	