

Board Response to PAB Resolutions

Outcomes of meeting 65

1. The Future of the PAB

Recommendations on the 2009 PAB review

Rationale behind the review

It is ten years since the PAB was created. Since then the world of the Internet has developed considerably. Professor Garratt's 2009 Governance Review recommended that the role and processes of the PAB should be reconsidered so that the PAB becomes "*outward facing and sensitive to external stakeholders and the public good*".

Following a discussion at the May meeting, all PAB members agreed that the PAB role needed to be reassessed in the light of the increased expectations of other stakeholders and in the context of Nominet's vision and mission statements.¹ We also recognised the importance of looking at how the PAB was carrying out its role. We have developed our ideas over three meetings to determine collectively the essential next steps in this evolutionary process.

At the start of this process, no PAB member was entirely satisfied with the way that the PAB operated and all agreed that significant reform was needed. The ideas outlined below represent consensus among PAB members about how to move forward.

Principles established by the review

We considered a series of key questions, the responses to which subsequently lead to the principles we used to enhance the PAB processes to best match the environment within which the Internet and Nominet now operate. These included:

1. How does the PAB add value to Nominet's Vision and Mission?
2. How should the PAB be changed to address perceived shortcomings?
3. Who are the stakeholders whose needs should be addressed?
4. What alternative structures are available to the PAB to make it more outward facing and more sensitive to the needs of external stakeholders and the public good?
5. How should the PAB be structured to meet the needs of those stakeholders now and into the future?
6. How can we better engage with the wider stakeholder community?
7. How can we better capture their views when they are relevant to Nominet's role?

We agreed that change was necessary for the PAB to engage effectively with and capture the views of the much wider stakeholder community now involved with the Internet. Maintaining the status quo was not seen by anyone as an acceptable option.

¹ Nominet's Vision - A world where the Internet is a trusted space, which everyone can be part of and has a positive impact on people's lives. Nominet's Mission - To make a positive difference to UK Internet users and to shape the development of the Internet. We will do this by delivering excellence and innovation in our products and services, driven by the needs of our stakeholders, and creating a company where our people love coming to work.

We also reached agreement on a number of principles that needed to be part of the mix in any revised structure and process. These included the:

1. Desirability of using an “issues based” approach to managing stakeholder concerns;
2. Need to be accessible by different stakeholder groupings, including special interest groups;
3. Need to improve communication channels between members and a larger and more diverse range of interested stakeholders;
4. Identification of the different approaches and mechanisms to engage and capture the views of different groups of stakeholders;
5. Definition of criteria which could be used to determine whether issues were relevant to .uk policy;
6. Need to better manage stakeholder expectations during the process.

We agreed on a practical structure and process to enable the identification of issues and to facilitate the involvement of a wider range of stakeholders in exploring their views on these issues. We saw this as an open, transparent and accountable policy advisory process that enabled discussion and encouraged the development of a shared understanding of the issues and develop this into consensus advice to the Board. Discussions needed to bring together interested parties into issues-based discussion groups.

We also considered the role and resource implications of introducing such an approach.

Recommendations

At the November meeting the PAB agreed that the new policy process should engage wider stakeholders and put forward a number of mechanisms which could be used to do this:

- a) Outreach programmes
- b) Capture random calls
- c) On-line communications forum
- d) Open Forum/Conferences
- e) Contact database
- f) Newsletters
- g) Trade Exhibitions
- h) Viral marketing
- i) Marketing campaigns
- j) Multiple access points

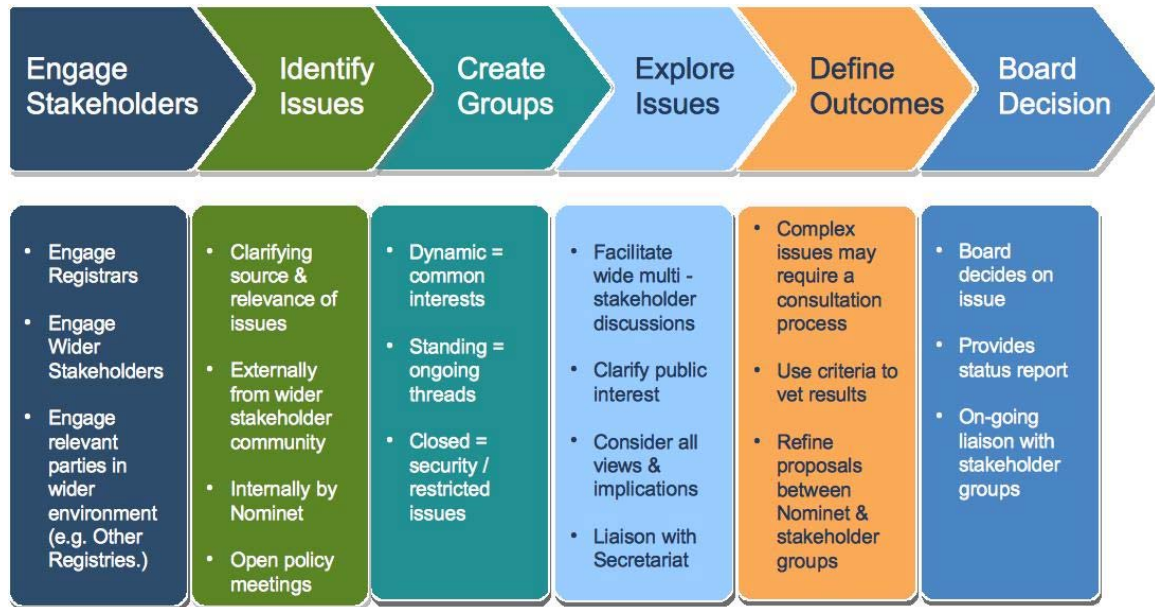
We believe that the policy process the PAB recommends to the Board addresses the issues raised in the Garratt review regarding engaging wider stakeholders.

We discussed the benefits of having criteria to help stakeholders identify whether an issue is relevant to Nominet but recommend that the process should ensure recommendations have fairly considered and balanced concerns of all stakeholders and their relevance to Nominet. Provided that has been achieved, we believe it should be up to the Board to decide if they can act upon the recommendation given to them by a stakeholder group.

We examined the roles and responsibilities within the proposed policy process and believe that existing PAB members can add value to it. However we acknowledge that the existing PAB structure is not appropriate to run the new process.

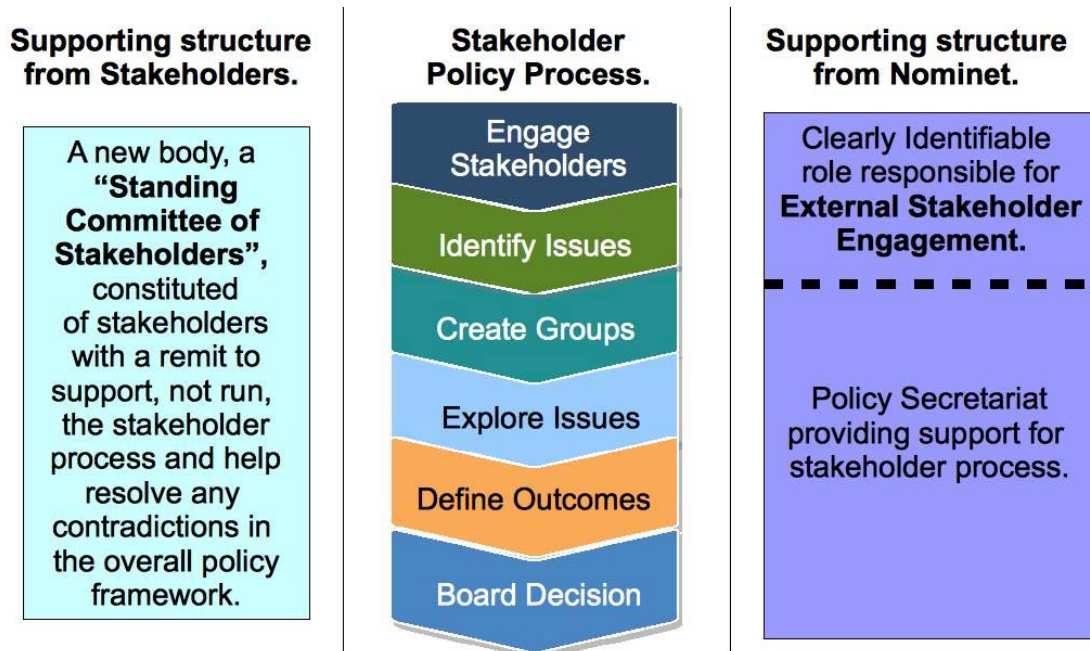
The PAB recommends that the Board consider introducing a new policy advisory process which engages all stakeholders (including Nominet members):

1. Central to the new policy advisory function, there should be a stakeholder-led process (see the diagram below). This should work through issues-based groups where all interested parties from the wider stakeholder community are encouraged to drive the policy advisory process and prepare the output for the Board to consider.



2. A standing committee of stakeholders should:
 - a) Provide an independent route for stakeholders to raise issues and concerns, while not debarring stakeholders from raising issues direct with Nominet
 - b) Encourage coherence by assisting the Secretariat to promote communication between issues groups,
 - c) Help guard against misuse by assisting the Secretariat to ensure inclusiveness and objectivity in the work of the issues group, and generally
 - d) Be a custodian of the process to help ensure that the new advisory process works effectively.
3. The operation of the policy advisory process should be supported by an enhanced Secretariat which would be expected to take an active role in the “standing committee of stakeholders” discussed above, with responsibility for external stakeholder engagement (including raising the profile of the policy advisory function and marketing the new process to the wider stakeholder community).

This structure is shown in the diagram below.



There should be a mechanism for addressing the efficiency of the process and optimising the policy function, working with the supporting stakeholder structure and secretariat and reporting to the Board.

We welcome the PAB’s identification of how the policy advisory function needs to be developed. We hope that the PAB will lead in the implementation of the new policy advisory function and actively promote its vision for reform to Nominet members and to the wider stakeholder community.” In preparation for this:

- 1) The Board welcomes the openness of the proposed structure, which provides opportunities for all stakeholders, including Nominet’s members, to bring their expertise into the discussions of the issues groups.
- 2) We agree that an enhanced secretariat will be needed to support the work of the policy advisory function and in particular recognise the need for particular effort to support stakeholder engagement: we acknowledge the importance of bringing in stakeholders to the process.
- 3) We also welcome the clear definition of the role of the new committee (the “Standing Committee of Stakeholders”). We agree that this role (in common with the work of the enhanced secretariat) is to support the work of the issues groups.
- 4) We would like the PAB to consider how best to implement the new committee maintaining the principle of stakeholder engagement at the heart of the proposals. We recognise the importance of ensuring a good balance of expertise from different stakeholder groups and would like you to consider including the chairs of issues groups as members of this committee.
- 5) We welcome the clear statement on the Board’s ultimate role to decide whether “they can act upon the recommendation given to them by a stakeholder group.”
- 6) We await the PAB’s views on what to do regarding the PAB elections for 2010 and would be keen to discuss these with the Chair prior to him making a formal decision. We recognise the issues associated with holding elections over a period when the new structure was being established and recognise that, under the expected timetable, the PAB would cease to exist before the election was completed.

2.Review of the Phishing Lock

The PAB agreed to reconfirm their recommendation that the phishing lock should be extended to other domain names suspected of being used in connection with other criminal activity.

The Board is pleased that the PAB have reconfirmed the resolution put forward in May and have requested the Executive to implement the recommendation to extend the phishing lock.