



Office for
Nuclear Regulation

[Draft] Policy for openness and transparency with interested stakeholders and the public

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1. Purpose

Our vision is to be a ‘modern, transparent regulator delivering trusted outcomes and value’. Our **Strategy 2020-25** and **Stakeholder Engagement Strategy 2020-25** outline our ambition to build and maintain public trust by seeking to be an exemplar of transparency, through greater proactive publication of information and strengthened two-way engagement. By working more openly, transparently, and communicating in accessible ways, we strive to inspire public confidence, which is essential to being an effective and trusted regulator.

This policy sets out the guiding principles we will apply in our disclosure of information, and in our communications and engagement with interested stakeholders and the public. It also covers how we operate now, and our intentions for future excellence, in line with relevant legislation and guidance.

While our interactions with licensees and dutyholders are covered by separate arrangements and guidance (available on our website), we will use the principles set out in this policy to guide our work with them too.

2. Policy aim

As an independent regulator working to protect society by securing safe nuclear operations, it is essential that interested stakeholders and the public have access to how, when, and why we make the decisions we do. We also want to ensure our performance and actions are explained and understood, with appropriate opportunities for stakeholders to share their views to inform our work.

Our aim is to be as open and transparent as possible - without impeding our ability to deliver our functions effectively and in line with legal requirements - to inspire public confidence and trust in our work, our role and our regulatory decisions.

“Effective public communications and engagement are fundamental functions for a nuclear regulator. It is critical, as regulators, that we commit resources to continue building, retaining and enhancing trust with the communities and public we are here to protect. Our success will always depend on their confidence in us.”

**Mark Foy, Chief Executive and
Chief Nuclear Inspector**



3. Policy context

Why is this policy important?

Since becoming a public corporation in 2014, we have developed and enhanced our communications and engagement with interested stakeholders and the public, often going beyond our statutory duties, to build trust in us as an effective nuclear regulator. As the industry continues to change and evolve, sharing information and engaging with interested parties is more important than ever to maintain confidence in how we are keeping workers and the public safe by holding Great Britain's nuclear industry to account.

Openness and transparency are key characteristics of a trusted nuclear regulator. We want to maintain and enhance trust by building confidence in the actions we take and decisions we make. That means making information easily accessible and being **open** to receiving relevant information to inform our work; while being **transparent** through clarity in how and why we reach our judgements, involving the public as necessary. Both characteristics need to be consistently upheld in how we work with our stakeholders, through our staff interactions and our performance as a public body. It is why they are inherent in our organisational values.

Supportive



Fair



Accountable



Open-minded



Shaping this policy

We have sought to be open and transparent in the development of this policy through dialogue with our staff, our board and stakeholders, so it is informed by their views. We have spoken with other domestic and international regulators, the non-government organisation (NGO) community, local groups and other public bodies. We have also considered insight from our **annual stakeholder surveys**.

We routinely ask those we work with what we do well, and what we could do better, seek to learn from them, understand good practice elsewhere and benchmark. Feedback, which has informed this policy, says we need to provide more clarity on our work, engage with and learn from a more diverse range of stakeholders with a broader range of perspectives, and better anticipate those people who may want to talk to us in future.

Relevant legislation and guidance

We operate within an environment of domestic and international legislation and guidance. Below (and with further detail in the appendix one) are the key public disclosure and public involvement drivers that have informed this policy.

UK legislative framework

ONR is one part of the UK national framework of policies, legislation and regulation governing the nuclear industry. It begins with the UK Government's siting process¹; continues with government and regulators through the justification² process; prior to the licensing³ and environmental permitting⁴; through regulation of operations⁵ until the decommissioning process⁶ is complete and a nuclear site licence holder's 'period of responsibility' has ended⁷.

Through the UK framework, provisions are made for appropriate opportunities for the public to participate effectively, in accordance with relevant legislation and international guidance. Not all those provisions involve ONR, although we take a keen interest in the outputs and outcomes to inform our work and decisions. Appendix one provides a full list of our legal obligations to promulgate information and involve the public.

Other relevant guidance

Guidance exists domestically and internationally that sets standards for how regulators should operate, going beyond compliance with the UK legal framework. Through the application of this policy, we seek to adhere to the relevant guidance in an appropriate and proportionate way, to be as open and transparent as possible. That includes:

Cabinet Office principles for consultation – these principles give guidance to government departments on conducting consultations. While we are not a

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- 1 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37046/1938-overarching-nps-for-energy-en1.pdf and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37051/2009-nps-for-nuclear-volumel.pdf and [2009-nps-for-nuclear-volumel.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37051/2009-nps-for-nuclear-volumel.pdf) (publishing.service.gov.uk)
 - 2 [Justification of practices involving ionising radiation regulations 2004](#) (publishing.service.gov.uk) & [Justification and optimization](#) | IAEA
 - 3 [Licensing nuclear installations](#) (onr.org.uk)
 - 4 [Nuclear sites: environmental regulation - GOV.UK](#) (www.gov.uk)
 - 5 This includes ONR's regulation under the Energy Act 2013 and other relevant legislation, and the licence conditions
 - 6 [Nuclear Reactors \(Environmental Impact Assessment for Decommissioning\) Regulations \(EIADR\) \(onr.org.uk\)](#) & [Aarhus National Implementation Report 2021 - Defra - Citizen Space](#) & (listed items 7 & 8) [25 Year Environment Plan: Annex 3: The UK's international agreements to protect or improve the environment](#) (publishing.service.gov.uk)
 - 7 S.5(14) & S.5(15) [Nuclear Installations Act 1965](#) (legislation.gov.uk)

government department, we use these principles to inform our consultations where we decide to undertake them, in line with the policy statement in section four.

International Atomic Energy Agency (IAEA) General Safety Requirements – as part of the international standards for nuclear safety, this guidance requires regulatory bodies to establish appropriate means of informing and consulting interested parties and the public about the possible radiation risks associated with facilities and activities. It also includes communication on the requirements, judgements, and basis for, decisions by regulators. The arrangements each regulatory body decides to put in place in line with this guidance are subject to national legislation and international obligations.

Organisation for Economic Co-operation and Development (OECD) Nuclear Energy Agency (NEA): **Characteristics of an Effective Nuclear Regulator** guidance recognises that, to be open and transparent, a regulator should adopt a policy of disclosure of information. This includes information about safety, regulatory activities and regulatory decisions, including information on incidents and events. They also recommend appropriate stakeholder involvement to provide a broader basis for decisions.

4. Policy statement

This policy statement provides the framework for the actions we are taking, and will take, to achieve our policy aim based on three guiding principles to our policy: **accessibility, accountability and confidence**.

i. **Accessibility:** We will provide easy-to-access, understandable information about what we do



We are committed to making information accessible and available, so we aim to provide the information in a format and at a level that is understandable to interested stakeholders and the public.

We want to ensure that our communications are clear, so that our role, independence, responsibilities and decisions, including enforcement, are easy to understand. That means making information available about the topics that interested stakeholders and the public want to know about, and communicating consistently, clearly, in line with appropriate accessibility standards, and, where necessary, enhancing the information we provide.

We will disclose information by the means and medium most likely to be effective, ensuring it is accurate, substantiated, sufficiently detailed and timely. We will ensure information is: presented relevantly to the intended audience; targeted through the appropriate communication channel for reaching the prime audience at the right time; and shared in a way designed to maximise understanding and minimise the potential for misunderstanding.

ii. **Accountability:** We will be transparent about our work, our role and how we reach our regulatory decisions



We will ensure we communicate, engage and consult, about our work, our role and our regulatory decisions, to enable appropriate scrutiny and demonstrate accountability to the public. Where there are limitations to our ability to do so, we will explain why that is the case.

We recognise two-way engagement about our regulation is essential for public confidence. We will communicate with interested stakeholders and the public on how our role, responsibilities, processes and guidance work in practice to make regulatory decisions. In doing so, we will ensure that we strike the right balance between openness, alongside security and commercial-related considerations, while accommodating the public's desire to be well informed, share their views and

relevant evidence to inform our work, in accordance with legislation and guidance.

Public disclosure

We operate based on a ‘presumption of disclosure’. We will proactively disclose information that we believe, **on balance**, serves the **public interest**, does not infringe any statutory restrictions (such as security) and **can be supported** by us.

By “**public interest**” we mean information regarding our activities and decision making relating to:

- a) delivering our statutory function, purposes and strategic aims, including:
 - protecting persons against risks of harm from ionising radiation from GB nuclear sites;
 - securing the health, safety and welfare of persons at work on GB nuclear sites;
 - ensuring the security of civil nuclear premises and compliance with nuclear safeguards requirements; and
 - protecting against the risks relating to the civil transport of radioactive material.
- b) facilitating the scrutiny and accountability of our performance including:
 - where publication promotes the accountability and/or confidence in our operations; and
 - where publication promotes the accountability and/or confidence in our decision making.

By “**on balance**” we mean that in determining whether to disclose information, we will consider whether disclosure may harm the public interest by hindering the delivery of our statutory functions, purposes and strategic aims, including, for example, when:

- enforcement actions may be prejudiced;
- disclosure may result in adverse effects on public safety including increasing the threat of terrorist activity⁸;
- it may cause misunderstanding which could increase public risk, particularly in emergency situations; and

8 For example, the Nuclear Industries Security Regulations (NISR) 2003 requires those who operate within the civil nuclear industry to protect Sensitive Nuclear Information (SNI) in an appropriate manner. Information concerning the use, storage and transport of nuclear and other radioactive material can be found in [ONR’s Classification Policy for the civil nuclear industry](#).

- the information is classified, commercially sensitive and/or contains personal data, although in such cases we will work to ensure as much information as possible is provided.

By “**can be supported**” we mean the collection, publication, maintenance and promulgation of the information is cost effective to achieving our statutory and strategic aims and uses our resources in an efficient and effective way. Further details can be found on our website about our [policy](#) for managing excessive demands on our resources.

Public involvement

We will use a three-tier framework for how and when we inform, engage and consult on our work and regulatory decisions (set out in table one). Each tier takes account of the UK legal requirements upon us, and provides for other public involvement activities - in line with relevant guidance and stakeholder feedback - to enable us to achieve our policy aim.

The application of the tiers will be considered on a case by case basis by the Chief Executive/Chief Nuclear Inspector with relevant ONR directors, taking account of factors such as: legal requirements; context, circumstances and public interest; security classification; proportionality; whether ONR is the appropriate body within the national framework governing the nuclear industry; and availability of necessary and relevant information, advice and evidence to conduct our work effectively and efficiently. Where needed, we will explain which tier has been applied.

Table one: Our framework for informing, engaging, and consulting interested stakeholders and the public

Action	Details
<p>1 Inform</p>	<p>We will proactively share information - including through our responses to general enquiries (from interested stakeholders and the public) - about our work, our role and our regulatory decisions in line with the presumption of disclosure above.</p> <p>We will promote effective sharing of appropriate and necessary information by licensees and dutyholders, including the application of relevant good practice, such as the Safety Directors Forum Good Practice Guide on site stakeholder groups and local liaison committees (SSGs/LLCs).</p> <p>Examples of how ‘inform’ is applied includes: our publication scheme, routine newsletters, information and reports on our website and social media, press releases, sharing of reports with SSGs/LLCs, and responses to enquiries and other requests for information.</p>
<p>2 Engage</p>	<p>We will engage with interested stakeholders and the public, where we consider it necessary and appropriate, through face-to-face and virtual meetings, forums and workshops to: (a) promote dialogue and discussion about our role, our work and our regulation; and (b) provide the opportunity to share views/evidence/relevant information that is necessary to inform our organisational strategy and priorities, regulatory processes and guidance, and regulatory decisions.</p> <p>We will engage, in a targeted and proportionate way, to explain how our regulatory processes, policies and guidance work in practice and are applied, through our methodology and judgements, to make our decisions. We will invite evidence-based feedback where we consider it necessary and appropriate to do so.</p> <p>Examples of how ‘engage’ is applied includes: ONR attendance/ participation at SSGs/LLCs to provide reports and answer questions, the ONR NGO Forum, targeted and topic specific meetings/ workshops with interested parties, and other engagement with academics, experts and professional bodies to inform our work, such as the Chief Nuclear Inspector’s Advisory Panel.</p>

3 **Consult** We will consult, either **formally** or **informally**, with interested stakeholders and the public where we consider it necessary and appropriate to inform our organisational strategy and priorities, regulatory processes and guidance, and regulatory decisions.

We will **formally** consult, applying Cabinet Office consultation principles as appropriate, when there is:

- a legal requirement to do so, such as forming our organisational strategy and developing approved codes of practice (ACoPs); and/or
- where the Chief Executive/Chief Nuclear Inspector determines it necessary, such as changes/reviews of the licence condition framework, Safety Assessment Principles (SAPs), Security Assessment Principles (SyAPs) and ONR Guidance for Nuclear Material Accountancy, Control and Safeguards (ONMACs), as well as other updates, additions and changes to regulatory guidance and associated documents; and/or
- where the Chief Executive/Chief Nuclear Inspector determines we need relevant evidence, views and/or other information to inform our work.

Where we consult formally, we will explain how we have considered inputs and/or used them to inform our work.

Informal consultation, either directly (as ONR) or indirectly (drawing on feedback from consultations by other parties), would include activities such as:

- Commissioning research, in line with our Research Strategy;
- Commissioning work/expert input via our Technical Support Framework;
- Seeking views and advice from our **expert panels** including our Chief Nuclear Inspector's Advisory Panel; and
- Requesting Party comments received as part of the Generic Design Assessment (GDA) process.

In addition, our Decision Review and Appeal Process is available to enable appeals to be raised relating to the process applied to regulatory decisions. Further detail can be found on our website.

iii. **Confidence:** We will empower our staff to communicate more openly



We will retain and build stakeholder and public confidence in ONR by further empowering our staff to communicate with clarity and consistency to interested parties and the public. This is to build understanding of our work and our role, and provide assurance that we are competent, accountable and independent, and making decisions that will ensure the required levels of safety, security and safeguards are met to protect society.

Greater clarity and consistency of communication by our staff, using language that is accessible, with behaviours and practices that demonstrate our public accountability and explain our impartiality, help interested stakeholders and the public have confidence in what we do and why. So, our ways of working will consistently acknowledge our commitment to openness and transparency as integral to our strategic aims and our success as a regulator.

We will apply this principle in how we use our communication channels, respond to requests for information and engage virtually/face-to-face. We want to enhance opportunities to ensure we speak with one voice and one identity, so we build recognition and trust. We will continue to seek feedback on our performance from stakeholders, through our regular surveys and other mechanisms (such post-event feedback), so we carry on improving and changing as needed, in line with our organisational vision.

5. Policy scope and application

This section explains how, under each of our three guiding principles, we will apply this policy in practice. It covers the scope of what we do already and how we will further enhance our activities to achieve our policy aim. Most actions address more than one of the guiding principles, so to avoid repetition they are captured once in the descriptions below.

i. Accessibility

What we do already:

- We publish information routinely about our work and our regulation at www.onr.gov.uk, in accordance with our Publication Scheme. This includes:
 - our enforcement actions
 - our assessment and interventions at nuclear sites and with dutyholders
 - regulatory guidance, including our SAPs, SyAPs, ONMACs, Technical Assessment Guides (TAGs) and Technical Inspection Guides (TIGs), guidance for new/prospective licensees and guidance on our GDA process.
 - regular reports on our work provided to local stakeholder forums
 - our annual corporate plan
 - our annual report and accounts, which summarises our performance and progress against our corporate plan and five-year strategy
 - minutes of our board meetings
 - our Chief Nuclear Inspector's annual report on GB's nuclear industry
 - results of our regular stakeholder surveys
 - a regular newsletter (for those who subscribe) and website news stories/press releases
 - information about our expert (advisory) panels
 - minutes and papers from the ONR-NGO Forum
- If a member of the public is unable to find what they need from our website, they can submit a formal request for information - either via Freedom of Information (FOI), Environmental Information Regulations (EIR) or a general enquiry. Past FOIs and EIRs are published on our website.
- We have improved the accessibility of our current website as far as practicable, ahead of a creating a new website.
- We make information about our work, our role and our regulation available through our social media channels and website, using graphics, people-focused stories and photographs to aid accessibility.

Going forward, we intend to:

- ✓ Create a new, more accessible website, through which we will seek to provide a 'public register' function that lists our decisions and enforcement action in one place.
- ✓ Extend the reach of our stakeholder engagement to build greater understanding of our work and our role with new stakeholder groups.
- ✓ Publish a stakeholder charter so the public know the standards to expect when they interact with us.
- ✓ Run campaigns about our work to explain key topics of interest to the public in a more relatable way, partnering with other bodies, where helpful.
- ✓ Review our publication scheme, with the aim of broadening the information we make available to better explain how we are holding the nuclear industry to account to keep workers and the public safe.
- ✓ Seek to achieve external validation for our standards of correspondence with the public and accessibility of information.

ii. Accountability

What we do already:

- Engage with stakeholders through the ONR-NGO Forum, and participation in meetings with local community and campaign groups, such as SSGs and LLCs.
- Host topic-specific meetings, events and webinars to provide two-way engagement to share details about our role, our work and our regulation, and answer questions.
- Implement targeted engagement strategies with interested stakeholders on topics of significant public interest.
- Work with other organisations and regulators across the UK nuclear lifecycle to host events/meetings with interested stakeholders and the public to build understanding of our role, our work and our regulation.
- Consider, and support where possible, any requests to attend community events and meetings to engage with members of the public to explain our regulatory role.
- Work with, and respond to, the media to provide neutral, objective information on nuclear safety, security and safeguards matters.
- Seek input and advice from experts to inform our regulation – including our guidance and decisions - through our expert panels, professional bodies, academia and our Technical Support Framework.

- Consult with interested stakeholders and the public where there is a legal requirement to do so, and where we consider it necessary and appropriate, to inform regulatory guidance.
- Where appropriate, we promote (through our external communication channels and stakeholder engagements) consultations undertaken by other relevant bodies within the UK national policy and regulatory framework for the nuclear industry, such as the environment agencies.
- Promote effective and compliant public disclosure, working with other bodies as necessary, to support appropriate and necessary information sharing across the UK nuclear industry

Going forward, we intend to:

- ✓ Be clearer about the information we can disclose, and what we can't provide and the reasons why
- ✓ More clearly explain our role, our independence and our regulatory actions, including enforcement, more prominently in our communications, in particular through our new website.
- ✓ Publish, as appropriate, our responses to government and other public consultations, so the public can see and understand our views and position on matters of potential interest.
- ✓ Enhance communications about our senior leadership team and board to give interested stakeholders a clearer view of what our leadership is thinking, doing and deciding, providing a more visible public face to ONR.
- ✓ Enhance our two-way engagement as set out in the policy statement above under 'Engage'. We will explore new forms of two-way engagement to better explain – and give assurance about - how our regulatory processes work in practice and the steps we have taken to reach key decisions, including providing opportunities for evidence-based feedback to inform our work.

iii. Confidence

What we do already:

- Seek to ensure our written communications (such as reports, presentations, publications and correspondence) are consistent and clear, through the application of guidance and training of our staff.
- Promote a culture - through our values - of openness and transparency amongst our staff, to enable effective, proportionate and timely public disclosure and public involvement activities (in accordance with our framework in table one).

- Regularly review our performance across our communication and engagement channels, to ensure we learn and improve to meet the needs of our audiences.
- Routinely conduct surveys to seek feedback from our dutyholders, government and interested stakeholders about our work, our performance and their views of us, helping us develop areas of strength and identify improvements.
- Work with international bodies, such as the IAEA and NEA, as well as other nuclear regulators to peer review and benchmark our performance, hear and learn from others and inform international standards for public disclosure and public involvement.
- Gather insight and feedback from our work and regulation to inform our stakeholder engagement priorities.

Going forward, we intend to:

- ✓ Continuously improve, through internal guidance and training for our staff, the accessibility of written communications.
- ✓ Continue enhancing the accessibility of our digital communications and products, including our website, following best practices where practicable, to aid greater understanding of our work, our role and our regulation by more diverse groups of stakeholders.
- ✓ Further develop, through the ONR Academy, our training programme for staff that regularly engage with interested stakeholders and the public, promoting effective information sharing and interactions to maintain and build confidence and trust in our activities.
- ✓ Enhance the use of insight and feedback gathered by our stakeholder interactions, to continually measure the effectiveness of our performance against this policy and define improvements and/or adjustments where needed.
- ✓ Consider using targeted surveys and research to seek more views from the general public about our role, our work and our performance.

6. Measuring our performance

Our success as a regulator depends on the confidence and trust of our stakeholders and the public. To build and maintain confidence and trust, we must be as open and transparent as we can be.

Through the application of this policy now, and in the future, we want to grow our public disclosure and public involvement credentials in how we share our information and how we engage. From better explaining our work in plain English, to modernising our communications and improving accessibility, we want to be exemplary and world-leading in our efforts to build, maintain and enhance public confidence in our work.

Our three guiding principles – accessibility, accountability and confidence – will direct us going forward and we will use our regular stakeholder surveys with other feedback and insight to measure our performance against this policy. We will track our progress through our **Organisational Effectiveness Indicator** framework and report via our annual report and accounts and other publications such as newsletters.

“We are committed to demonstrating our performance against this policy, to show accountability and offer assurance as a public body. We want our stakeholders and the public to know, feel and see a difference in how open and transparent we are as a nuclear regulator. That means we need feedback, views, and suggestions so we can continuously improve, evolve and change as we seek to be an exemplar of transparency.”

Mark McAllister, Chair



Appendix 1

Scope of ONR's legal obligations to promulgate information and involve the public

Obligations	Details
<u>Energy Act 2013</u>	We are required to provide information that we hold that is relevant to our purposes. A <u>ministerial direction</u> is in place regarding the supply of information in relation to the safety of civil nuclear facilities. In addition, the Act requires us to consult on our five-year organisational strategy and ACoPs, and to publish key documents such as our corporate plan and annual report and accounts.
<u>Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPIR)</u>	We are responsible for the regulatory oversight of dutyholder compliance with these regulations, including the obligation on local authorities to make available, and keep up to date, arrangements to supply information and advice to the public in the event of an emergency affecting members of the public in its area. Through our routine inspections, we ensure these arrangements are in place and effective.
<u>Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations</u>	These regulations place duties on us to engage the public, consult other bodies as appropriate and promulgate information in relation to the environmental impacts of decommissioning nuclear power stations and nuclear reactors.

Obligations	Details
International Conventions	<p>The UK is a contracting party to several international conventions that include specific actions on public disclosure and public involvement, and/or set expected standards for those activities. Where appropriate, we contribute to the UK's obligations under these conventions.</p> <p>Some examples include:</p> <ul style="list-style-type: none"> • the Aarhus Convention, is a treaty which provides for access to information, public participation in decision making and access to justice in environmental matters. • the Espoo (EIA) Convention Introduction UNECE sets out the obligations of parties to assess the environmental impact of certain activities at an early stage of planning. It also lays down the general obligation of states to notify and consult each other on all major projects under consideration that are likely to have a significant adverse environmental impact across boundaries. • the Convention on Nuclear Safety (CNS) sets requirements for openness and transparency in regulatory processes, which we fulfil through our current communication and engagement activities set out in section five of this policy. The UK is obliged to submit a report demonstrating implementation of their obligations and compliance with the CNS, including our activities, which is subject to international peer review every three years to provide assurance, identify good practices and recommend any improvements that may be necessary.
Freedom of Information Act 2000 (FOIA)⁹ and the Environmental Information Regulations 2004 (EIR)¹⁰	<p>As a public body, we provide information to the public about our work and our decisions. We have a publication scheme, available on our website, that sets out the information we routinely place into the public domain, required by the FOI Act, such as policies and procedures, minutes of meetings, annual reports and financial information.</p> <p>If a member of the public is unable to find what they need from our website, they can submit a formal request for information, under these regulations¹¹. Our FOI and EIR performance are reported in our annual report and accounts each year, and we make all our responses available on our website.</p>

9 [Freedom of Information Act 2000](#) (legislation.gov.uk)

10 [The Environmental Information Regulations 2004](#) (legislation.gov.uk)

11 The only exception will be an individual's request for their own personal data which must be handled under the terms of the General Data Protection Regulations (GDPR). That is outside the scope of this policy.

