

Developing a stakeholder-centric consultation model

Researchers develop new guidelines for working in complex and contested areas.

Researchers working with [CREATE](#) (School of Law, The University of Glasgow) have published the report 'Improving Deliberation, Improving Copyright'. It sets out a new approach that addresses some of the limitations of copyright consultations in practice. Authored by Dr Lee Edwards (London School of Economics and Political Science) and Dr Giles Moss (University of Leeds) the research develops important guidelines and a set of associated tools to improve consultations in contested policy fields and will be of use to consultation exercises of all kinds.

Traditionally, copyright consultations have taken place in a landscape characterised by uneven resources, knowledge and expertise among stakeholders. Through the research, which adopted a stakeholder-centric approach that privileged the experiences of a wide range of copyright stakeholders and the public, a variety of shortcomings and potential improvements for copyright consultations were identified. These specific and detailed suggestions were underpinned by generic purposes and principles for conducting consultations, which can be applied beyond copyright contexts.

The findings show that consultations should have a clear epistemic purpose (to develop knowledge that will improve policy) and/or a democratic purpose (to enable stakeholders to contribute to policy and improve the accountability of policy decisions). They should also be grounded in four key principles that should guide the structure and practice of consultations:

1. Inclusive
2. Well-informed
3. Equitable
4. Accountable

Given that consultations are systems of different, connected activities, the aim in designing consultations should be to maximise the achievement of each of the principles as far as possible, and across all the different activities. For example, if the consultation topic was the parody exception, stakeholders might be invited to explore the fundamental definition and role of parody that should underpin policy (democratic purpose); and/or to provide evidence to underpin the final exception policy (epistemic purpose). To meet the four principles, the design might include: involving all those who have relevant knowledge or are affected by the parody exception (inclusive); ensuring openness to a wide range of evidence, not only economic metrics but also social and cultural benefits of parody (well-informed); ensuring equal weighting for different types of evidence (equality); providing opportunities for stakeholders to engage with each other and develop a mutual, reflective understanding of their own and others' positions (well-informed); and ensuring a high level of transparency and justification about the processes followed and decisions made (accountable).

Prof. Martin Kretschmer, Director of CREATE, says: "This is innovative research of the highest quality. It has the potential to bring sustained change to practice. CREATE in its role

as lead of the Intellectual Property workstream of the AHRC Creative Industries Policy & Evidence Centre (PEC) are delighted to support the publication of this important work”.

For the current project, stakeholder dialogues and stakeholder workshops were conducted, with final recommendations presented to the Intellectual Property Office. The dialogues were individual discussions with 34 stakeholders and ten members of the public, to understand their experiences of consultations. These discussions then formed the basis of the stakeholder workshops, where 28 participants worked in small groups to answer three broad questions: who should participate in consultations; how they should participate; and why they should participate. The deliberative principles of inclusivity, equity and mutual respect guided the project, informing how researchers worked with participants and how participants interacted with each other.

Dr Lee Edwards said “This project has shown the value of encouraging and enabling conversations between stakeholders, engaging in a form of ‘meta-deliberation’ or ‘consultation about consultations’ in a contested policy space. The new, co-produced deliberative model for consultations that emerged from this project is grounded in stakeholders’ experiences, and provides a new way of thinking about how policy might be explored and developed in a variety of complex contexts outwith copyright, such as internet safety or platform regulation.

“Adopting a stakeholder-centric view of consultations is an effective way of identifying whether the assumptions and beliefs of consultation leaders are actually the experience of stakeholders. In all areas of media policy, effective consultation is essential; the innovative methodologies used in this and our previous studies, offer ways for policymakers and researchers to develop more democratic processes and practices, and ultimately improve the legitimacy of the policy outcomes they achieve.”

Further Project Information

The project grew from an initial investigation that examined the ways in which copyright was understood and evaluated by industry, activist groups and users (Grant reference ESRC RES 062-23-3027). CREATE subsequently funded a project, enabling a deliberation exercise with a representative group of the general public at a weekend event designed to allow the discussion of the nature of copyright law, its implementation, and ways it might change. CREATE Working Paper [Living With\(in\) Copyright Law](#) was published in 2017.

Links

Paper: <http://doi.org/10.5281/zenodo.3907319>

CREATE: <https://www.create.ac.uk/>

CREATE Working Paper Series: <https://www.create.ac.uk/publications/>

Toolkit: <http://www.lse.ac.uk/media-and-communications/assets/images/Improving-deliberation-improving-copyright/FINAL-Policy-Consultation-Design-and-Evaluation-Toolkit-New.pdf>

Project website: <http://www.lse.ac.uk/media-and-communications/research/research-projects/improving-deliberation-improving-copyright>

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