

Draft Framework For Stakeholder Engagement and Transparency for the Nuclear Decommissioning Authority (NDA)

Introduction

1. The Government's White Paper "Managing the Nuclear Legacy – a strategy for action", published in July 2002, stated that it expected the NDA's operating strategy to include detailed proposals for stakeholder engagement. This paper seeks your views on the content of the draft framework that the NDA should be asked to endorse and adopt.

2. Since the "Developing a Framework for Stakeholder Engagement and Transparency for the Nuclear Decommissioning Authority" (the so-called "starter for ten" document) was published in June 2003, several things have happened:

- The draft Nuclear Sites and Radioactive Substances bill has been published as a consultation document, also in June 2003;
- A second round of DTI stakeholder events took place in September and October 2003 focusing on the nineteen questions listed in the "starter for ten" document;
- Written submissions on the nineteen questions have been received by DTI.
- A national event took place in November 2003 at which all relevant national bodies were invited to look at aspects of the NDA's accountability.
- Two separate meetings were arranged with national green organisations to allow examination of the draft bill and comment on the NDA's role, structure and proposed method of operating.
- Regular meetings have continued to be held with relevant local authorities, trade unions, site liaison committees and other stakeholder groups; and
- The Energy Bill, including the provisions relating to the NDA, was introduced in Parliament in November 2003. It includes a legal obligation on the NDA to engage with stakeholders, and includes detailed provisions for the consultation of stakeholders in respect of its annual work plan and five year strategy.

3. All of these have informed this framework document, most notably the feedback we received from stakeholders at the regional events.

4. It was clear from these events that stakeholders not only want information, but also want the opportunity to be involved, and to feel that their involvement has a positive influence. This paper sets out the attributes of a NDA that is successfully engaging in an open and transparent way with all of its stakeholders. They are not necessarily in order of importance, nor is the list necessarily exhaustive.

We would welcome your comments by **31 March 2004**.

What happens next?

5. We will build as many of your comments as possible into a new draft stakeholder engagement framework, which will also be published. In parallel, we will be organising another round of stakeholder events in late April/May of 2004 with a view to seeking further views on that document and to engaging with stakeholders on some of the other key issues emerging from our and the Liabilities Management Unit's work.

What we've addressed

6. During the autumn of 2003, a series of workshops loosely located around nuclear facilities in the UK, asked local stakeholders including green NGOs, local authorities, trade unions and others to consider six main issues: why engage with the NDA; with whom should the NDA engage; on what issues; what information should the NDA provide – or it's corollary – what should it legitimately withhold; what regional or local and national structure should be put in place; and what are the barriers to engagement? These are addressed in turn below.

Why Engage?

7. Many stakeholders expressed the view that the arrival of the NDA represents a long overdue and welcome opportunity for communities to become involved in the management of the nuclear legacy which has been the cause of much concern over many years. It was felt that only by hearing and considering a range of views would the NDA be in a position to meet its remit and take balanced, well informed decisions on major issues. In addition, transparent decision making and accessibility of information were seen as key to building public confidence and establishing the credibility of the NDA as a body which can deliver and make a difference. This suggests that the NDA should:

- Involve stakeholders as fully as possible in all matters related to legacy management;
- Ensure the timely input of local and national stakeholder views, advice and recommendations into NDA and licensee decision making;

- Ensure that communities local to NDA sites can input into the development of site clean up plans;
- Build stakeholder and public confidence;
- Provide effective liaison and interaction between national and local levels of engagement and between sites;
- Clarify upfront what it expects from engagement and ensure that stakeholders clearly understand the level of involvement they can expect from the process, how they can expect to influence the NDA and to understand clearly the structure in which they are participating;
- Ensure there are no surprises;
- Explain and help stakeholders understand.

With whom?

8. Question 8 in the “starter for ten” asked “Which stakeholder groups – national and/or local should the NDA engage with?” The answer we had was a resounding “Everyone who has an interest”. This suggests that the NDA should:

- Engage with everyone who has an interest in a manner which enables the stakeholder concerned to participate in a constructive and positive way.

9. The regional events and written responses to the “starter for ten” generated a long list of stakeholder groups and specific organisations that the NDA should engage with. This is attached as Annex A. It is inevitable that the list will change over time as the NDA and its stakeholders develop relationships and engagement processes.

On what?

10. The key issues identified by stakeholders as being those that they would like to actively engage with the NDA on were:

- Site end points
- Waste storage and management plans
- Selection of contractors and contract terms
- Plans and targets
- What work and how it should be done
- Use of supply chain
- Standards of safety and environmental performance
- Prioritisation of work time-scales over which it is to be completed
- Criteria for decision making including funding
- Socio-economic impacts
- Maintenance of a skill base

On the basis of what information, and how ?

11. This section looks at what information should be made available by the NDA; how the NDA should make this information available; and what information might reasonably be withheld by the NDA.

What should be made available?

12. Some of the specific pieces of information requested by stakeholders are listed at Annex B. Particular issues that stakeholders wished to monitor or scrutinise were safety and environmental performance, performance against plan, incidents and accidents, openness and transparency, hazard reduction and the use of funds.

How should information be made available?

13. It is suggested that the NDA should:

- Make information available in plain English;
- Ensure that information is accessible to all stakeholders, even those with no access to the internet;
- Make information available in a timely manner, so as to allow reasonable opportunity for comments or questions;

What information might reasonably be withheld?

14. There were several suggestions as to the sort of information that could reasonably be withheld. For example, material protected by legislation such as the Data Protection Act, the Freedom of Information Act, security information and the intellectual property of contractors would not be available. However, the main concern of stakeholders seemed to be that the process by which decisions to withhold information were taken had to be open and transparent. It is therefore suggested that the NDA should:

- Agree with stakeholders a process for deciding whether or not information could reasonably be withheld;
- Explain the rationale behind any decision to withhold information;
- Agree an appropriate mechanism, which is consistent with the Freedom of Information Act, for dealing with appeals against decisions to withhold information.

How to engage

15. The NDA will need to engage with stakeholders on national and local issues and a mechanism was proposed for doing this in the "starter for ten" document and at the regional events. This model is attached at Annex C. There were divided views on its suitability, and several variations were proposed. It seems clear that whatever structure the NDA decides upon, it must have the ability to engage at local and national level. As a separate point, and for the avoidance of doubt, it should be clarified that nothing in this

document undermines the responsibilities of a nuclear site licensee and its day-to-day relationship with the nuclear regulators. It is clear that the NDA and its contractors will engage with stakeholders in an open and transparent way, but it is also clear that ultimately it is the NDA and site licensees who are accountable for making decisions.

Local Level

16. It is recognised that there may be significant variations in the intensity and indeed the nature of engagement from site to site, dependent on the scale, nature and strategic significance of the local clean up task, and the requirements of local stakeholders. Nonetheless, whatever structure is devised for local engagement, it is considered that it should be:

- Sponsored by the NDA, but independently chaired or facilitated;
- Given a proper level of guaranteed resourcing (financial, technical and training);
- Made up of participants drawn from a wide range of local stakeholders, including the site licensee, site workers, the regulators, all tiers of local government, community groups and NGOs;
- Input timely advice and recommendations;
- Able to set up working groups to develop draft advice and recommendations;
- Able to fulfil a scrutiny role in relation to site activities, including the performance of contractors;
- Able to set up wider community engagement mechanisms;
- Open and transparent so that those not directly involved are assured that it is working effectively;

National Level

17. It is suggested that whatever structure is devised for national level engagement, it should:

- Input timely advice and recommendations into NDA decision making on strategy, priority and work programmes;
- Be sponsored by the NDA, but independently chaired or facilitated;
- Be given a proper level of guaranteed resourcing (financial, technical and training);
- Have clear links to the local level engagement mechanism to enable two way flow of information;
- Include representatives from the local level engagement mechanism, and from national stakeholder groups including the regulators, local government bodies, trade unions and NGOs;
- Include a representative(s) of the NDA Board;
- Be able to sponsor time-limited bodies (e.g. to look at specific issues) and wider public engagement processes;
- Be able to fulfil a scrutiny role in relation to the NDA's performance

Local Liaison Committees or Local Community Liaison Councils

18. Question 17 of the “starter for ten” document asked “Should existing Local Liaison Committees be revised to form the NDA’s forum for engaging with local stakeholders?” The answers we received generally recognised both that LLCs/LCLCs needed some overhaul, and that it was not sensible to simply throw away over thirty years of experience. This suggests that the main question is whether existing LLCs/LCLCs have the capacity to be an effective local stakeholder group for the NDA. In this regard, the work that BNFL are carrying out to reform its LLCs/LCLCs is very important.

A possible model

19. The NDA will need to decide what the regional/local and national framework should look like. One variation on the structure at Annex C would comprise the following components:

- A local stakeholder forum to provide views to a national stakeholder forum;
- A national stakeholder forum to provide advice to the NDA;
- A co-ordination group to ensure that processes are in place to deliver effective engagement;
- Specific national issue groups, to look at broader issues facing the NDA;
- Specific local issue groups, to look at issues affecting particular local or regional communities.

20. Other models could also be adopted by the NDA, either with fewer or more components, different roles and responsibilities, and different command structures. We have no specific preference at this stage.

Barriers to Engagement

21. It was recognised that several issues could be barriers to engagement, including timing and style of meetings, lack of technical understanding, lack of influence, loss of earnings from attending meetings, perception that someone is just going through the motions and so on. The key thing is the NDA must recognise that successful engagement needs a “horses for courses” approach and that any barriers, perceived or otherwise, must be overcome. Therefore, it is suggested that the NDA should:

- Ensure that participants in local and national level engagement are given appropriate induction training;
- Provide access to technical experts and additional training as necessary;
- Compensate stakeholders for necessary travel and subsistence expenses arising from engagement activities;

- Agree a process for deciding with stakeholders how much (if anything) participants will be compensated for loss of earnings or other non-standard expenditure.
- Ensure that any meetings take place at a time and in a location that suits as many stakeholders as possible, and that additional meetings are scheduled at different times for dealing with important issues.

Other Issues

Evaluation

22. The importance of evaluating the NDA's stakeholder engagement process was made clear by all who commented. It will obviously take time for the NDA to develop a track record, but it is key that evaluation is built into the stakeholder engagement framework from the outset. Some of the suggestions received include asking the general public, logging the number of complaints/successes, media coverage, Parliamentary Select Committee reports and so on. This suggests the NDA will therefore need to:

- Build an evaluation process into the stakeholder engagement framework that clearly feeds into and impacts on the development of the framework itself.

Dispute Resolution

23. The expectation is that differences of view will be resolved through discussion in the local or national engagement mechanisms, and that only as a very last resort would a specific mechanism be used. Feedback received indicated that an appeal mechanism of some description would be required and that it needed to be independent of the NDA itself. Notwithstanding the fact that decisions are ultimately the responsibility of the NDA and/or site licensees, it is suggested that the NDA should develop and agree with stakeholders a mechanism for seeking to resolve differences of view between the NDA and its stakeholders.

Your views

24. Please send your comments or views by **31 March 2004** to:

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25. In particular we should welcome your views on:

- **Why engage?** – whether there are more or more pressing issues arising from this section?
- **With whom?** – any suggestions for additional stakeholder groups and how they could be defined, identified, organised?
- **Information Provision** – anything we've left out or other key issues? Are the kinds of information to be provided or withheld, and the mechanisms for provision, as cited at paragraphs 12 – 14 are along the right lines?
- **How to engage?** – whether all the elements are covered or are there key omissions and what you think of the model structure outlined in paragraph 19?
- **Barriers to Engagement** – other barriers we've missed and how to overcome them.
- **Other Issues** – the need to include, in any framework document, evaluation and dispute resolution mechanisms, as described at paragraphs 22 and 23.

Annex A – List of Stakeholders

Annex B – List of Information Needs of Stakeholders

Annex C – Regional/national structural model

NCLU/DTI
22 December 2003

Who should the NDA engage with?

The following list is a compilation of contributions from those who made written submissions on the “starter for ten” and those who attended the DTI regional workshops. There is absolutely no doubt that it is incomplete, so stakeholders should feel free to make suggestions for groups/organisations to be added. Any clarifications of existing entries would also be gratefully received. You will see that the list is a mixture of specific organisations and generic groupings – any inconsistency will be ironed out as the list is developed. The order in which groups are listed and the way in which they are categorised is not intended to indicate any degree of priority or importance.

Regulators

The Health and Safety Executive (Nuclear Installations Inspectorate)
The Environment Agency
The Scottish Environment Protection Agency
Local Planning Authorities
The Office of Civil Nuclear Security
The Food Standards Agency
National Radiological Protection Board
Euratom
IAEA

Environmental Groups

Nuclear Free Local Authorities
Greenpeace
Friends of the Earth
CND
Stop Hinkley
South Glos. Friends of the Earth
South West Green Party
Cola
CADNO (Trawsfynydd)
PAWB
Wales Anti Nuclear Alliance
NAG
NIG
RSPB
Campaign for the Protection of Rural England
English Nature
Dungeness Bird Observatory
Rother Environment Group
CORE

Scotland Against Nuclear Dumping
National Trust
National Trust Scotland
Scottish National Heritage
English Heritage

Trade Unions/Employees

T&GW
PROSPECT
AMICUS
AEEU
UNISON
GMB
Farmers Union of Wales
National Farmers Union
Employers' Federations

Local Authorities – Elected members and appointed officers

Sedgemore District Council
Bristol City Council
Gloucestershire County Council
Somerset County Council
Local Park Planning Authority
Community and Town Councils
Chambers of Commerce
South Glos. Unitary Authority
Bath and NE Somerset Unitary Authority
North Somerset Unitary Authority
West Somerset District Council
Town Councils
Local Education Authority
County Councillors
Borough Councillors
Parish Councils
Cumbrian County Council
Copeland Borough Council
Allerdale Borough Council

Other Governments/Government Departments

The Welsh Assembly
DEFRA
MoD
DfT (Radioactive Materials Transport Division)
DTI
Regional Development Agencies

Scottish Executive
Government of the Republic of Ireland
Government of the Isle of Man
Northern Ireland Assembly

Business Community

BNFL
UKAEA
Local Contractors/Business Community
Anglesey Aluminium
Chambers of Commerce
British Nuclear Energy Society
BNES Young Generation Network
Nuclear Industry Association
Rutherford Laboratory
Cumbrian Engineering Alliance
North of Scotland Industries Group
Federation of Small Businesses
CBI
Westlakes Renaissance
Cogent

Others

Education Establishments
Highways Agency
Women's Institute
Area Health Boards
Country Landowners Association
Emergency Services
Local Residents Associations
Churches and Clergy
The Media
Tourist Board
Strategic Rail Authority
Local MPs and MEPs
Medical Profession
Primary Care Trusts
Health Protection Agency
LLCs and LCLCs
Local Schools
Local Universities

What information should be made available?

Again, this list is a compilation of the information received by the DTI and is in no order of priority.

For each pound spent by how much have liabilities been reduced
For contractors and potential future bidders – Reasons why a contract was awarded to one contractor and not another
Annual report published
Site restoration plan (Life Cycle Baseline)
Near Term Work Plan
Performance Based Indicators (PBI's) for contractors and NDA
Progress against PBI's for contractors and NDA
NDA Safety and environmental performance
Contractor track record in safety and environmental performance
Agreements between the NDA and the Regulators
Objectives for openness and transparency and performance against them
Allocation of funding
Action plans for skills
Impact on the community of job losses
Employment of contractors - local/national
Objectives, targets and performance measures which the Government sets for the NDA
Board's terms of reference
Safety cases
Environmental impact assessments
Doses, discharges and safety performance
Budgets and costs
Full audited accounts
Incentivisation structures written into contracts
Hazard reduction
Contact information for NDA and contractors
Organisational structure, terms of reference
Emergency arrangements
Corporate social responsibility framework
What decisions were made
Why and How decisions were made
What the liabilities are
Opportunities for employment and contracts
Regulator reports
Successes and failures
Forward plans and costs
NDA Strategy

Possible Model for Engagement

This was the model discussed at the regional events and referred to in paragraph 15 above.

