

OTA-BTS CONSULTATION PRINCIPLES

December 2024

Effective consultation is essential for ensuring The Office of the Adjudicator – Broadcast Transmissions Services (OTA-BTS) reflects a balanced understanding of stakeholder perspectives. These principles provide a framework to ensure consultations remain fair, transparent, inclusive, and foster evidence-based decision-making informed by the views, needs, and concerns of our stakeholders.

We follow general principles of fair consultation ('Gunning Principles'): (1) take place when proposals still at formative stages; (2) sufficient reasons given for proposals to allow intelligent consideration and response; (3) adequate time given for consideration and response; and (4) results of consultation conscientiously considered.

In essence, they will be clear and concise; have a purpose; will only be part of a process of ongoing engagement; take a proportionate time; be targeted; facilitate scrutiny; and be published in a timely fashion.

1. Transparency and Openness

We aim to ensure all relevant stakeholders are informed about a consultation's purpose, process, and potential impact, to foster meaningful participation. We will explain the objectives of each consultation, reasons behind any proposed changes, and how responses will inform final decisions. Documentation will be made publicly available in a timely manner, unless we determine confidentiality is required. All relevant materials will be published online.

2. Clarity of Purpose and Scope

We will define the purpose of a consultation, what it aims to achieve and why it is necessary, who we are consulting, on what questions, and for how long. We will aim to be clear on consultation parameters to prevent unnecessary burden on respondents to help ensure responses will be focused and actionable.

3. Early Engagement

Where appropriate, we will involve stakeholders in early-stage consultation to enable meaningful inputs into proposals. We will consult on plans or decisions still at formative stages to ensure a range of views are considered before proposals are finalised. We will not ask questions about issues already decided upon.

4. Proportionality

We will aim to ensure the scale, method, and scope of consultations are proportionate to the potential impact of decisions or proposed changes. We will not consult for the sake of it and will consult where there is a legitimate expectation of consultation (e.g. when a requirement to consult is part of the Undertakings). More significant decisions will require more extensive consultations. For less impactful decisions, limited consultation may be appropriate.

5. Concise Documentation

Consultation documents will aim to be clear and concise, outlining specific questions and areas where stakeholder input is sought. We will endeavour to use plain language with acronyms explained and will aim to provide background information and context which we believe will help stakeholders provide informed answers.

6. Clear Timelines and Deadlines

We will seek to balance providing sufficient time for stakeholders to respond with ensuring decisions are made in a timely manner. Clear timelines will be communicated at the outset, including deadlines for feedback and anticipated timelines for final decisions. The length of consultations, which could be from two to 12 weeks, will consider the nature of proposals and their potential impact.

7. Fair and Evidence-Based Interpretation

We will always seek to ensure that decisions are informed by a robust analysis of all evidence and stakeholder input. Analysis will be undertaken with objectivity and impartiality.

8. Publication, Feedback and Accountability

After consultation, we will publish a decision statement explaining what we will do, and why, so stakeholders understand the impact of their inputs. If we don't follow these principles in a particular consultation, we will explain why.

9. Confidentiality and Privacy

As part of our steps to deliver transparency, whenever possible responses will be published in full. At the discretion of the Adjudicator or where confidentiality is legally required, we will redact parts of some submissions.

10. Inclusivity and Balanced Representation

We will seek to ensure that all relevant stakeholders can contribute, and the views of all stakeholders are considered, to ensure a balanced representation of diverse perspectives. No single stakeholder should disproportionately influence the outcome unless justified by evidence.

11. Continuous Improvement and Evaluation

We will review and refine the consultation process to ensure effectiveness and identify areas for improvement. Stakeholder feedback about these consultation principles or how particular consultations are run is always welcome and will be used as part of continuous improvement.

12. Adaptability and Responsiveness

We will remain flexible and responsive to emerging issues and feedback during the consultation period. While clear processes and timelines are necessary, we will respond to changing circumstances or feedback that warrants further exploration. Consultations may need to be extended or restructured if significant new information emerges. Text