

Summary of the reform of the policy advisory process consultation

Executive summary

The Policy Advisory Body (PAB) began discussing the reform of the policy advisory process in July 2009 and made their final recommendations to the Board in January 2010. A consultation was launched on the 3 March and closed on 6 April.

In total 37 responses were received of which three were submitted anonymously and therefore are not being taken into account in the final numbers (although comments are included in the summary).

The consultation received responses from a broad mix of stakeholders including 16 Nominet Members. Of the other 18 responses, four came from industry associations, three from law enforcement agencies and two from child protection agencies.

In general there is very strong support for the proposals put forward for the reform of the policy advisory process and for the structure that has been recommended (over 97% support the idea of placing relevant stakeholders at the centre of the process and using issues-based groups to look at stakeholder-raised proposals). One respondent commented that 'Demonstrating that the interests of the full range of stakeholders have been taken into account will be an important step in Nominet's evolution'. Another stated '...the proposed system will enable more dynamic and constructive engagement with a broader range [of] .uk policy stakeholders and so would represent a significant improvement over the existing policy development process.' However it is clear that there are different views on certain elements, such as the creation of 'closed' groups, how the issue groups will operate and the composition and role of the Standing Committee of Stakeholders.

Issue groups

A third of respondents were concerned with ensuring that issue groups were balanced. Some also highlighted that it would be necessary to guard against capture of groups and ensuring strong and effective Chairs would be important to protect against self-interest groups dominating. Only one reply suggested that the Board should be responsible for deciding whether an issue group should be formed. Several views supported the Department for Business position that there should not be a gatekeeper and that any stakeholder should have the opportunity to put forward an issue for discussion.

There were suggestions on how to encourage participation in issue groups and for selecting membership, which included an approach where Nominet Members are invited to participate. Given the number of replies which commented that issue groups should be balanced, it might be useful if, at least in the early stages, the secretariat were to help issue groups establish themselves and identify additional stakeholders that need to be brought into the discussions.

Also of note were the responses highlighting that issue groups should be flexible and that a 'one size fits all' approach might not work. Enabling remote participation where relevant would be a significant step forward in improving engagement and participation. Some Nominet members felt that face-to-face meetings might be a significant barrier to participation, but it was also recognised that external stakeholders might not find on-line discussion a barrier to involvement.

Permanent groups

Those responses in favour of the creation of permanent groups commented that it would enable a bank of knowledge and expertise to be built up on a particular issue and create a sense of ownership. Others agreed that there is a need to have some groups which are always in operation but suggested that these were more 'long term' issues rather than permanent.

Closed groups

The concept of closed groups promoted most dissent. It was described by one respondent as "lacking transparency", but, on the other hand, some thought that a closed group might encourage certain stakeholders to participate because it would allow them to discuss the issue completely honestly. Members of the groups may have specialist knowledge they only want to share with trusted parties in a confidential manner. One respondent suggested that the approach needs to be used sparingly and only when necessary.

Standing committee of stakeholders

There was general support for the formation of a standing committee of stakeholders however it was evident from the responses that further work is needed on clarifying the mandate for this group and identifying how it will add value to the process. One respondent urged us to ensure that the group was credible and independent from Nominet and another advised us to take care not to recreate the existing PAB.

There was a wide range of suggestions for who could be on the standing committee (including the PAB recommendation that issue group Chairs should be invited to attend) and how they would be chosen. Responses covered all options: that representatives should either be appointed, invited, elected or a combination of approaches.

Enhanced secretariat

There was very strong support for an enhanced secretariat which would take an active role in the standing committee of stakeholders and for engaging with external stakeholders.

Tasks identified for the secretariat included a key role to ensure that representation on issue groups are balanced so that all aspects of the issue can be fully and fairly debated. In addition the secretariat should be involved in stakeholder outreach.

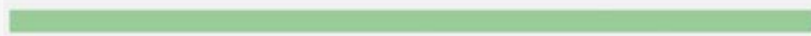

Together with the Chair of the group, the secretariat should support the issue groups to ensure progress is made and avoid stagnation and inaction.

Summary of responses



A full version of the responses to the consultation can be found here:

<http://www.nominet.org.uk/about/consultations/previous/pabreform/responses/>

1. Do you support the idea of placing relevant stakeholders at the heart of the policy advisory process?

Yes		97.1%	33
No		2.9%	1

2. Do you support the PAB's proposal for the creation of issues groups to develop policy recommendations in response to stakeholder proposals?

Yes		97.1%	33
No		2.9%	1

3. Do you agree with the PAB's outline for issues groups (open membership, stakeholder led, time-limited, with a requirement to prepare an impact assessment, and working by consensus)?



Summary of respondents' comments

Some respondents felt that rather than be stakeholder led, Nominet and or the Board should be responsible for suggesting issues to be discussed as we are best placed to know what policy issues we would like advice on.

Concern was expressed that issue groups would be too easily dominated by individuals, organisations or groups promoting a vested interest. If this was the case one respondent felt that Nominet Member engagement would be limited.

Remote participation was highlighted as a way of enabling greater participation from stakeholders. Others commented that groups should be flexible and allowed to operate in a manner which suits the participants and the issue. One respondent warned against having too many issue groups operating at the same time as the process may lack focus.

Operationally, respondents questioned whether working towards consensus was the best way forward as this can often lead to deadlock.

Yes		88.2%	30
No		11.8%	4

4. What mechanisms should there be for selecting members of issues groups? In particular, how might we ensure effective participation from Nominet Members?

Summary of respondents' comments

Many ideas were put forward as to what mechanism there should be for selecting members of issue groups ranging from calling for volunteers, holding elections and inviting participants to represent constituencies.

Respondents were keen to ensure that issue groups had the right balance of expertise from a cross section of stakeholders.

Respondents placed importance on ensuring that the process was widely publicised so that people were aware of its existence. It was also suggested that a scoping exercise could be undertaken to help define the issue and help identify who should be involved in the group.

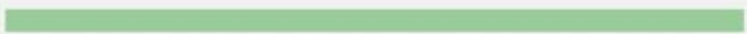

Two respondents identified the AGM as a good opportunity to raise awareness of the process with Nominet Members and as an opportunity to report back on the progress of issue groups. Another commented that it would be important to ensure that outcomes of the work the issue groups do are communicated so that people feel their time has been well spent.

5. Do you agree that “permanent” groups might be needed in certain cases?

What issues might benefit from this approach?

Suggested issues included:

- Intellectual property issues
- SLD management
- Industry standards
- Law enforcement and crime (including fraud, malicious behaviour, phishing)



Yes		88.2%	30
No		11.8%	4

6. Do you agree that “closed groups” (i.e. groups with invited membership) should be set up when this is necessary?



What issues might benefit from this approach?

Suggested issues included:



- Law enforcement and crime (including phishing, malicious behaviour)
- Issues that are commercially or financially sensitive
- Security

Yes		75.8%	25
No		24.2%	8

7. Do you agree that a standing committee is necessary to provide some form of independent assessment, and support for, the issues groups?

Yes		87.9%	29
No		12.1%	4

8. Do you agree that the tasks identified by the PAB for the standing committee are appropriate?

Yes		84.4%	27
No		15.6%	5



9. Do you agree with the range of stakeholders identified by the PAB for the membership of the standing committee?

How should members of the standing committee be identified?



In particular, how should Nominet member participation of the standing committee be chosen, bearing in mind the importance of ensuring balanced representation?

Summary of respondents' comments

Responses covered all options: that representatives should either be appointed, invited, elected or a combination of approaches.

Yes		78.8%	26
No		21.2%	7

10. Do you support the proposal for an enhanced secretariat taking an active role in the standing committee of stakeholders and for engaging with external stakeholders?

Yes		93.9%	31
No		6.1%	2

11. Do you have any further comments on the proposed new policy advisory process?

Summary of respondents' comments

Some respondents feel that the proposed system is too complicated and are not entirely clear why change from the current system is needed. Others suggest that the proposed system is an improvement on the current structure, allows for wider stakeholder participation on issues which are relevant to them and should be implemented quickly. One respondent emphasised that whilst the process needs to have clear rules and set criteria it must not become so inflexible that stakeholders feel excluded from participating.