

How the BBC Trust will consult

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1. Introduction

Listening to and representing the licence fee payer are two key duties of the BBC Trust. The Trust has published a protocol in which it explains how it will seek the views of, and engage with licence fee payers. One of the key elements of the BBC Trust's engagement strategy is the use of formal consultations. This will help the Trust make better-informed decisions and makes it accountable to licence fee payers.

This document explains how the BBC Trust will carry out these formal consultations.

2. Each Consultation will have clear objectives

2.1 The Trust will consult on a wide range of issues. However, it will only consult when it is clear about what it is consulting on, and the broad options which it will be considering following the consultation.

2.2 The Trust will always consult as part of a "Service Review" of one of the BBC's channels or services. It will also always consult as part of a "Public Value Test", when there has been a proposal for a new service, or a significant change to an existing service.

2.3 There are a number of issues which fall outside the remit of the Trust, such as the content of the Royal Charter, and the licence fee, which are Government decisions and as such the Trust will not consult on these.

2.4 The Trust will explain the work it has carried out to date, and explain how this has informed the scope of the consultation.

2.5 In some cases the Trust might speak to a number of key stakeholders as part of a pre-consultation exercise, in order to understand the issues better. These discussions will not be part of the formal consultation, but will help inform the Trust's initial thinking.

2.6 The BBC Trust's has published specific commitments to BBC staff with regard to consultations which can be found here : http://www.bbc.co.uk/bbctrust/about/purpose_and_role/staff_commitment.html

3. Consultations will be well promoted

3.1 Everyone will be welcome to submit a response to a consultation. The BBC Trust will, however, specifically target groups of people it particularly wants to take part in a consultation. This could be people with a particular expertise or knowledge of the subject, or those likely to be affected by the results of a consultation, such as the users of a service. These will change depending on the subject of the consultation, and the Trust will use appropriate methods in order to raise awareness of the consultation.

3.2 The Trust will communicate throughout the consultations, through a number of methods including:

- face-to-face meetings with stakeholder organisations;
- using the Trust website (bbc.co.uk/bbctrust) both to publicise the consultation and to provide background information to the consultation;
- via the media;
- using the BBC's own channels and services to raise awareness of the consultation.

The methods of communication will be those which are most suited to the topic of consultations, and target those most likely to respond.

4. Consultation Documents

4.1 Any consultation carried out by the BBC Trust will include some element of written consultation.

4.2 The consultation document will be written using plain language. Technical terms will only be used where necessary. Where there is a need to include complicated processes and concepts they should be clearly explained, and a glossary provided.

4.3 The document should include a simple summary, of no more than two pages, outlining the proposals. This will allow consultees to decide whether they wish to respond.

4.4 The consultation document will be published on the BBC Trust website on the day which the consultation launched. Paper copies will be available on request.

4.5 All consultation documents published on the BBC website will be designed to be accessible to users of assistive technologies including screen readers.

4.6 Braille, audio and simplified English versions of the consultation document will be available on request.

4.7 A BBC Trust freephone line will be available for those needing assistance in responding to the consultation document.

4.8 All consultations will be conducted by the Trust in both Welsh as well as English consistent with the BBC's commitments under the Welsh Language Act allowing people to respond in Welsh also if they so wish.

4.9 Consultation documents will not be produced in languages other than English and Welsh unless the consultation specifically relates to a particular ethnic/cultural group and/or existing BBC output (radio/TV content, website) which is customarily translated.

5. Other Elements of Consultation

5.1 In addition to publishing a formal consultation document the BBC Trust will proactively reach out to those who would not ordinarily take part in a written consultation, in order to ensure that it hears from those people most likely to be affected.

5.2 The BBC Trust will invite the BBC Audience Councils in England, Northern Ireland, Scotland and Wales to take part in consultations. The Councils also have a key remit to engage with licence fee payers including geographically-based communities and other communities of interest.

5.3 The Trust will usually commission research to help it understand the views of all licence fee payers. This may, for example, be survey based or use focus groups or a mix of both.

5.4 The Trust may also obtain professional or expert input into the consultation. This may be with or without payment.

5.5 The Trust may also, on occasions, hold public meetings as part of a consultation.

5.6 The Trust may also want to talk to specific groups of people or organisations who might be directly affected by the proposals. This might be at stakeholder meetings or on a one-to-one basis.

6. Length of Consultation

6.1 The BBC Trust will ensure that it allows enough time for people to respond to the consultation, in particular for organisations to collect the views of their members. This may sometimes be achieved in a shortened consultation period.

6.2 The length of time for a consultation will depend on what the Trust consulting on, and who it intends to consult with.

6.3 Public Value Tests will follow the process outlined in the BBC Charter and Agreement, which is to say that a Public Value Test must be completed within six months of the date on which the Trust determines that it is to be applied (unless, in its discretion the BBC Trust considers that a longer period is justified). Within this process there will be a period of time in which the BBC Trust seeks representations as part of the public value assessment. This will usually be for a period of 28 days. Once the Trust has made its provisional conclusions, these will be put to public consultation. This will also usually be for a period of 28 days.

6.4 The formal consultation period for other consultations carried out by the BBC Trust, including those as part of a service review, will generally be a minimum of 12 weeks. However, the appropriate timeframe will need to be decided in light of the matters we are consulting on.

6.5 Sometimes the consultation period may be less than 12 weeks. As appropriate the BBC Trust will explain the reasons for the reduced consultation period used. This might be because of requirements of the Royal Charter and Agreement, or where the proposal (or sections of it) has already been subject to, or are a result of, previous consultation.

6.7 Where appropriate, and depending on the scale and timing of the consultation, for example if a consultation covers a holiday period, it may be appropriate to consider a longer period of consultation.

6.8 When there is a reduced consultation period, the Trust will, if appropriate, ensure that additional steps are taken to ensure that the consultation is as effective as possible and to understand the views of the public, this could include stakeholder briefing or targeted research projects.

7. Reporting Results

7.1 Following a consultation the BBC Trust will publish the decisions it has made as a result. This will include why it has made these decisions and the next steps.

7.2 When publishing the results of a consultation the BBC Trust will publish the responses received from stakeholder organisations (subject to issues such as commercial sensitivity).

7.3 The Trust will also publish a summary of responses received from individual licence fee payers. The Trust does not intend to publish individual responses.¹

7.4 The Trust will also publish a report on any research projects it has conducted as part of the consultation process.

7.5 The Trust will also publish any reports from expert or professional input which it has commissioned as part of the consultation.

7.6 If there have been any stakeholder organisation consultation meetings, the Trust will publish a list of organisations which attended, along with a summary of the discussions.

7.7 If there have been any public meetings, the Trust will publish a summary of the discussions.

7.8 The Trust will also indicate which organisations it has spoken to as part of any pre-consultation exercise.

7.9 The outcomes of a consultation will always be widely available, in a variety of formats. The documentation will always be written in plain language, and technical terms only used where necessary.

7.10 The BBC Trust will publicise the outcomes and decisions following a consultation in a variety of ways. This will be dependent on the subject matter and objectives of the consultation.

¹ Individual licence fee payers taking part in a consultation can choose to supply their name and contact details, or can respond anonymously. Personal details will not be passed to any third parties for marketing purposes. The BBC Trust complies with the Data Protection Act 1998. For more information on BBC's Privacy Policy please refer to www.bbc.co.uk/privacy/.

The BBC is also listed as a public body under Part VI of Schedule 1 to the Freedom of Information Act 2000 in relation to particular information. Therefore, if a request is made to the BBC under that Act in relation to a consultation, the BBC may be required to disclose the information unless an exemption under the Act applies.

7.11 The BBC Trust wants to let those who participate in consultations know the outcome. Therefore, anyone who takes part will be invited to leave their contact details and the Trust will contact all of these people to let them know the outcome of the consultation. Contact details will not be passed onto a third party.

7.12 The BBC Trust will also report on consultations in the Annual Report and Accounts which is published every July.

8. Compliance

8.1 The BBC Trust will ensure that all of its consultations are in line with its obligations under article 103 of the Framework Agreement (see Appendix).

8.2 The BBC Trust will also evaluate each consultation against the policy outlined in this document. It will publish this evaluation alongside the publication of the outcomes of the consultation.

8.3 Each consultation will be subject to an equality impact assessment to ensure that the consultation is run in a way which does not discriminate against sections of the audience. The Trust will publish this assessment alongside the publication of the outcomes of the consultation.

APPENDIX

Extract from An Agreement between Her Majesty's Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation

103. The meaning of obligations for the Trust to consult publicly

(1) This clause explains what is meant where this Agreement expressly imposes an obligation on the Trust to consult publicly (however expressed, for example clause (3)(b)).

(2) The Trust must do so in ways which are appropriate to the subject matter of the consultation and to the issues which the Trust considers to be raised by its proposals.

(3) The Trust must consider the extent to which, in the circumstances, it should specifically request an input from particular persons, classes of persons or groups.

(4) In particular, the Trust must consider who is likely to be affected by the subject matter of the consultation and how best to ascertain their views.

(5) The Trust must consider whether, in relation to matters relevant to the subject matter of the consultation, it should—

(a) undertake research of its own,

(b) obtain an expert or professional input, with or without payment.

(6) The Trust must publish at least an analysis of all inputs received in connection with the public consultation.

(7) The Trust must give reasons for all decisions which have been subject to a requirement to consult publicly.

(8) In addition, the nuance of how any particular public consultation obligation is expressed must be taken into account (for example, clause 5(5)).

(9) In any particular context, the fact that an obligation to consult publicly has not been imposed expressly should not be assumed to imply that no such consultation will ever occur, merely that it is a matter for the judgment of the Trust whether public consultation is appropriate in the circumstances (having regard, of course, to the Trust's general duty under article 23(c) of the Charter to assess carefully and appropriately the views of licence fee payers).