



Government
Office for
Science

Code of Practice for Scientific Advisory Committees

CoPSAC 2011

Government Office for Science

Contents

Preface to 2011 Revision.....	1
Chapter 1 - Introduction	2
Context in which Scientific Advisory Committees work	2
Scientific Advisory Committees that are not Public Bodies	3
Probity and Accountability	4
Chapter 2 – Scientific Advisory Committee Purpose and Expertise.....	5
The committee’s role and remit	5
Balance of expertise	5
Responsibilities of Chairs	7
Independence and Objectivity	8
Maintenance of Expertise and Future Need	9
Chapter 3 – Membership	10
Members’ rights and responsibilities	10
Remuneration and Expenses	12
Declaration of interests.....	12
Liabilities and indemnity of members	12
Chapter 4 – Committee Support and Departmental Relationships	14
Role of the secretariat	14
Relationship with sponsor department(s)/ bodies.....	15
Relationship with Departmental CSA and Ministers	16
Relationships with Chairs of Other SACs	17
Role of other officials.....	17
Chapter 5 – Working Practice	18
Working practices.....	18
Early identification of issues	19
Reporting of risk and uncertainty.....	19
Procedures for arriving at conclusions	20
Dealing with dissenting views in committee	21
Communication with the public.....	21
Open meetings.....	21
Public consultation	21
Peer review	22
Information exchange.....	22

Dealing with confidential information	22
Use of Non-Disclosure Agreements	23
Engaging the Broader Academic Community.....	23
Handling Disagreement with Sponsoring Body or Minister(s)	24
Chapter 6 – Communication and Transparency	25
Publication of documents – general	25
Meeting agendas.....	25
Publication of minutes	26
Submitting and publishing a committee’s advice	26
Frequency of publication and content of regular reports	27
Stand-alone reports on specific issues.....	27
Publication of background documentation.....	28
Working papers	28
Publication of applications or cases	28
Communication with the media	29
Dealing with National Emergency.....	29
References	30
Annex A: Principles of Scientific Advice to Government	32
Annex B: Universal Ethical Code – Rigour, Respect and Responsibility.....	34
Annex C: The Seven Principles of Public Life (Nolan Principles).....	35
Annex D: The Seven Consultation Criteria	36

Preface to 2011 Revision

Consultation carried out during 2010 and early 2011 has shown that the 2007 Code of Practice for Scientific Advisory Committees (CoPSAC or “the Code”) is still widely considered to reflect authoritative guidance on the processes and practice of providing independent scientific advice to government departments.

The consultation concluded, however, that it would benefit from updating and clarification of some key issues. This 2011 revision therefore builds on the previous (2007) Code, adding additional information and attempting to make it more accessible.

The Code is intended to be a guidance framework rather than a set of instructions. It is equally applicable to any form of Scientific Advisory Committee or Council, regardless of breadth of remit or type of constitution – being as relevant to advisory Non-Departmental Public Body (NDPB)s as to expert scientific committees¹ that are not NDPBs. It will ultimately be for the relevant sponsoring organisation and committee to determine the best approach for their specific circumstances.

¹ The term “expert scientific committee” is used throughout to refer to Scientific Advisory Committees that are not advisory NDPBs. It is not a formal classification.

Chapter I - Introduction

1. The Code of Practice for Scientific Advisory Committees (CoPSAC or the Code) is intended for the use of Scientific Advisory Committees and Councils (Chairs and members), their secretariats and the Departments (or other public bodies) they are sponsored by and advise (policy staff and Ministers). The Code was developed to apply to advisory committees providing independent scientific advice, regardless of their specific structure and lines of accountability; whether reporting to a Ministerial Department, Non-Ministerial Department or other public body, and whether an advisory NDPB or an expert scientific committee. It is not intended to apply to research grant or other resource-awarding committees.
2. The purpose of the Code is to provide guidance on the establishment, management and conduct of Scientific Advisory Committees (SACs) and their relationship with the body that they advise. The broad principles underpinning the Code are now set out in the Principles of Scientific Advice to Government, published in 2010 ([Annex A](#)). The Principles set out the rules of engagement between government and those from whom they seek scientific and engineering advice.
3. The process of obtaining and using scientific advice by government departments in the course of policy development and implementation is addressed more generally through the “Guidelines on the Use of Scientific and Engineering Advice in Policy Making” (see References).
4. The approach that *government departments* should follow in assembling and using scientific advice, as set out in the Guidelines, indicates that departments should:
 - think ahead and identify early the issues on which they need scientific advice and public engagement, and where the current evidence base is weak and should be strengthened;
 - seek a wide range of advice from the best sources, particularly when there is uncertainty; and
 - publish the evidence and analysis and all relevant and available papers where possible.
5. These points are intended to be of general application to the procurement of scientific advice, irrespective of whether it is sought from in-house experts or from external individuals or bodies. The Guidelines therefore apply to those cases where SACs are engaged to provide advice and information.

Context in which Scientific Advisory Committees work

6. The function of a SAC is to help government departments (and other executive public bodies) access, interpret and understand the full range of relevant scientific information, and to make judgements about its relevance, potential and application. Such committees give advice on a very wide range of issues, spanning everything from the food we grow and eat, to the quality

of our environment, the safety of our roads and transport, and the design of buildings we live and work in. They review, and sometimes commission, scientific research, and offer independent expert judgement, including highlighting where facts are missing and where uncertainty or disagreement exists. SACs may be required to provide advice on the state of current knowledge, the application of information to specific issues, or both. Depending upon their remit, a committee may have to frame their advice to take account of social and ethical issues and public and stakeholder concerns.

7. A scientific adviser, whether a committee or a person, is generally responsible for providing scientific and related input to assist policymaking or analysis. This should include highlighting issues that may be of future concern that lie within their terms of reference. The task of policy making, which is primarily that of government, can be described as the development of practical options for responding to the problem or issue on which scientific advice has been sought, analysing those options and making decisions on them. A committee advising on science would not normally undertake the role of policy making *unless* it is specifically within their terms of reference. However, it may be asked to comment on policy options set out by government or to provide policy options for government to consider, including advice on risk assessment or management.²
8. A SAC should not serve to represent stakeholder views or positions, although individual members of that committee may have been appointed because of their stakeholder expertise (see also Chapter 2, paras 29-31, Independence and Objectivity). However, a committee may be asked to comment on issues, as a stakeholder in its own right.

Scientific Advisory Committees that are not NDPBs

9. The Public Bodies Review (2010) has identified that some bodies, particularly those providing advice on very specific issues or on a time limited basis, could be run more efficiently as an 'expert scientific committee' operating independently of their sponsoring organisation, or reconstituted on a short-term basis.
10. In order to ensure that scientific advice is provided in accordance with the Principles of Scientific Advice to Government, it is proposed that where departments or public bodies consider using an expert scientific committee, they put in place the following safeguards:

² Lord Phillips' Report, (Lessons, paragraph 1290, Vol 1 of BSE Inquiry Report) notes that, "*It may be appropriate to ask the committee to set out a range of policy options, together with the implications of each,*" and also "*Where a sponsoring department seeks advice on the implications of policy options, this may best be achieved by dialogue between government and the committee.*"

- Expert scientific committees must be set up, recruited and provide independent advice in line with the government's Principles for Scientific Advice (Annex A) and CoPSAC (this Code).
- Escalation routes should be in place to ensure advice from expert scientific committees can be submitted directly to Ministers, as appropriate.
- For departments who are significant users of science and/or have a large number of expert scientific committees or other science advisory bodies that it is good practice to have an overarching departmental Science Advisory Council with oversight of all such scientific advice bodies.

Probity and Accountability

11. Whether a SAC is an advisory NDPB or an expert scientific committee directly advising a department or public body it is important that there are clearly agreed and documented lines of accountability and arrangements for appointment of members. All appointments to SACs that come within the remit of the Commissioner for Public Appointments must comply with the OCPA³ Code of Practice.

12. SACs may be subject to information legislation⁴ and therefore under a statutory requirement to disclose certain information on request and to abide by commitments set out in a Freedom of Information Publication Scheme. Those that are not subject to Freedom of Information legislation are expected to abide by the spirit of Freedom of Information legislation. The guidance on openness and transparency in the Code is to be understood in this context.

13. SACs will need to assure themselves that they abide by the Data Protection Act 1998. Further advice on the application of the Data Protection Act 1998 is available from the Information Commissioner's Office.

³ Devolved administrations should seek advice from their Public Appointments Unit, and also from the Office of the Commissioner for Public Appointments in Scotland (OCPAS) and Office of the Commissioner for Public Appointments for Northern Ireland (OCPA NI).

⁴ Freedom of Information legislation includes the Freedom of Information Act 2000, the Freedom of Information (Scotland) Act 2002 and the Environmental Information Regulations 2004.

Chapter 2 – Scientific Advisory Committee Purpose and Expertise

The committee's role and remit

14. The Terms of Reference for most SACs are set by the sponsoring department or public body. It is that body's responsibility to ensure that a committee's remit, accountability and appointments process are clear, and it is the committee's responsibility to raise concerns if they believe there are ambiguities. Where possible, any clarification of a committee's role should take place before a committee begins its work.^{5, 6} A committee's formal terms of reference may well have been set in statute or be otherwise difficult to change, or be so broad as to leave scope for interpretation. In addition, committees' roles tend to evolve over time. Members may be asked to offer advice on new developments not foreseen when the terms of reference were set out. Secretariats should create periodic opportunities for members to discuss the committee's role, activities and resources, and review these for consistency with the formal terms of reference. Any proposed revisions should then be considered through engagement with the sponsoring department(s).

15. A SAC will normally report formally through the Chair to the sponsoring organisation. The Committee Chair should be clear on their day-to-day reporting lines – whether this is direct to Ministers, Departmental CSA, other Departmental official or public body official (See Chapter 4, paragraphs 60-67, for more detail on relationships with the sponsoring organisation). Some committees may be required to report jointly to more than one organisation, including to departments in the devolved administrations. In some cases there may also be an additional reporting line to the sponsoring body through the secretariat. Where this is the case, members of the committee should be made aware of this.

16. Where a SAC is offering advice on ethical considerations bearing on the scientific advice, the Committee should make explicit what processes or expertise it has drawn on in reaching its conclusions.

17. Members of SACs should be aware of, and encouraged to adopt and promote, the principles of the Government Office for Science "Universal Ethical Code"; Rigour, Respect and Responsibility (Annex B).

Balance of expertise

18. The SAC Chair, secretariat and Departmental CSA (or relevant senior official for non-departmental sponsors) should discuss and agree areas of expertise required in advance of appointments. These should be reflected in

⁵ BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 104/105.

⁶ This should include the extent and manner in which the committee will contribute to deciding policy. BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 115.

Person Specifications produced and checked to ensure consistency with the committee's Terms of Reference. The Chair and sponsoring body should consider representation from lay members and reflect that the Chair may also be a non-expert).

19. As part of the appointments process, the secretariat should prepare a role description and person specification, setting out the personal qualities, skills, competencies, and where applicable, professional qualifications sought. Where possible this should be discussed and agreed with the Chair. Guidance on drawing up a person specification can be found in The Commissioner for Public Appointments Code of Practice for Ministerial Appointments to Public Bodies, particularly Section 5.14, and the Cabinet Office publication, Making And Managing Public Appointments - A Guide For Departments, particularly Section 8.1 and Annex B (Model Letters, Submissions and Forms). These are useful references even when appointments are not made by Ministers.
20. The secretariat of the SAC should maintain a membership template that sets out the core skills, expertise and experience required to help deliver the business of the committee. The purpose of the template should be to ensure a balance of expertise without circumscribing members' roles or their freedom to question any aspects of committee business.
21. The range of expertise required for a particular SAC may not become obvious until it has begun its work, and may change over time. In such cases the committee should advise the sponsoring department(s) of any gaps identified and discuss how best to deal with them, amending the membership template accordingly.
22. The SAC should regularly review the membership template. This review should be aimed at enabling members to satisfy themselves, insofar as they are able, that the balance of expertise is adequate to perform the role with which they are entrusted.⁷ Any concerns should be raised with the Chair and the secretariat.
23. Where SAC appointments are made by departmental ministers the Commissioner of Public Appointments "Code of Practice for Ministerial Appointments to Public Bodies" applies. Where appointments of members do not fall within the Commissioner's remit there will be a presumption that the spirit of the OCPA Code will be followed as good practice, in particular ensuring transparency of the appointment process followed.
24. If OCPA applies, but specialist skills are required that make the normal OCPA appointments procedure seem to be inapplicable, for example, owing to the rare combination of knowledge and expertise required, the sponsoring department should apply to OCPA for 'expert' designation of the

⁷ BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 106.

appointment. This is expected to be a rare occurrence and the appointment process must be agreed with the Commissioner in advance. If the Committee is not subject to OCPA oversight (or where individuals are co-opted for specific and short term roles) it is still expected that decision-making and final authorisation should be documented and recorded for transparency and accountability.

25. Where a SAC lacks the relevant expertise for a particular *project or task* (as opposed to the committee's on-going work), the committee can co-opt appropriate experts or establish sub-groups to include such people on an ad hoc, time-limited basis. (See paragraph 28 below). In such cases the appointment process can be simplified to reflect the temporary nature of the roles. This approach should only be used for short-term exercises in direct support of Committee business. A formal record detailing the recruitment and selection process should be made by the Committee/ secretariat.

26. Chairs and secretariats should regularly review the phasing and length of appointments to ensure both continuity and fresh perspectives and report to their sponsoring organisations any difficulties they foresee. Such reviews of membership and appointments should take into account the particular nature of the scientific field and the available pool of expertise.

27. The balance of skills, expertise and experience represented by, and required of, SAC members should be regularly reviewed by SACs and their sponsoring departments - in light of both current and anticipated future work programmes. Additionally, Chairs and sponsoring organisations should consider the diversity of membership, including gender, age and ethnicity.

28. When agreeing the appointment of members and developing a job description, consideration should be given to specifying the length of term that members can serve. The OCPA Code is open on length of individual terms but is clear that membership should not "exceed ten years served continuously in the same office on the same public body". A similar arrangement should be determined by the sponsoring body of SACs not subject to OCPA oversight to ensure clarity. The Chair and sponsoring body should actively plan for succession with membership input.

Responsibilities of Chairs

29. The role of the Chair (whether Specialist or Lay) goes further than simply chairing meetings. It is the key to achieving committee effectiveness and the additional workload should be taken into account in appointment of the Chair.

30. Chairs of SACs have responsibility for:

- the operation and output of the committee, including assessing the workload and ensuring that the volume of work does not compromise the rigour of discussion;
- ensuring that the full range of scientific opinion, including unorthodox and contrary scientific views are appropriately taken into account;

- ensuring that any significant diversity of opinion among the members of the committee is fully explored and discussed and if it cannot be reconciled is accurately reflected in the report and in any other communications with sponsoring departments;
- ensuring that every member of the committee has the opportunity to be heard and that no view is ignored or overlooked, using, where appropriate, a structured process which ensures that all views are captured and explored;
- reporting the committee's advice to the sponsoring body(ies) including alerting it (them) to new evidence likely to have an impact on current policy;
- representing the consensus of the committee to the public or the media (unless other specific arrangements have been made);
- ensuring that the secretariat accurately documents the proceedings of the committee so that there is a clear audit trail showing how the committee reached its decisions;
- ensuring that a record of information is maintained and is available to the sponsoring body, for the purposes of monitoring and evaluating the performance of the SAC;
- ensuring that the right balance of skills is represented in the Scientific Advisory Committee membership; and
- ensuring that members have any necessary training to enable them to fulfil their role and keeping records of members performance as necessary.

Independence and Objectivity

31. The Principles of Scientific Advice to Government, which set out the rules of engagement – including the importance for advisors to have independence – are set out at Annex A. SACs should play a role in setting their own agenda as well as responding to sponsor body issues, though reflecting the remit of the committee and the relevance of the subsequent advice to the organisation. Whether acting proactively or reactively, SACs should expect to operate free of influence from the sponsor department officials or Ministers, and remain clear that their function is wider than simply providing evidence just to support departmental policy.

32. When there is a need to recruit a new Chair and/or members, details should be circulated to the full range of stakeholders. Appointments should be made on the basis of match to the person specification agreed. Appointees are members in their own right and should not serve as representatives of stakeholder organisations. Whilst recognising that suitably qualified professionals are unlikely to be entirely unconnected or without interest in the area covered by the SAC, they should be professionally impartial in their activity as a member.

33. Open meetings demonstrate a commitment to openness and transparency of operation. Where meetings are not held in public, SACs should also consider inviting one or more independent observers, such as representatives from Devolved Administrations, lay, industry, consumer groups or the “third sector” where appropriate. Decisions on openness will

be affected by SAC remit, but the rationale should be recorded, especially if the conclusion is not to operate openly.

Maintenance of Expertise and Future Need

34. It is important that all SAC members should remain in contact with professional bodies, academic institutions and research communities to ensure the retention and relevance of their specialist skills and expertise as well as on-going developments in their field. These networks may also help to identify suitable contacts to be considered for work on an ad hoc or short term sub-groups to introduce them to the work of the committee.

35. Arrangements should be developed by secretariats for newer members to receive induction and mentoring support. Training opportunities to help understand the government policy process would also be helpful (see also paragraphs 35-43 on membership rights and responsibilities and 50-59 on the role of secretariat). Committee attendance and activity should be monitored by the secretariat and the skill and expertise base represented by the membership should be reviewed regularly, in discussion with the Chair, to ensure fit against on-going and future work plans.

36. Assessment of future work requirements and skills audits should be used by the SAC in discussion with the sponsor department in the proactive management of succession planning. SACs should liaise with their sponsor body and horizon scanning organisations (such as the Government Office for Science's Foresight section) to develop a rolling 3 to 5 year plan, or projection, of anticipated skills requirements.

Chapter 3 – Membership

Members' rights and responsibilities

37. Members will be expected to abide by the “Seven Principles of Public Life” (sometimes referred to as the Nolan Principles, Annex C), set out in the Cabinet Office guidance “Code of Conduct for Board Members of Public Bodies” (2011). The principles of General Conduct set out in that document, should also be borne in mind as good practice by members of SACs.

38. Members of SACs should ensure they understand why they are being appointed and in what capacity, and the role they are expected to play on the committee. Members should understand the nature of any expertise that they are asked to contribute. Members with a particular expertise have a responsibility to make the committee aware of the full range of opinion within the discipline.

39. Members should confirm before accepting an invitation to serve on a SAC that they are clear about the period of appointment and that they can fulfil the commitment required in terms of meeting attendance, committee business and preparation for meetings.⁸ In order to maintain sufficient continuity whilst enabling an appropriate turnover of membership (to ensure that member's expertise remains current), SACs and sponsoring bodies should consider using limited or fixed terms of appointment (such as three to four years), extendable to a second term.

40. Unless specifically stated otherwise, members of SACs complying with this Code are appointed as individuals to fulfil the role of the committee, not as representatives of their particular profession, employer or interest group, and have a duty to act in the public interest. Members are appointed on a personal basis, even when they may be members of stakeholder groups. Where members declare an organisation's views rather than a personal view, they should make that clear at the time of declaring that view. (See also paragraph 30, Chapter 2, Independence and Objectivity).

41. If additional clarification of members' roles is required, this can most usefully be done after they are appointed, but before they begin work. Any necessary changes must be agreed by the member, Chair *and* sponsoring department.

42. A member's role on the SAC should not be circumscribed by the expertise or perspective he or she was asked to bring to that committee. Members should regard themselves as free to question and comment on the information provided or the views expressed by any of the other members, notwithstanding that the views or information do not relate to their own area of expertise. If members believe the committee's method of working is not rigorous or thorough enough they should raise this initially with the chair and

⁸ BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 107.

subsequently the Departmental Chief Scientific Adviser (CSA) or other relevant senior official. They have the right to ask that any remaining concerns be put on the record.

43. All members and secretariats should regard it as part of their role to:
- Ensure the sponsoring body and their Ministers (or senior Officials as appropriate) receive the highest quality, timely, advice.
 - Consider whether the questions on which the committee offers advice are those which are of interest to (and understandable by) the public and other interested parties outside the scientific community.
 - Examine and challenge if necessary the assumptions on which scientific advice is formulated and ask for explanations of any scientific terms and concepts which are not clear.
 - Ensure that the committee has the opportunity to consider contrary scientific views and where appropriate the concerns and values of stakeholders before a decision is taken;
44. All members should share in the general responsibility to consider the wider context in which their expertise is deployed.
45. Members joining Scientific Advisory Committees for the first time should undergo an induction process. This should cover the following issues (notwithstanding that some of these may have been dealt with by the sponsoring department during the appointment process):
- Explanation of the committee's official remit;
 - The committee's authority and powers;
 - Who sets the committee's agenda;
 - On what basis decisions are made;
 - The committee's current work and its future agenda;
 - The role of the secretariat and other officials;
 - Whether meetings are open to the public;
 - How the public can find out what is discussed;
 - Rights and responsibilities of members;
 - Conflicts of interest;
 - The commitment required for meeting attendance, committee business and preparation for meetings;
 - Confidentiality of proceedings and papers;
 - How members should deal with media contact;
 - Disclosure of members' personal details to the public, bearing in mind personal security and other considerations;
 - The rules governing declarations of outside interests, potential conflicts of interest, and gifts and hospitality;
 - How conflicts of opinion are resolved;
 - Terms of appointment of the chair and members;
 - Remuneration (if any) and reimbursement of expenses; and
 - Personal liability.

Remuneration and Expenses

46. Sponsoring organisations are responsible for determining whether remuneration should be paid to members of SACs and the level at which any remuneration (fees or honoraria) is set. Relevant remuneration guidance should be followed.
47. Members are entitled to fair and prompt repayment of legitimate expenses, provided that they follow the rules governing the submission of claims and their timing. Departments and SACs should discuss and formally agree what can legitimately be claimed for reimbursement including travel, overnight accommodation, subsistence, child care and loss of earnings.

Declaration of interests

48. Secretariats should draw up procedural rules for handling declarations of interest that reflect government guidance. This can be found in the Cabinet Office publication, Making And Managing Public Appointments - A Guide For Departments, particularly Sections 13.7 and 13.8 and Annex B (Model Letters, Submissions and Forms). A committee's rules should cover how to recognise potential conflicts, how to resolve them, what happens if the rules are not observed and the procedure for regularly updating a register of interest.⁹ Guidance on handling conflicts of interest during the appointments process can be found in The Commissioner for Public Appointments Code of Practice for Ministerial Appointments to Public Bodies, particularly Section 2.08. Other relevant publications include the Office of Science and Technology's Good Practice for Public Sector Research Establishments on Staff Incentives and the Management of Conflicts of Interest (2000).¹⁰
49. Chairs and members should declare any interests they have that are relevant to the remit of the SAC. Secretariats should review and maintain such registers annually, publishing details as part of an annual report or similar routine progress update. Members should withdraw from discussion of matters in which they feel that they cannot act impartially (see also paragraphs 29-31, Independence and Objectivity). Where this occurs it should be reflected in the official record of the meeting.

Liabilities and indemnity of members

50. The Cabinet Office Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies (page 6) states that: "Legal proceedings by a third party against individual board members of advisory bodies are very exceptional. A board member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or criminal offence

⁹ Phillips notes that "*where any item of business involves an apparent conflict of interest on the part of a member, that should be declared*" (BSE Inquiry Report, Vol 1, para 1290).

¹⁰ Phillips notes that "*Potential conflicts of interest should not preclude selection of those members otherwise best qualified, but conflicts of interest should be declared and registered*" (BSE Inquiry Report, Vol 1, para 1290).

under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual board members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their board functions. Board members who need further advice should consult the sponsor department.”

51. This should already be the position for existing advisory NDPBs. For newly established committees and for non-NDPBs, secretariats should liaise with their sponsoring department’s Public Bodies Team or Human Resources Team to ensure that an appropriate indemnity for members is in place.

Chapter 4 – Committee Support and Departmental Relationships

Role of the secretariat

52. The primary function of the secretariat is to support the SAC by assembling and analysing information and recording conclusions of meetings. The requirement for impartial support in this regard should be clearly stated in the secretariat's terms of reference. The secretariat must not be constrained by normal departmental interests and needs to be free to act independently in supporting the Committee. It should advise members on relevant Committee process and procedure. It should bring to the attention of the committee Chair and members emerging issues of concern (to the sponsoring organisation) so as to inform the committee's deliberations. The secretariat should arrange regular briefing meetings with the Chair. Where members of the Secretariat do not support the Committee full time, care must be taken to be clear in what role they are operating, flagging potential conflicts of interest on Committee records if necessary.

53. The secretariat should provide the committee Chair with the induction required by the Cabinet Office guidance "Welcome to the Board", including the opportunity to undertake appropriate training in committee management and communication when needed¹¹ (See chapters 5 and 6 below).

54. The secretariat should include, or have access to, people with relevant technical/scientific expertise. The sponsoring organisation should ensure an appropriate balance of 'generalists' who understand the policy development process and 'specialists' conversant with the technical detail required by the SAC remit. It is the responsibility of the sponsoring department, in discussion with the Chair, to provide secretariat support sufficient to enable the SAC to fulfil its remit.

55. Where it is possible, Chairs should discuss and agree secretariat job descriptions with the department. The resource implications of appropriate secretariat support should be discussed by the SAC Chair and sponsoring department to ensure realistic expectations can be met. Where suitably skilled staff are not available from within the department's own complement it should consider offering secondments to suitably qualified/ skilled people from outside government.

56. The secretariat should be an impartial and disinterested reporter. It should at all times respect the SAC's independent role. It should guard against

¹¹ Sponsor Units should arrange to provide the Chair, prior to appointment, with clear information on the NDPB and the post; give thorough briefing information on appointment; set up suitable induction meetings with senior officials in the department; and encourage the taking up of appropriate training.

introducing bias during the preparation of papers, during meetings, or in the reporting of the committee's deliberations.¹²

57. The secretariat should ensure that the proceedings of the SAC are well documented (in sufficient detail and within a reasonable period after a meeting) so that there is a clear audit trail showing how the committee reached its decisions. (see also Chapter 6 – Communication and Transparency)
58. The secretariat should ensure that members of the SAC have the appropriate security clearance, if this is required to carry out the work of the committee. The secretariat should seek guidance from policy leads in the sponsoring department(s) as to the extent of security clearance necessary.
59. The secretariat should, as far as it is aware, identify all relevant and appropriate scientific and policy information held by the department, and ensure that it is made available to the SAC as required. Consideration should be given to the necessary processes to ensure that policy leads and Secretariats are able to effectively engage to this end. Where information is withheld from the committee, the secretariat should inform the Chair and provide the rationale for this decision.
60. The common practice for the secretariat to be drawn from the sponsoring body(ies) supports a two-way channel of communication between them and the SAC. The secretariat should therefore also inform relevant staff in the sponsoring body(ies) of the nature of committee discussions.
61. The secretariat should draw up appropriate procedures, approved by both the sponsoring department and the SAC, for handling sensitive information. These procedures should be communicated to potential providers of sensitive information, so that material is only withheld from public release where it would be exempt under the provisions of Freedom of Information legislation. (See also Chapter 5 – Working Practice (Dealing with confidential information, paragraphs 100-102 and Use of non-disclosure agreements, paragraphs 103-106) and Chapter 6 – Communication and Transparency (Dealing with National Emergency, paragraph 140).

Relationship with sponsor department(s)/ bodies

62. The Principles of Scientific Advice to Government (Annex A) set out the “rules of engagement” between government and those providing independent scientific advice. Openness of communication and engagement is expected of both the sponsoring department (or other public body) and the SAC. Members of the both parties also have responsibility for the

¹² Lord Phillips notes (BSE Inquiry Report, Vol 1, para 1290) *“It will often be desirable to draw the secretariat from the commissioning Department(s) in order to provide a two-way channel of communication. In such cases as in all cases the secretariat must be careful to respect the independence of the committee.”*

maintenance of good working relations, sharing information on request and seeking clarification when necessary.

63. The Chair acts as the spokesperson for the Committee during routine communication with the sponsoring organisation). The Chair should ensure that current committee activity and any new planning or information of relevance is reported. The Chair should have a nominated contact for routine engagement (normally the Secretariat lead). Departmental sponsors should provide access to the Departmental Chief Scientific Advisor (CSA), relevant Minister(s) and key policy officials who require the committee's advice.

64. The Secretariat should communicate the role of the SAC within the sponsoring organisation and facilitate engagement between the Committee and interested officials with policy remit of relevance to, or benefitting from, the activity of the Committee.

65. It is recommended that to assure on-going integrity of SAC operation the sponsoring department/ body should consider arrangements for periodic independent review in discussion with the SAC Chair. NDPBs are required to be reviewed by their sponsoring department at least once every three years. Guidance is provided in the Cabinet Office "Guidance on Reviews of Non Departmental Public Bodies". All Scientific Advisory Committees, including those that are not NDPBs, should be reviewed by their sponsoring organisation according to the standards and principles set out in that guidance.

Relationship with Departmental CSA and Ministers

66. SAC Chairs with Ministerial Departmental sponsors should be enabled to have regular (though not necessarily frequent) access to both the Departmental CSA and Ministers. The Chair should agree suitable timing with the sponsor Department(s) as appropriate.

67. A 'standard' expectation might be for the Chair to meet the Departmental CSA at least twice a year, with the opportunity for ad hoc access should particular issues require discussion or clarification. The Chair should also meet the relevant Minister(s) at least once a year to discuss progress on the Committee's agenda and planned future work. Depending upon the profile and sensitivity of the SAC remit to the sponsoring department, additional ad hoc contact should also be facilitated as necessary.

68. Ministers and the Departmental CSA should have a standing invitation to SAC meetings, but this invitation should not be seen as influencing the committee's independent role.

69. Neither Ministers nor SAC Chairs should make announcements on issues relating to the SAC's remit (including policy announcements where SACs have been asked to provide advice) without communicating their intention and the nature of their message to the other. This is also reflected in the

Principles for Scientific Advice to Government, under Transparency and Openness (Annex A)

Relationships with Chairs of Other SACs

70. The Government Chief Scientific Adviser (GCSA) chairs meetings of SAC Chairs that presents an opportunity for Chairs to meet and discuss common interests in subject areas where it is not already clear from the SACs' remits and terms of reference that they have need of engagement. Sharing meeting agendas and minutes between SACs whose Chairs have agreed to co-ordinate work will facilitate engagement and the avoidance of duplication.

Role of other officials

71. SAC members should be aware of the role of departmental representatives and other officials and advisers having contact with committees and/or attending meetings as observers, (or in any other capacity). Such officials should at all times respect the committee's independence. Secretariats should ensure that the balance between officials and members at meetings is kept within reasonable limits.

Chapter 5 – Working Practice

Working practices

72. As the Principles note, SACs should operate from a presumption of openness. The proceedings of the committee should be as open as is compatible with the requirements of confidentiality¹³ (see also paragraphs 100-102 below, on dealing with confidential information, and Chapter 6 on communication and transparency generally). The committee should maintain high levels of transparency during routine business.

73. SACs and their secretariats should aim to prepare papers in accessible language. Where issues require technical discussion, consideration should be given to separate, and additional, production of a 'lay summary' to ensure that all matters are accessible to all interested parties regardless of specialist knowledge.

74. Where the nature of its work may demand a rapid response, the SAC should agree special procedures to be used for producing urgent advice where it has not been possible to follow normal methods. For example, the Chair may act on behalf of the committee to ensure a timely response. On such occasions the full committee should be informed as soon as reasonably possible of the advice that has been provided, and be given an opportunity to comment to the chair and secretariat. Where the committee's considered view differs from the advice initially offered, the sponsoring department(s) should be promptly informed.

75. SACs should have processes in place to enable the identification of relevant available research in the committee's area. Where SACs feel that necessary information is lacking, they should ask that research be commissioned. Where a committee's research is commissioned through its sponsoring department, departmental procurement rules and procedures should apply.

76. When SACs commission new research on their own behalf, it is likely to be needed within a short space of time. Procedures for commissioning and quality assuring such work need to be quick and effective, but should take account of procurement procedures agreed with the sponsor department.

77. In general, any new work required by the SAC on its own behalf should be commissioned in the name of the committee, and not on behalf of individual members or associates of members on the committee. The committee should encourage the publication of commissioned research results in the scientific press, including literature reviews. When such publication takes place, the committee should be acknowledged as the source of the work.

¹³ BSE Inquiry Report, Vol 1, 1279 and Government Response Annex I, Finding 131.

78. SACs must be able to assess or otherwise satisfy themselves as to the reliability of any research quoted or used in their decision making process. The researchers' consent should be sought for external peer review of unpublished research.

79. The SAC should have mechanisms for reviewing previously offered advice in the light of new findings, and for submitting fresh advice if necessary. In its reports it should indicate what new information would prompt review or would further reduce the risk or uncertainty if it is appropriate.

Early identification of issues

80. In order to provide timely advice to Ministers, SACs should keep under review potential future threats, opportunities and key developments in their particular areas of responsibility and which may also lead to revision of previous advice.

81. SACs may wish to draw on, or contribute to, available horizon scanning resources in their sponsoring departments when considering options for change in the remit, delivery or risk analysis for their committee.

Reporting of risk and uncertainty

82. Scientific Advisory Committees should aim to have a transparent and structured framework to examine, debate and explain the nature of the risk (setting out clearly what the risk relates to, such as scientific analysis, non-adherence to advice etc). Committees need to decide what form their risk assessments should take, and the chosen procedure should be documented (see also paragraphs 77 and 78, above, on the early identification of issues). Whenever their work involves risk *assessment*, committees should consider carefully the nature and scale of the problem, what precision of estimates is appropriate or realistic, in terms of costs, resources and time.

83. Where a committee is asked to provide risk *management* options, it will normally be helpful for it to follow a formal structure based on recognised principles of risk assessment.¹⁴ Where risk assessment and risk management skills are not available within the Committee membership, they should be sought from individuals or groups with relevant expertise and/or guidance.

84. Although it is important that decisions are based on all the available evidence, sometimes a decision has to be taken when there are serious gaps in the knowledge base and considerable uncertainty exists. Where this is the case the SAC should use its judgement to decide what it is best to recommend, if anything, based on expert judgement and experience of advising on similar issues in the past and ensure that gaps in data and knowledge are carefully recorded.

¹⁴ BSE Inquiry Report, Vol 1, 1290.

85. It is inevitable that others may reach different judgements based on the same data and that sometimes SAC advice will be proved wrong with the benefit of hindsight. SACs and their secretariats should be open about both of these possible outcomes and a committee's public outputs should make clear the limitations of any data used and where judgements have had to be made in the face of uncertainty.

86. SACs should use the most appropriate method of reporting outcomes that takes account of the level and type of uncertainty involved. Where practical and verifiable, risk should be reported in terms of the likelihood and consequences of the event occurring. Sources of data should be quoted and the extent of uncertainties in the scientific analysis and any degree of auditing described. Where a range of policy options has been considered, the risk assessment for each should be reported together with the reasons for choosing the preferred option. This may require discussion with the sponsoring department.

87. When communicating risk assessments to the public, SACs should follow professional guidance on the communication of risk, where necessary seeking advice from individuals or groups with recognised expertise on risk communication.¹⁵

Procedures for arriving at conclusions

88. SACs should agree on the mechanisms by which the committee is to reach its final position or advice. Members should understand when they are expected to reach a consensus on particular issues (see also paragraphs 89-91 below).

89. Open and frank discussion should be encouraged and differences of interpretation and opinion should be impartially and unattributably recorded in minutes of meetings. It is recognised that advice includes expert judgement in addition to objective or factual information, and wherever possible the degree of certainty and the rationale for judgements should also be recorded.

90. Where decisions are particularly significant, SACs may decide to seek views on preliminary drafts of its advice from relevant organisations, other parts of the scientific community or, in appropriate cases, a representative sample of members of the public. Where there is a written consultation, appropriate elements of the Government's Code of Practice on Consultation (see [Annex D](#)) should be followed.

¹⁵ Phillips notes that (BSE Inquiry Report, Vol 1, para 1275) "*An advisory committee should not water down its formulated assessment of risk out of anxiety not to cause public alarm.*"

91. Whatever mechanism is used for agreeing the advice a SAC offers, it is essential that the minutes of the meeting clearly set out the results of the discussion(s).

Dealing with dissenting views in committee

92. SACs should not seek unanimity at the risk of failing to recognise different views on a subject. These might be recorded as a range of views, possibly published as an addendum to the main report. However, any significant diversity of opinion among the members of the committee should be accurately reflected in the body of the report.

93. Whilst achieving consensus should be the objective, where this is not possible the record should include the majority and minority positions, explaining the differences and reasons for them. It is not necessary to name those holding majority or minority positions, unless the individuals holding those positions so request.

94. Once a position (or major/ minor positions) is established by the Committee and conveyed to the Secretariat and Department, members should support that decision and recognise their responsibility not to undermine the authority of the Committee.

Communication with the public

95. SACs should have a policy for the communication of their outputs to the public and other interested parties and for receiving feedback. Possible mechanisms include the internet, open meetings, public consultation, dialogue with interested parties and the calling of outside experts to attend meetings.

96. SACs should consider identifying interested parties and maintaining an open register of relevant stakeholders. They should consult on issues that generate widespread public concern or raise significant ethical questions.¹⁶ Particular attention should be paid to the communication of risk assessments.

Open meetings

97. Open Meetings allow transparency of committee activity, making it easier to maintain independence. Unless there is a specific sensitivity requiring 'closed' (unobserved) meeting then it is desirable to aim for openness. SACs should aim to hold open meetings when possible or at least provide some specific opportunities for direct public access.

Public consultation

98. Public consultations should accord with the Government's Code of Practice on Consultation (see [Annex D](#)). Consultations will generally be

¹⁶ Scientific Advisory Committees should recognise that views expressed at open meetings or by individual members of the public may not be those of the public generally.

designed to enable the SAC to reach a view on the advice it should offer, rather than the policy options to be offered to the sponsor department(s). Any consultation on policy options will generally be for the sponsoring department. A committee may however wish to advise government on where it thinks public consultation on policy might be necessary.

99. Secretariats should ensure that relevant parties, including academics/experts, centres of scientific excellence and learned societies are made aware of consultation exercises. Records should be kept of responses.

Peer review

100. A SAC's draft findings may benefit from peer review by a wider range of experts than those on the committee. Final publication of advice should be in sufficient detail to allow other experts to evaluate the committee's judgement. Any peer review reports should be governed by the committee's publication policy.

Information exchange

101. SAC secretariats and members should ensure that SACs are informed of the existence of any other relevant committees and have opportunities to exchange information with them. This might involve giving other committees advance notice of significant announcements, copying relevant documents or sharing best practice through joint meetings. Where appropriate committees should develop contacts with relevant European Union and international committees.

102. Where a SAC's work is closely related to that of another advisory committee, the respective remits should be clarified in writing. There may be a system of cross-representation whereby each committee includes a member of the other to develop closer links and avoid inconsistencies of approach in related fields.

Dealing with confidential information

103. The SAC should have procedures for handling confidential information, and communicate it to third parties, including those submitting information. Decisions on confidentiality should be exercised consistently with Freedom of Information legislation (see also paragraphs 103–106, on use of non-disclosure agreements).

104. Consideration should be given to the length of time for which sensitive information requires protecting. Some information may only be sensitive for a relatively short time (for example, market sensitive information). When making decisions to withhold information from the public, consideration should be given to whether the documents could be released as soon as the sensitivity has passed and, if so, a future publication date should be determined accordingly. Consultation with providers of information will be necessary to ensure confidentiality is not breached.

105. Where the original providers consider the information to remain sensitive and merit confidentiality, that view will need to be respected. However, in order to comply with the provisions of Freedom of Information legislation, it is not possible for SACs to guarantee that such information will be treated as confidential in all circumstances. SACs should explain publicly why information is being withheld and what plans there are for communication at a later date.

Use of Non-Disclosure Agreements

106. A Non-Disclosure Agreement (NDA) is a legal contract between at least two parties that specifies confidential material, knowledge, or information that the parties wish to share with one another, but wish to restrict access to by third parties. The parties agree not to disclose information covered by the agreement, protecting any confidential and proprietary information or trade secrets. As such, an NDA protects non-public information, particularly of a business/ commercial nature.¹⁷

107. NDAs should not normally be required by SACs if normal government protocols for handling classified material are adopted and professional standards of most academic institutions are followed. However, there may be certain circumstances where the Chair and sponsor department may agree to use NDAs on a case-by-case basis – though they should be seen as a measure of ‘last resort’ (see also chapter 6, paragraph 140, on Dealing with National Emergency).

108. Circumstances for which NDAs may well be considered include the need for a SAC to be party to business critical and commercially sensitive information or information likely to effect public safety, particularly where SAC members are not otherwise subject to profession standards, as may be the case for lay members. Access to some governmental classified material will also be subject to additional government vetting procedures.

109. In cases where NDAs are used, the length of duration and conditions of their application and completion should be clearly specified. A register of the number of NDAs issued should be kept and published by the SAC secretariat.

Engaging the Broader Academic Community

110. SAC members should remain in contact with colleagues, departments, institutions, societies and business associates that they previously worked (or remain working) with to ensure that they remain connected to their professional areas of expertise.

111. Consideration should be given to developing a rolling programme of SAC events and/or meetings, notes of which can be published. Professional bodies/ stakeholders should be invited to participate in a range of activities

¹⁷ Definition from Wikipedia - http://en.wikipedia.org/wiki/Non-disclosure_agreement

such as observing meetings, open workshops and peer review of reports (interim and final drafts).

112. Where key contacts have specific expertise and knowledge or relevance to Committee activity, consideration can be given to engaging them on a short-term basis on projects or sub-groups, subject to appropriate procurement or appointment process.

Handling Disagreement with Sponsoring Body or Minister(s)¹⁸

113. There may be occasions when the sponsoring body draws conclusions and makes decisions that do not appear to accord with the advice provided (see also Submitting and publishing committee advice, paragraphs 121-126). The Principles of Scientific Advice to Government (Annex A) set out the appropriate relations and responsibilities in such an event. The sponsoring body should respect the independence of the Committee, and the committee must bear in mind that policy decisions are based on a range of factors in addition to its own advice.

114. When differences of opinion arise the SAC Chair should seek to discuss the decision with the sponsoring body's policy makers to ensure that the Chair understands and accepts the basis upon which the final decision was taken. If, after discussion, the Chair still has reservations about the decision, resolution should be sought through engagement with the Departmental CSA, or other agreed escalation route where the sponsor body does not have a CSA. If the issues are particularly complex or have a potentially high impact, the Permanent Secretary (or similarly senior official) and Governmental Chief Scientific Advisor may be involved in the resulting discussions.

115. Where differences remain and cannot be resolved, both parties should be free to express their positions openly, both privately and publically. Both sides should endeavour to explain the rationale behind their views.

¹⁸ See also Annex A; Principles of Scientific Advice to Government

Chapter 6 – Communication and Transparency

Publication of documents – general

116. The SAC should establish a policy on what documents are to be published based on principles of openness and transparency. Subject to the paragraphs below, all committees are expected to publish, as a minimum, programmes of work, meeting agendas, minutes, final advice (where appropriate) and an annual report. Unless there are particular reasons to the contrary, they should also consider routinely publishing supporting papers. Openness from the outset about risks and concerns can sometimes prevent difficult situations arising later on in a committee's work.

117. 'Publication' need not mean traditional paper circulation. In the first instance, SACs should aim to publish content on dedicated webpages usually on, or linked to, their sponsoring body's website. Some committees publish on stand-alone websites, but should keep abreast of government policy on the acceptability of this. Committees also have the option of publishing on www.direct.gov.uk. Further advice can be sought from the sponsoring body's communications directorate.

118. In certain circumstances, and in particular where the excessive cost of other methods would justify it, 'publication' may be achieved solely electronically. However, committees should not overlook the need to draw the attention of key stakeholders to the fact that publication is taking place.¹⁹ Where a website is used as the primary means of publication, it is important that this is complemented by a written record and an archive of superseded documents. The committee will need to decide when it may be appropriate to supplement website publication by a circulation of paper copies to relevant stakeholders, or by drawing their attention to new items on the website. In any event paper copies should be available on request.

119. When decisions are taken to delay release of information, (for example to allow proper analysis, or when dealing with material subject to time-limited non-disclosure), the SAC should also agree realistic deadlines for public reporting.

Meeting agendas

120. SACs should, in general, make agendas available publically prior to meetings. As a minimum, agendas should be published on the committee's website and paper copies provided on request.

¹⁹ In some contexts, decisions on publication may not be for the Scientific Advisory Committee to make, e.g. evidence to Select Committees.

Publication of minutes

121. SACs should publish minutes of their meetings. It is good practice for the secretariat to prepare minutes within two weeks of the meeting and after initial amendment/approval by the Chair to circulate them to meeting participants for comment. The committee should generally approve minutes at the meeting following the one to which the minutes relate and publish the final version as soon as possible thereafter. Where meetings are infrequent, committees should have procedures to ensure that the minutes can be agreed and published within three months of a meeting.

122. SACs should have a set format for their minutes. Minutes will generally be written in an unattributable form. Where discussions are aimed at settling the text of a document to be published, and the discussion continues over several meetings, successive versions of the draft document should be annexed to the minutes (in the secretariat's records) to ensure a full record of the committee's deliberations on the text. Sensitive information may be placed in a non-disclosed annex.

123. The minutes should accurately reflect the proceedings of the SAC. They should be written in terms that make it easy for a member of the public to understand the process by which a decision has been reached. Where it is necessary for the minutes to contain substantial technical detail, there should be a 'lay' summary comprehensible to a member of the public.²⁰

Submitting and publishing a committee's advice

124. A SAC's advice should be in writing²¹, and should be seen as independent of government.²² Where a situation is urgent, oral advice may be provided but should be followed up by written confirmation.²³

125. Advice should be in terms that can be understood by a member of the public. It should explain the reasoning on which the advice is based; make clear what principles, if any, of risk management are being applied²⁴, include assumptions underlying the advice and identify the nature and extent of any uncertainty.²⁵ (See also paragraphs 79-84 above).

²⁰ A parallel statement to the minutes might be useful in situations where public appreciation of a decision on a complex issue would benefit from more detailed explanation or background information than is appropriate for the minutes.

²¹ From BSE Inquiry Report, Vol 1 para 1290 and Government Response Annex I, Finding 123.

²² Phillips notes that (BSE Inquiry Report, Vol 1, para 1302) "*any advice given by a CMO or advisory committee should be, and be seen to be, objective and independent of government.*"

²³ Phillips notes that (BSE Inquiry Report, Vol 1, para 1274) "*Reference to outside expert committees involves delay. It should be avoided, where possible, in a situation of urgency.*" In its Interim Response to the Report of the BSE Inquiry, the government said it believed that it is essential to move quickly to take expert advice on an ad hoc basis when there is an urgent need to do so (p 77, recommendation 146 of Annex 1 "Detailed Findings").

²⁴ From BSE Inquiry Report, Vol 1 para 1275 and Government Response Annex I, Finding 97.

²⁵ From BSE Inquiry Report, Vol 1 para 1290.

126. In situations of uncertainty, SACs may offer a range of options or interpretations to their sponsoring departments.²⁶ If so, they should distinguish between options which are alternative interpretations of the scientific evidence, those which relate to uncertainty in the evidence itself and options which involve other factors such as social, ethical or economic considerations.

127. SAC reports and advice should indicate where, in forming a view, the committee has relied on any external advice or information provided by others which the committee has not reviewed.²⁷

128. Advice should normally be made public by the SAC²⁸ at the time it is given to the sponsoring body(ies), or as soon as reasonably practicable thereafter. Where there are circumstances which justify giving advice on a non-disclosed basis, committees should consider publishing the advice as soon as is consistent with the reasons for non-disclosure. Reasons for non-disclosure should be consistent with the principles of Freedom of Information legislation.

129. Where there is a need to convey advice as quickly as possible, the SAC should have a procedure for early release. For example, the Chair could release an interim statement in a press notice shortly after a meeting – but this should not be allowed to undermine the need for clear communication, awareness and understanding of intentions by both SAC and sponsoring department.

Frequency of publication and content of regular reports

130. SACs should publish their future programme of work. They should aim to publish an annual report of their activities.²⁹ Good practice is to publish annual reports within three months of the end of the year, subject to the nature of the committee's remit and agreement with the sponsoring body. The report should contain details of committee membership, members' interests, terms of reference, a financial statement including fee payments to members, methods for resolving conflict and a glossary of terms. It is not necessary to publish members' private addresses.

Stand-alone reports on specific issues

131. The SAC should also aim to publish stand-alone reports on specific topics. Published reports should record the sources of information used. Reports may include details where requests for information which were refused, and the grounds for refusal.

²⁶ From BSE Inquiry Report, Vol 1 para 1290.

²⁷ From BSE Inquiry Report, Vol 1 para 1275 and Government Response Annex I, Finding 95.

²⁸ From BSE Inquiry Report, Vol 1 para 1290.

²⁹ Scientific Advisory Committees which are Advisory Non Departmental Public Bodies (ANDPBs) will need to produce annual reports in any event in accordance with the *Model Code of Practice for Board Members of Advisory Non Departmental Public Bodies* (see pages 27-34 of publication)².

132. The SAC should ensure that its reports list the names of the people or bodies who were invited to give evidence, those who gave evidence and record any declarations of interest.

Publication of background documentation

133. In order to help provide a full appreciation of its advice and decisions, the SAC should, where appropriate, facilitate public access to documents or information used in the formulation of its advice.

134. Where documents are already in the public domain it is sufficient for the committee to identify the source for the documents concerned (typically a website address). A committee is not under an obligation to provide 'lay' summaries of material it did not itself originate.

135. Where the SAC has relied on previously unpublished background papers, a decision will need to be made as to whether to request publication of the papers, and consideration given as to whether any of them should be exempt from disclosure under Freedom of Information legislation. In cases where the costs of traditional paper publication would not be justified, the committee's obligation to provide information could be discharged either by posting the documents on the committee's website, or by allowing enquirers access to the documents concerned.

136. Where a SACs disclosure of information would involve bringing into the public domain previously unpublished research, this could hinder formal publication elsewhere. If so the secretariat should negotiate arrangements to avoid the problem (such as parallel publication).

Working papers

137. To ensure openness and transparency SACs should seek to keep the public and stakeholders informed as they develop advice. In addition to timely publication of minutes and agendas, committees should consider publishing interim working papers where this would not compromise committee process. All substantive and significant papers should be published as soon as possible once advice has been issued, subject to exemption from disclosure under Freedom of Information legislation.

Publication of applications or cases

138. SACs which advise on individual cases should consider whether to publish information regarding the cases received on their websites, so that stakeholders and interested parties have the opportunity to comment in advance of decisions being taken. Assessment should be made of the balance between transparency and public accountability of the decisions being made and the privacy of individuals or entities whose cases are being considered. Confidential details of cases must be protected, but due consideration should be given to the sensitivity of 'fact of' (rather than 'detail of') information.

Communication with the media

139. The general view is that it is normal for the Chair to act as SAC spokesperson in media engagement and when responding to requests for media statements. There may be cases, however, where the Chair is unavailable, or others are better placed. Depending upon circumstances, alternative options include departmental or independent press officers, other committee members or a relevant Minister. Consideration will need to be given to the potential impact of declared interests, costs and the amount of time such a role would take.
140. Committees should have rules about whether confidential/ personal briefings given by members to interested parties are permitted. Such rules of conduct need not affect a member's freedom to represent his or her field of expertise in a personal capacity outside their committee. SAC members should always clarify whether or not they are speaking in their capacity as committee members.
141. Media training should be provided by the sponsoring body where needed by SAC chairs or members. It should be a mandatory requirement for chairs who act as the main SAC spokesperson.
142. While it is often appropriate for a SAC to use its sponsoring body's press office for advice and support, where there are issues of real or perceived independence SACs should consider access to independent press advice. When a SAC plans to engage the media independently they should ensure that they liaise with the sponsoring body in advance.

Dealing with National Emergency

143. SACs should consider having procedures for providing advice in a national emergency. The SAC might need to provide preliminary or indicative advice on the understanding that this could change after fuller consideration. When dealing with confidential material, discussion can be held in closed meetings, or a "reserved" section of an open meeting. In either case the detail of the discussion should be recorded separately from the publically available minutes. A statement should be made explaining the advice and its rationale once the issue is in the public domain.

References

The Advisory and Regulatory Framework for Biotechnology: Report from the Government's Review, Cabinet Office/Office of Science and Technology, May 1999 <http://www.dti.gov.uk/files/file14498.pdf>

BSE Inquiry Report: The Inquiry into BSE and variant CJD in the United Kingdom, October 2000 <http://www.bseinquiry.gov.uk/report/index.htm>

Civil Service Code, Cabinet Office, June 2006
<http://www.civilservice.gov.uk/publications/civilservicecode/index.asp>

Code of Conduct for Board Members of Public Bodies, Cabinet Office, June 2011,
<http://www.bl.uk/aboutus/governance/blboard/Board%20Code%20of%20Practice%202011.pdf>

Code of Practice on Consultation, HM Government, July 2008,
<http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>

The Commissioner for Public Appointments Code of Practice for Ministerial Appointments to Public Bodies, Office of the Commissioner for Public Appointments, August 2005
http://www.ocpa.gov.uk/upload/assets/www.ocpa.gov.uk/codeofpractice_aug05.pdf

Data Protection Act 1998 <http://www.opsi.gov.uk/acts/acts1998/19980029.htm>

Former Department for Innovation, Universities and Skills/Government Office for Science Universal Ethical Code: Rigour, Respect and Responsibility, September 2007 <http://www.berr.gov.uk/files/file41318.pdf>

The Environmental Information Regulations 2004
<http://www.opsi.gov.uk/si/si2004/20043391.htm>

First Report of the Committee on Standards in Public Life, HMSO, 1996
<http://www.archive.official-documents.co.uk/document/parlament/nolan/nolan.htm>

Freedom of Information Act 2000
<http://www.opsi.gov.uk/acts/acts2000/20000036.htm>

Freedom of Information (Scotland) Act 2002
<http://www.opsi.gov.uk/legislation/Scotland/acts2002/20020013.htm>

Good Practice for Public Sector Research Establishments on Staff Incentives and the Management of Conflicts of Interest, Office of Science and Technology, July 2000 <http://www.dti.gov.uk/files/file12076.pdf>

Guidance for Approval of Senior Pay, Cabinet Office, June 2010,
http://www.civilservice.gov.uk/Assets/CO_guidance_pay_tcm6-36460.pdf

Guidance on Reviews of Non-Departmental Public Bodies, Cabinet Office,
June 2011, http://www.civilservice.gov.uk/Assets/triennial-reviews-guidance-2011_tcm6-38900.pdf

Guidelines for UK Government Websites, Cabinet Office
<http://archive.cabinetoffice.gov.uk/e-government/resources/handbook/introduction.asp>

Guidelines on the Use of Scientific and Engineering Advice in Policy Making,
Government Office for Science, June 2011,
<http://www.bis.gov.uk/assets/bispartners/goscience/docs/g/10-669-gcsa-guidelines-scientific-engineering-advice-policy-making.pdf>

Information Commissioner's Office <http://www.ico.gov.uk/>
Making and Managing Public Appointments - A Guide for Departments,
Fourth Edition, Cabinet Office, February 2006
<http://www.civilservice.gov.uk/about/public/appointments.asp>

The Office of the Commissioner for Public Appointments
<http://www.ocpa.gov.uk/>

The Office of the Commissioner for Public Appointments for Northern Ireland
(OCPA NI) <http://www.ocpani.gov.uk/index.htm>

The Office of the Commissioner for Public Appointments in Scotland (OCPAS)
<http://www.ocpa-scot.org.uk/>

OXERA report: Policy, Risk and Science: Securing and Using Scientific
Advice, Health and Safety Executive, October 2000
http://www.hse.gov.uk/research/crr_pdf/2000/crr00295.pdf

Public Bodies 2009, Cabinet Office, March 2009
<http://www.civilservice.gov.uk/about/public/bodies.asp>

Risk Communication: A Guide To Regulatory Practice, ILGRA, 1998
<http://www.hse.gov.uk/aboutus/meetings/ilgra/risk.pdf>

Understanding, Assessing and Applying Non-Expert (Lay) Contributions to
Scientific Advisory Bodies, University of Liverpool To be published in early
2008 at <http://randd.defra.gov.uk/>

Welcome to the Board, Cabinet Office, February 2005
http://www.civilservice.gov.uk/Assets/pau_induction_05_tcm6-2441.pdf

Annex A: Principles of Scientific Advice to Government

The Principles of Scientific Advice set out the rules of engagement between Government and those who provide independent scientific and engineering advice. They provide a foundation on which independent scientific advisers and government departments should base their operations and interactions.

The Principles apply to Ministers and Government departments, all members of Scientific Advisory Committees and Councils (the membership of which often includes statisticians, social researchers and lay members) and other independent scientific and engineering advice to Government. They do not apply to employed advisers, departmental Chief Scientific Advisers or other civil servants who provide scientific or analytical advice, as other codes of professional conduct apply.

Clear roles and responsibilities

- Government should respect and value the academic freedom, professional status and expertise of its independent scientific advisers.
- Scientific advisers should respect the democratic mandate of the Government to take decisions based on a wide range of factors and recognise that science is only part of the evidence that Government must consider in developing policy.
- Government and its scientific advisers should not act to undermine mutual trust.
- Chairs of Scientific Advisory Committees and Councils have a particular responsibility to maintain open lines of communication with their sponsor department and its Ministers.

Independence

- Scientific advisers should be free from political interference with their work.
- Scientific advisers are free to publish and present their research.
- Scientific advisers are free to communicate publicly their advice to Government, subject to normal confidentiality restrictions, including when it appears to be inconsistent with Government policy.
- Scientific advisers have the right to engage with the media and public independently of the Government and should seek independent media advice on substantive pieces of work.
- Scientific advisers should make clear in what capacity they are communicating.

Transparency and openness

- Scientific advice to Government should be made publicly available unless there are over-riding reasons, such as national security or the facilitation of a crime, for not doing so.

- Any requirement for independent advisers to sign non-disclosure agreements, for example for reasons of national security, should be publicly acknowledged and regularly reviewed.
- The timing of the publication of independent scientific advice is a matter for the advisory body but should be discussed with the Government beforehand.
- Government should not prejudge the advice of independent advisers, nor should it criticise advice or reject it before its publication.
- The timing of the Government's response to scientific advice should demonstrably allow for proper consideration of that advice.
- Government should publicly explain the reasons for policy decisions, particularly when the decision is not consistent with scientific advice and, in doing so, should accurately represent the evidence.
- If Government is minded not to accept the advice of a Scientific Advisory Committee or Council the relevant minister should normally meet with the Chair to discuss the issue before a final decision is made, particularly on matters of significant public interest.

Applying the Principles

Scientific Advisory Committees, Councils and government departments should consider the extent to which the Principles in this document are reflected in their operation and to make changes as necessary. Issues relating to the function and working of scientific advisory bodies that are not reflected in these high-level Principles are discussed in more detailed guidance such as the Code of practice for Scientific Advisory Committees or the Guidelines on scientific analysis in policy-making.

Government departments and their independent scientific advisers should raise issues of concern over the application of the Principles, or other guidance, with the relevant departmental Chief Scientific Adviser (CSA). If the matter of concern cannot be effectively resolved or is especially serious CSAs should approach the Government Chief Scientific Adviser (GCSA) and Ministers should approach the GCSA and the Minister for Science. The matter will be examined against a clear set of criteria, which include a breach of the Principles or CoPSAC.

Annex B: Universal Ethical Code – Rigour, Respect and Responsibility

This is a public statement of the values and responsibilities of scientists. They are intended to include anyone whose work uses scientific methods, including social, natural, medical and veterinary sciences, engineering and mathematics. It aims to foster ethical research, to encourage active reflection among scientists on the wider implications and impacts of their work, and to support constructive communication between scientists and the public on complex and challenging issues.

Individuals and institutions are encouraged to adopt and promote these guidelines. It is meant to capture a small number of broad principles that are shared across disciplinary and institutional boundaries. They are not intended to replace codes of conduct or ethics relating to specific professions or areas of research.

Rigour, honesty and integrity

- Act with skill and care in all scientific work. Maintain up to date skills and assist their development in others.
- Take steps to prevent corrupt practices and professional misconduct. Declare conflicts of interest.
- Be alert to the ways in which research derives from and affects the work of other people, and respect the rights and reputations of others.

Respect for life, the law and the public good

- Ensure that your work is lawful and justified.
- Minimise and justify any adverse effect your work may have on people, animals and the natural environment.

Responsible communication: listening and informing

- Seek to discuss the issues that science raises for society. Listen to the aspirations and concerns of others.
- Do not knowingly mislead, or allow others to be misled, about scientific matters. Present and review scientific evidence, theory or interpretation honestly and accurately.

There are already powerful incentives for individuals and for institutions to adhere to the principles set out in these guidelines. These include: the high professional and ethical standards upheld by the scientific community; structures put in place by employers, professional bodies and funders to enforce these standards; and national and international conventions, treaties and laws.

Scientists and institutions are encouraged to reflect on and debate how these guidelines may relate to their own work.

Annex C: The Seven Principles of Public Life (Nolan Principles)

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Annex D: The Seven Consultation Criteria

Criterion 1 When to consult

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 Duration of consultation exercises

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 Clarity of scope and impact

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 Accessibility of consultation exercises

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 The burden of consultation

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 Responsiveness of consultation exercises

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 Capacity to consult

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

These criteria should be reproduced in consultation documents.

For more information, refer to the Code of Practice on Consultation, HM Government, July 2008 (<http://www.bis.gov.uk/policies/better-regulation/consultation-guidance>)

© Crown copyright 2011

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk.

This publication is also available on our website at <http://www.bis.gov.uk/foresight>

Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 5000

If you require this publication in an alternative format, email enquiries@bis.gsi.gov.uk, or call 020 7215 5000.

URN 11/1382