

MRS MARKET RESEARCH STANDARDS BOARD

MRS received a complaint from Greenpeace concerning Opinion Leader's role in the Government's nuclear power consultation entitled "Talking Energy".

Opinion Leader was at the relevant time an MRS Company Partner.

The complaint was investigated in accordance with the MRS Company Partner Complaints Procedure, following which the MRS Market Research Standards Board (MRSB) found that in one respect, Opinion Leader had breached rule B14 of the MRS Code of Conduct during its role in the consultation process.

Background

In July 2006, following an earlier consultation process, the Government published a report setting out its view that nuclear power had a role to play in the future UK energy mix and seeking views on the framework in which nuclear generated electricity stations could be built. In September 2006, following a challenge by Greenpeace, the High Court ruled that the Government's decision making process had been unlawful as it had failed to engage in the fullest possible consultation.

Following the High Court decision, the Department for Trade and Industry (DTI) launched a new consultation in May 2007 which consisted of the following elements:

- ❖ A consultation document was published entitled "The Future of Nuclear Power - the role of nuclear power in a low carbon UK economy".
- ❖ A website was created under the banner "Talking Energy" where interested parties including members of the public could download the consultation document and register their responses.
- ❖ A series of consultation events were also held:
 - Stakeholder meetings
 - Site Stakeholder meetings
 - Citizen deliberative events

The consultation document explained that the Government was seeking views on the information and arguments set out, on whether the private sector should be allowed the option of building new nuclear power stations. The Government's preliminary view, as set out in the document, was that it would be in the public interest to give energy companies the option of investing in new nuclear power stations.

Opinion Leader was commissioned to run the citizen deliberative events. The client for the project was DTI (later to become the Department for Business, Enterprise and Regulatory Reform (BERR)) with the Central Office for Information (COI) managing the contract on behalf of its client, BERR.

According to the consultation document, the deliberative events were to provide an opportunity for the public to input their considered and informed views after they had heard the key facts and arguments in the consultation.

This complaint concerned Opinion Leader's role in the deliberative events which were held in nine locations across the UK on 8th September 2007.

Opinion Leader was responsible for the recruitment of respondents and for hosting and facilitating the citizen deliberative events. Opinion Leader had overall responsibility for the design and drafting of the stimulus materials, i.e. the handouts, reference sheets and presentation slides that were used on the day. Opinion Leader was also part of a project team (along with BERR, COI and a production agency) involved in developing a number of videos which were shown on the day. Opinion Leader had not participated in the production of the consultation document or the associated supporting materials.

Complaint

Greenpeace alleged that the stimulus materials were not of appropriate quality in that they were misleading, inaccurate or erroneous and were designed to achieve a desired outcome.

MRSB's consideration and findings

MRSB considered whether in respect of this complaint, Opinion Leader had breached B14 of the MRS Code of Conduct which provides amongst other things that:

[MRS Company Partners] ***must take reasonable steps to ensure that Respondents are not led towards a particular answer.***

The focus of B14 is on the steps taken by the researcher and whether or not in the circumstances they were reasonable to ensure amongst other things that respondents would not be led towards a particular answer.

MRSB noted that one of the distinguishing features of deliberative research, which was relevant in this case, was the provision of information to guide respondents through the topic and to inform their deliberations. MRSB noted that this feature carries with it a risk of bias. Therefore in order to ensure that respondents would not be led towards a particular answer, the materials needed to be accurate, balanced and comprehensive (ie cover or deal with all relevant and salient aspects, in context, sufficient to allow respondents to make an intelligent response).

MRSB noted that Opinion Leader had overall responsibility for the preparation of the stimulus materials and considered that in the circumstances, it had to take reasonable steps to ensure that they were accurate, balanced and comprehensive in order to meet its obligations under B14.

Against this background, MRSB noted the process by which the stimulus materials were developed and approved in this case, and considered whether Opinion Leader had in the circumstances taken reasonable steps given its responsibility for their preparation.

MRSB noted that drafts of the materials were reviewed at various stages by COI and BERR officials. They were also reviewed by a Citizens Advisory Board (which met on 3 occasions) and at a Development Event (a test-run of the deliberative event attended by 30 members of the public). Both the Citizens Advisory Board and the Development Event tested drafts of the written materials and scripts for some of the videos. In each case, this was a broad review intended to assess ease of understanding and use although the Citizens Advisory Board was also asked to make comment to ensure that only unbiased information was presented.

Drafts of the written materials were also reviewed on two occasions by a group of stakeholders who

were selected by another agency. The stakeholders included environmental groups, representatives of the nuclear industry, trades unions, energy companies, government bodies and departments and an academic.

The stakeholders were provided with early drafts of the written materials and invited to a workshop 3 days later to discuss their content. They were asked to comment on whether they were fair and balanced, whether they fairly represented their views and if they wished to make any other comments. At the workshop Opinion Leader was asked to ensure that assertions were not expressed as facts unless backed up by a source of information and the stakeholders were asked to check the accuracy of source materials and quotations. After the workshop, those who had attended were invited to submit written comments within 4 days, after which Opinion Leader sent out a note outlining the key actions being taken as a result of the workshop and comments.

Subsequently, those stakeholders who had attended the workshop were sent revised (but not final) drafts of the written materials and asked to provide comments within 5 days. This process was coordinated by BERR who reviewed the stakeholder comments that were made at this stage and decided how to respond to them. BERR proposed amendments to the drafts in the light of the stakeholder comments received at this stage, and Opinion Leader approved the changes having discussed them in team meetings or over the telephone. MRSB was concerned to note that Opinion Leader had done this without having had sight of all of the stakeholder comments that had been sent to BERR.

MRSB considered that it was reasonable for Opinion Leader to have relied on the stakeholders to highlight factual inaccuracies and misleading information in the written materials in the areas where they had particular knowledge or expertise. It was not reasonable, however, to rely on the stakeholders to carry out a comprehensive check of all of the written materials, nor was it reasonable to rely on the stakeholders without some further appropriate checks in circumstances where the stakeholders did not see the final drafts.

MRSB was of the view that where, as in this case, a client wishes to put information before respondents, B14 required Opinion Leader not to accept it, without the researcher carrying out appropriate verifying checks. This was all the more so in circumstances where, as in this case, the client had expressed a clear preliminary view which the research was designed to test.

MRSB therefore considered that while Opinion Leader had put in place a process that allowed for some independent verification of the contents of the materials, it was unsatisfactory that it was ultimately Opinion Leader's client (BERR) who reviewed the final stakeholder comments and decided how to respond to them, preparing the final written drafts for sign-off.

MRSB thought that it was reasonable for Opinion Leader to take the view that their client BERR was best placed in terms of technical competence to review the stakeholder comments. However, most crucially, MRSB thought that Opinion Leader had not taken the reasonable steps required of them to ensure that the stimulus materials were accurate, balanced and comprehensive overall, particularly in circumstances where they had not had sight of all of the stakeholder comments, and could not have known therefore whether there were comments of a non-technical nature that needed to be considered independent of the client, BERR. Further, Opinion Leader could not have known whether there were technical areas not commented upon by the stakeholders or where different views were being expressed, where further independent checks were required. MRSB was of the view that where statements in the written materials were attributed to easily accessible third party sources, Opinion Leader could and should have undertaken simple checking of the sources themselves or had them checked by another third party independent of the client in order to satisfy

themselves that amendments to the facts and statements in the materials were not simply the client's own assertion or interpretation of those facts and statements.

In circumstances where Opinion Leader had overall responsibility for the preparation of the stimulus materials and for ensuring as far as reasonable that they were accurate, balanced and comprehensive, MRSB was further concerned that Opinion Leader did not keep a record of the many changes that were made to the materials over the course of the many drafts, to indicate what changes were made, when, by whom, at whose request and for what reason. In MRSB's view, this was required to enable Opinion Leader to properly assess whether the materials were sufficiently accurate, balanced and comprehensive – without such a record Opinion Leader would not have been able to carry out an overall assessment of the material and the cumulative effect of the numerous piecemeal and iterative changes. The need to maintain adequate records of the changes to the materials was all the more important in the circumstances of this particular research where the background required there to be a wholly robust and transparent process. To compile and preserve such an "audit trail" was in MRSB's view a necessary part of the mechanism that needed to be in place to ensure that Opinion Leader took reasonable steps to ensure that respondents were not led towards a particular answer.

MRSB further considered that for Opinion Leader to ensure that respondents were not led towards a particular answer, it needed to have conducted a final review of all of the materials used at the event to be satisfied that as a whole they were fair, balanced and comprehensive overall. MRSB considered that this was a reasonable step for Opinion Leader to take and was concerned that no such final review was carried out.

MRSB recognised that the preparation of the materials was to an extent a collaborative process involving other members of the project team, in particular BERR. However, for the reasons set out above, MRSB considered that in view of its own responsibilities, Opinion Leader had not taken reasonable steps to ensure that respondents would not be led towards a particular answer, contrary to its obligations under B14 of the MRS Code of Conduct.

In MRSB's opinion, there were a number of examples where they considered that objectively viewed, information was inaccurately or misleadingly presented, or was imbalanced, which gave rise to a material risk of respondents being led towards a particular answer. MRSB considered that, for the reasons set out above, Opinion Leader failed to take reasonable steps under B14 of the MRS Code of Conduct to ensure that this would not happen.

Decision

For the reasons set out above, MRSB found that Opinion Leader acted in breach of B14 of the MRS Code of Conduct which was in breach of the MRS Company Partner Quality Commitment.

MRSB noted that deliberative research is a relatively new technique and that there are no current MRS guidelines on preparation or review of research materials specific to deliberative research. MRSB also noted and welcomed the fact that Opinion Leader had cooperated throughout this investigation.

MRSB nonetheless concluded that this was not a minor or trivial breach and it was appropriate therefore that Opinion Leader should be formally advised of the breach in accordance with paragraph 22(d)(i) of the MRS Company Partner Complaints Procedure with a requirement to take corrective action with regard to the process that resulted in the breach in this case.