

PAB Communication and Consultation

A submission by Alex Bligh

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A. Purpose of this document & Introduction

The PAB published a consultation paper on 21st January 2003, on PAB Communication and Consultation. This is a submission in response to that consultation. The author is a member of Nominet's Council of Management and Policy Advisory Board. However, this submission is made in a private capacity, and does not purport to represent the views of Nominet or its Policy Advisory Board.

The author thanks those who have contributed to the consultation document, and Peter Gradwell in particular, for the time and effort they have expended producing the document in its current form. It should be recognized that this is a great leap forward from the status-quo. The comments (and occasional criticisms) herein should not be read as to belittle that effort.

It is perhaps worth expending a few paragraphs on the reasons for this consultation document's very existence. Without understanding that, it is difficult to understand why the author has found it necessary to submit yet another weighty response to the PAB.

Nominet's Policy Advisory Board (PAB) is the primary vehicle for receiving feedback and suggestions from the Membership and other stakeholders, processing them and referring agreed policy proposals to the Nominet Council of Management (CoM). The PAB consolidates and distils views and proposals, through a process of consultation, in order that it may make Policy recommendations to the Council of Management regarding Nominet issues.

From the above, it is self-evident that communication in general, and consultation in particular, are of vital importance to the qualities of effectiveness, transparency, and openness that are required of the PAB.

However, neither good communication, nor good consultation can be achieved without a consistent framework, or methodology, by which such communication or consultation takes place. The PAB has thus far adopted a piecemeal approach to its consultation and communication. Whilst this was done with the best of intentions, it has had the inevitable result of creating a confusing and sometimes obfuscated view of the workings of the PAB, which has been both frustrating for stakeholders (and members in particular), and has led to allegations, sometimes justified, that consultation has not been effectively carried out.

At the same time, it has to be recognized that having a formal mechanism of consultation or communication is not in itself sufficient to ensure that the consultation or communication is effective. For instance, the PAB has on occasion sought to defend itself from allegations of poor consultation by asserting that the relevant document had been published on the Nominet web site for thirty days amongst the PAB papers, which had in turn be announced on nom-announce. However, a moment's thought indicates that in this event, the root of the problem is that it is unreasonable to expect every reader to read through every link on every page referenced by every email on nom-announce – so far this year there have been an average of two per day. The more general lesson here is that the mechanism chosen needs to facilitate those who are being communicated with, or consulted with.

Equally, one should note that members and other stakeholders are not the only groups to which the PAB communicates. The PAB has in the past suffered communication difficulties with the CoM. If the CoM cannot clearly ascertain what the PAB is recommending, the PAB's work itself on the subject is in jeopardy

of being for naught. If the section on meeting reports in the document presented seems prescriptive, it is only to prevent these difficulties, and as such it is hugely to be welcomed.

B. General Comments

The author feels that the document would be better structured if it first addressed the requirements for the PAB to communicate and consult, and subsequently addressed the mechanism for each aspect of that (for instance publication of meeting reports etc.). For an uninformed reader, it is difficult to follow the lifecycle of a proposal made, or issue put to the PAB, from first tentative publication, through discussion, consultation, subcommittees, modification, and implementation or rejection. It is possible that this might be best handled diagrammatically.

The document would benefit from an introduction describing its status, and purpose.

There is some duplication of text on how the PAB secretariat should publish documents to the world at large. It seems to the author there are three types of document which are published in this way: papers for the PAB meeting (which in turn invite comments), PAB meeting reports, and documents for consultation. There should be a single section of publication of documents, drawing the best from each of the three sections in this document. When documents are publicized, they should clearly fall into one of these three categories. It should be emphasized that papers for a PAB meeting, whilst they invite comments, are not a *formal* consultation, and indeed there are significant differences in protocol: for instance, the document states that consultations shall run for thirty days, yet the PAB meeting occurs 14 days after publication); also, no formal collation of responses is expected. There may be circumstances where this (informal) consultation is sufficient – sufficiency of consultation is a matter for the PAB. It would be useful to note that all PAB documents should be published maintained, and indexed on the Nominet web site, in perpetuity. It would thus be useful to add that it is vital that such documents are dated, and accurately represent their ‘status’ in the system (to differentiate, for instance, a draft for consultation from a final recommendation). It would be helpful to consider developing consistent nomenclature for describing documents.

No mention is made of how the PAB agenda is set. This seems to be a matter for the PAB chair. As the PAB has appointed representatives who occasionally will need to decide whether or not there is any matter on the agenda which concerns them sufficiently to miss an alternate engagement, the PAB agenda should be published with the PAB papers, and recommendations should not be made by the PAB for AOB items, or on papers submitted late, except in exceptional circumstances. It should be made clear that prior to the agenda deadline, any PAB member can table an agenda item.

C. Comment on section ‘Meeting Reports’

The author supports these recommendations, with the following caveats:

The author believes that it would prove useful if the agreed recommendations (only) were sent to the executive for distribution to the CoM, (subject to later correction in the meeting report) as soon as they become available. This would ease time constraints in preparation of CoM papers. Any material differences could be highlighted to the CoM in email, or at the meeting itself.

The author believes that this would obviate most of the requirement for a separate ‘PAB Communiqué to the CoM’, at least to the extent that this duplicates the meeting report.

The author notes that there is some popular support for the report being called ‘minutes’. Whilst the author cannot, if the definition remains the same, see merely changing the name of the report would make a difference, it is possible that reference to the report as a ‘report’ implies that there is a substantial amount of information which would have been minuted, but is not in the report. There is thus a possible optical issue to consider.

The author urges the PAB to consider the ‘unified’ mechanism of publication and presentation recommended under B above.

D. Comment on section ‘Submission of documents to the PAB’

The author supports the recommendations, with the following caveats:

This section should explain who can submit documents to the PAB. It cannot be the case (surely) that anyone (whether anything to do with Nominet or not) can submit any document on any subject?

Presumably this section is meant to refer to the submission of documents to the PAB by the Executive, the Council of Management, and (presumably) subcommittee chairs. The author suggests that any PAB member should be able to submit a document as well. It should be emphasized that submission of a document does not mean that it will necessarily get space on the agenda.

The deadline for submission of such documents should be made known (presumably somewhat before PAB documents are published).

The mechanism for submission of documents should be published (presumably to mail the PAB secretary).

Documents when submitted should include their status (for instance, whether a report is just an interim ‘for information report’, requires general feedback from the PAB, or is in a state where it can be recommended or otherwise to the CoM), as well as (as noted under ‘B’ above) the fact that they are a document for consideration at the meeting.

The consultation document suggest publication of an ‘abstract’ on nom-announce, and the author supports this. It would be helpful if those submitting the document produced an abstract.

It should be explained that this somewhat heavyweight procedure is only meant to apply to official PAB papers. The route open to members and other stakeholders, and indeed PAB members in a personal capacity, is to submit a comment to pab-suggest (which is handled elsewhere in the document).

E. Comment on section ‘Publication of PAB documents’

The author supports the recommendation, with the following caveats:

The author urges the PAB to consider the ‘unified’ mechanism of publication and presentation recommended under B above. The title (or location) of this section is confusing as it is unclear as to whether it refers to documents for the meeting, or documents in general.

F. Comment on section ‘Subcommittee Procedure’

The author supports the recommendations, with the following caveats:

It would be useful to state that subcommittee chairs are appointed at the meeting, and the subcommittee chair is responsible for the timing and organization of the meeting (with the assistance of the PAB secretariat). Whilst PAB members are canvassed as to who wants to attend, it is open for a PAB member to attend any PAB meeting. Details of time and location of subcommittee meetings should be published on the PAB list.

The consultation document has “The PAB will invite submissions to the Paper for a period of one month”. It is unclear whether this means that the PAB will publish its initial report for consultation, or that the

subcommittee will publish it to the PAB for submissions. The author strongly feels that, provided initial reports of subcommittees for consultations are clearly marked as such, subcommittees should be able to run their own consultations, without reference to the PAB as a whole should they wish. However, subcommittees should have the option of returning to the PAB (for instance if they feel there is nothing to consult about, or because of insufficient attendance), as it is always open to the PAB (as a whole) to decide insufficient consultation should take place. Therefore, whilst a subcommittee should always produce a report, and whilst it should be able to run a consultation, it should not necessarily have to do so. Equally, subcommittees, having considered consultation responses, should be able to develop documents and put them to further consultation. Thus the word “initial” is perhaps unhelpful.

Subcommittees which run “across” PAB meetings (i.e. which are not ready to produce a position paper) should publish a (brief) status report.

It should be noted that expertise of Nominet staff, and occasionally of outside experts, is on occasion of immense help to subcommittees, subcommittees should be able to request (not demand) their presence via the PAB secretariat.

G. Comment on section ‘Consultation Procedure’

The author endorses the recommendations, with the following caveats:

The PAB’s general duty to consult should be described separately from the running of a “formal” consultation. The author reiterates that there are issues of minor significance to the world at large, which in the interest of expedience, it would be useful to publish in PAB meeting papers, take account of any feedback, and decide appropriately. It is for the PAB to decide the sufficiency or otherwise of consultation. An example of such an issue is the question that recently arose as to what proportion of PAB meetings are held outside London. Whilst this is an issue that the public at large conceivably has an opinion on (as potential candidates), to put each such issue to formal consultation would “bung up the system” with issues of only minor importance.

Conversely, there are issues so exceptionally significant that it should be possible for the PAB to run, at its option, a longer consultation period than 30 days. A longer period might also be desirable if a wider range of stakeholders than normal needs to be consulted, as it may be necessary to publish invitations to respond to consultation in paper media, with a consequent long lead time – it seems to the author that the key factor is the time available to the stakeholder to respond, and publication delay should thus increase the consultation time. Again, the author reiterates that sufficiency of consultation is a matter for the PAB.

The author does, however, strongly endorse the setting of a general “default” framework for consultations, and departure from this should be reasoned.

H. Comment on section ‘Consultative Feedback’

The author supports the recommendations with the following caveats:

As per the “Recommendations” section, the author suggests that the PAB recommend that the executive investigate an automated system to perform the publication of comments on the web site, though this might be more usefully be put here.

When feedback is received, as well as the name of the submitter, the capacity under which the response is being submitted (personal, or company), should be clearly marked - attention should be paid in particular to standard disclaimers. This applies to suggestions (below), as well.

I. Comment on section 'PAB Suggestions'

The author supports the recommendations with the following caveats:

The author suggests that the default 'all submissions are for publication' position from 'Consultative Feedback' should be duplicated.

The author suggests that the PAB recommend that the executive investigate an automated system to perform the publication of suggestions on the web site, in addition to "feedback" on consultation.

The author suggests that once published, prior to a PAB meeting, the remaining information published should be relatively short, and not attempt to duplicate the meeting report, for fear of inconsistency. The author suggests simply that a status should be indicated, either "Open – for consideration at the meeting of [date]", "Closed – see meeting report [date]", or "Closed – no PAB member supported consideration of this item at meeting of [date]". This is sufficient to track suggestions, which is presumably the point.

J. Comment on section 'Recommendations'

Perhaps the recommendation, which the author supports, could be more usefully incorporated elsewhere.

It is unclear what the way forward is for this document – in many ways for precisely the reasons that this very document seeks to set a framework to avoid. Is this a document for consultation? If so, it should (if it is to be judged by its own measure) go out for a thirty day consultation. Is it a final recommendation from a subcommittee? (in which case has it had the sort of consultation that is proposed)? Is it a paper presented by a PAB member? (in which case the PAB needs to decide how to go forward with it, running consultation if necessary).

It seems to me that the way forward (and hence the recommendation) should be as follows. Firstly, that the PAB should adopt the methodology described in the document (as modified by any discussion in the PAB meeting) as an interim document, on the basis that something is better than nothing. However, it is suggested that the document "be run through its own process", it should itself be put out for consultation, receive responses, on, and so forth. This will avoid the potential criticism that the PAB's consultation procedures was developed without consultation (for instance from wider stakeholders), at least when a final document is approved, as well as acting as a valuable test.

Z. Change Log

Version 1.00 First release version