



Government
Office for

Science

Code of Practice for Scientific Advisory Committees, CoPSAC 2011 Guide to Amendments

In November 2011 a revision of CoPSAC 2007 was published on the Government Office for Science website following public consultation and stakeholder engagement. This document outlines the major alterations made in the 2011 revision.

Incorporation of the ‘Principles of Scientific Advice to Government’.

This revision incorporated the Principles of Scientific Advice which were published in April 2010. They (the ‘Principles’) set out the rules of engagement between Government and those who provide independent scientific and engineering advice. They underpin, and set the general context, for the more detailed operational advice contained in CoPSAC. The principles set out requirements to ensure;

- Clarity of roles and responsibilities.
- Independence of advice.
- Transparency and openness in operation.

In addition to indicating proper operational relations between parties, the ‘Principles’ also set out how to handle issues of concern or conflict between the committees and their sponsoring bodies, and a route for escalation should in become necessary.

Restructuring CoPSAC

The previous Code included relevant material but was not structured in a way to make it easily accessible. The revised 2011 Code groups the information into chapters of related information which will hopefully make the Code a more practical and useable reference guide. Chapters cover;

- Introduction – the Code, what it is and who it is for.
- SAC purpose and principles of operation.
- Membership arrangements.
- Relations with sponsoring bodies and provision of support.
- SAC working arrangements.
- Communication and transparency of operation.

Clarifying which bodies CoPSAC is relevant to

CoPSAC is intended to be useful for *all* SACs, irrespective of status. SACs can be established 'Advisory NDPBs' or 'expert scientific committees' (a term agreed with the Cabinet Office Propriety and Ethics Team to cover all forms of scientific advisory committee that are *not* constituted as an NDPB). SACs can report to a main Ministerial Department, or another government body such as an executive NDPB or non-Ministerial Department.

CoPSAC 2011 is a voluntary code of practice. It has been developed to be relevant to all forms and structures of committee providing government with scientific advice, regardless of their exact constitution and reporting lines. CoPSAC reflects good practice; it is not binding, but SACs not using it will need to be content that their practices are effective, robust and defensible. SACs should continue to develop their own formal constitutions and terms of reference with their sponsoring body.

General Updating

The text and references throughout CoPSAC have been updated to reflect changed Government structures or updated publications. For example, references to the OCPA guidance on Ministerial Appointments to Public Bodies have been retained and additional links to relevant guidance, such as the Cabinet Office "Guidance on Reviews of Non-Departmental Public Bodies" (June 2011) have been added where they provide relevant guidance for SAC operation.

The principles of guidance that is required of Advisory NDPBs is still considered to reflect sound practice for SACs that are not bound by them. Although the full processes may not be relevant, general principles of openness and fairness are applicable to all.

It was clear from consultation responses that CoPSAC was recognised as an important and authoritative set of guidelines. No major omissions were highlighted, but further clarity on a range of issues were sought. Some gaps in the guidance were noted in the consultation, and these were addressed while making the related guidance more coherent. These covered;

Reviewing SAC operation – addressed by reference to Cabinet Office guidance on NDPB review.

Handling dispute – addressed through incorporation of the Principles of Scientific Advice to Government.

Length of membership terms – specific rules on terms of membership need to be determined by the sponsor body, however, OCPA guidelines set out maximum length of continuous service (of ten years) and reference is added to this guidance.

Most issues raised sought clarity of provisions already reflected. These have been addressed through redrafting and restructuring rather than adding new material wherever possible. The most significant issues raised during the consultation were as follows:

Membership issues

Flexibility in making appointments – Clarifying when OCPA guidance on appointment must be applied. It is recommended that the same principles of open and fair appointment are adopted even when the formal procedures are not relevant.

Succession planning – more detail is provided on the potential for use of contacts from members' wider networks to join working groups or to attend meetings on an ad hoc basis as a means to both draw in wider expertise as appropriate and as a mechanism to raise awareness and promote SAC membership to a wider pool of potential candidates. Flexible engagement in this way does not replace the need for appropriate recruitment arrangements for SAC membership.

Management and operational issues

Clarity in reporting chains – a new section (Probity and Accountability, page 4) has been added, and paragraph 11 makes it clear that all SACs, regardless of constitution and sponsor body, require clear lines of accountability. This message is reinforced through incorporation of the Principles of Scientific Advice into CoPSAC.

Declarations of interest – the previous text on “Conflicts of interest” has been updated and expanded to cover “declaration of interest” as not all interests automatically constitute conflict. Guidance on arrangements to monitor, report and handle interests in practice has been added.

Liability and indemnity – the issue of liability for the consequences of decisions based on advice provided was raised in consultation and workshops. The advice (on page 12 of CoPSAC 2011) was carefully reviewed and no changes have been necessitated. The general advice is considered to hold, and in the case of specific risk, issues should be raised with the legal branch of the SAC's sponsor body.

Clarifying independence – With Public Bodies Reform (PBR) reducing the number of Public Bodies there was widespread concern on the consequences for SACs and their independence. Guidance was provided in the PBR on changes that affect bodies that provide scientific advice. New text on page 3 of the revised code “Scientific Advisory Committees that are not NDPBs” (paragraphs 9 and 10) reflects that guidance.

Scrutiny – The need for performance appraisal was indicated in consultation for both SACs and their members. Scrutiny is proposed through a number of mechanisms. For SACs overall, regular independent review is recommended. Advisory NDPBs are required to conduct independent review once every three years (page 16, paragraph 65) and all SACs are recommended to consider similar arrangements.

CoPSAC already indicated a range of ways to ensure openness and scrutiny of SAC activity. To help SACs self-monitor their on-going ‘fitness for purpose’ Secretariats should provide periodic opportunities for members to review SAC roles, activities and resources (page 5, paragraph 14). A further method to

enable scrutiny is the holding of open meetings or the invitation of independent observers (page 8, paragraph 33).

Paragraphs 26 and 27 (page 7) refer to the review and assessment of the length of individual appointments and assessment of the balance of skills represented in the SAC. Paragraph 35 (page 9) recommends that Secretariats record attendance and monitor activity, discussing the resultant skills and experience and its match to requirements with SAC Chairs.

Balance of lay and technical membership – It is clear that a balance of depth of specialist knowledge, challenge from lay perspectives and time of service is required to give resilience to effect committee function. The previously extant section on “balance of expertise” has been expanded to provide more clarity in this area.

Support issues

Resource provision – It is clear from consultation that effective secretariat support requires maximising the benefit of limited resource, balancing needs for technical expertise and understanding of government administrative processes. The section on the “Role of the secretariat” has been expanded (note particularly paragraphs 54 and 55, page 14) to address the key concerns of both SACs and sponsor bodies about adequacy of support provision and balance of skills required.

Codifying relations with departments – The introduction of the “Principles of Scientific Advice to Government” sets out clearly the responsibilities and requirements of advisory committees and their sponsoring bodies, notably in the establishment of clear lines of accountability and clear paths for escalation in the event of disagreement. Chapter 4 (pages 14 to 17) has been created to pull together all sections of CoPSAC that refer to SAC relationships.

Issues not supported or changed

Monitoring and compliance for use of Code – some of the consultation and workshop feedback suggested that compliance with CoPSAC should be monitored. The preface to the 2011 revision seeks to make clear that CoPSAC is a framework of voluntary advice. While it does reflect good practice, there is no mandate to authorise any particular aspect of the Code, and it is for SAC Chairs and representatives of the sponsor body to satisfy themselves that adequate arrangements are in place.

Prescription of methods – As a framework of good practice, CoPSAC seeks to set out guidelines around how to operate without setting out any specific model of operation. Different SACs will have different remits and requirements, making it unhelpful to set out any specific ways of working.