

# ACMD

## Advisory Council on the Misuse of Drugs

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Dear Professor Beddington,

The Advisory Council on the Misuse of Drugs (ACMD) are pleased to contribute to the Code of Practice for Scientific Advisory Committees consultation.

Please see our attached response.

Yours sincerely,



**Professor Les Iversen**

## **The Advisory Council on the Misuse of Drugs**

The Advisory Council on the Misuse of Drugs (ACMD) makes recommendations to Government on the control of dangerous or otherwise harmful drugs, including classification and scheduling under the Misuse of Drugs Act 1971 and its Regulations. It considers any substance which is being or appears to be misused and of which is having or appears to be capable of having harmful effects sufficient to cause a social problem.

The ACMD also carries out in-depth inquiries into aspects of drug use that are causing particular concern in the UK, with the aim of producing considered reports that will be helpful to policy makers and practitioners.

## Consultation questions

The ACMD has responded to each of the questions below in turn.

### Maintaining strong relationships

**Question 1: It is key that Ministers, sponsoring departments and independent scientific advisers develop and sustain effective working relationships.**

**a) What role should be played by and what expectations should the SAC Chair have with regard to relationships between:**

**i) The SAC and its sponsoring Department:**

The Chair of the SAC should maintain regular contact with its sponsoring Department; where appropriate, this should include contact with senior policy officials, ministers and the Secretary of State. Most importantly, the SAC Chair should engage with, and have access to, those individuals in the department for which its advice directly impacts.

The SAC Chair can expect the sponsoring Department to proactively develop the working relationship – engaging with the SAC Chair particularly when advice may be rejected. The SAC Chair can expect that the SAC's advice is properly considered and is part of the Department's considerations when developing policy. The SAC chair can also expect the Department to seek clarification on advice as and when required.

It is important that the sponsoring Department maintains regular engagement with the SAC Chair to keep updated and, where necessary, provide a steer on the work programme of the SAC in the context of Departmental priorities.

**ii) The Minister or departmental Chief Scientific Adviser to whom the SAC reports?**

The SAC Chair should expect to have regular meetings with the Minister(s) to discuss the SAC's work programme and priorities. The SAC Chair should have an expectation that the Minister(s) will approach the SAC Chair as the first port of call for expert advice in its area.

**iii) The Chairs of other SACs whose interests may overlap?**

The Chair of the Advisory Council on the Misuse of Drugs (ACMD) sits on the Home Office Science Advisory Committee – this committee draws together the Chairs of other scientific advisory boards in the Home Office and allows a forum for regular contact with Chairs of the other groups. The ACMD believe that this approach is a good practice model for other Departments to consider.

As well as *intra* departmental communication between SACs, for some SAC agendas, including that of the ACMD, there would also be benefit in having *inter* departmental communication from SACs external to the sponsoring department. By way of example, a member of the ACMD sits on the

Committee on Toxicity (jointly sponsored by the Department of Health and the Food Standards Agency) and recently there has been at least one matter discussed by that Committee which would be of relevance to the ACMD. Therefore, there may be benefit in SACs making themselves aware of cross-cutting agendas with other SACs - initial contact and matters of joint interest could be monitored by the Secretariat.

**b) What steps can be taken for SACs to maintain their independence and objectivity?**

It is important that SAC does, and is perceived, to maintain its independence and objectivity. Mechanisms for this include:

- Advice of the SAC published concurrently with the provision of the advice to the Department (where possible – there may be some circumstances where this is not appropriate).
- Public meetings of the SAC.
- Websites could be hosted externally to the Department's website (where possible).

It is important that members of a SAC have clarity in their independent role as member of a SAC and also of the particular SAC on which they are a board member. Clarity in the role of SAC members (broadly) can be set out in the CoPSAC; where the independent advisory role of members is properly articulated. Further, a code of practice for the individual SAC should set out the roles and responsibilities of members – including maintaining the SAC's independence and objectivity.

**c) How might SACs best resolve disputes between members or with Ministers and/or sponsoring departments?**

The ACMD believe that disputes with the Department should be best resolved through the sponsoring Department's Chief Scientific Adviser (CSA); the CSA can act as arbiter in such instances. Where there are complex and difficult issues to resolve there should be dialogue between the CSA and the Permanent Secretary. In such cases the Permanent Secretary should be consulted to develop a way forward.

Where there are disputes between members, there is a responsibility for the Chair to resolve the dispute. Should this not be possible then the sponsoring Department's CSA should be involved.

## Openness and Transparency

**Question 2: It is important for SACs to operate in an open and transparent manner whilst ensuring the need to protect sensitive information.**

- a) In some cases, for example national emergencies, publication of advice in the public domain may not be possible in advance of government decision making. How can this process be best communicated and managed?**

SAC's should act with a presumption of openness. However, in instances where this is not possible the SAC and, where necessary, the Department should communicate the reasons for doing so. In certain cases it may also be necessary for the SAC and/or Department to communicate the reasons for not publishing the advice, or not publishing the advice at a certain time (such as before the government's response).

Under the guidance the presumption of openness should encourage as much as possible to be published, and parts of advice to be redacted should they be considered against the public interest to publish.

Communication methods are probably best considered on an *ad-hoc* basis – appropriate to the level and nature of the advice.

- b) How can SACs ensure that non-disclosure agreements (NDAs) are used appropriately?**

The ACMD does not have experience of the use of NDAs.

- c) What training could be provided to SAC Chairs and members to assist in their interactions with the media?**

The ACMD consider that media training for spokespersons (in the case of the ACMD, the Chair) should be mandatory. Appropriate training can be provided by the sponsoring Department's press office/media section.

The ACMD consider that only Chair nominated spokespersons should be media trained. This delineates the role of those members of the SAC that have media interactions and helps to ensure that the SAC has clear and consistent messages.

- d) What should the considerations in selecting a nominated spokesperson be, and should this be tailored to the programme of work, for example, is there a benefit in having a nominated spokesperson per project?**

The ACMD work on the principle of the Chair being the nominated spokesperson unless the Chair delegates the role to another individual (generally the Chair of a Working Group). Selecting a nominated spokesperson is dependent on a number of factors that may include:

- Their expertise in the subject area

- The nature of the engagement (e.g. radio interview, newspaper report, television, public meeting etc.).

The ACMD nominate a spokesperson, other than the Chair, dependent on the factors above and subject to other requirements (e.g. availability). The ACMD do not believe the CoPSAC should be too prescriptive regarding SAC's having spokesperson's and who they should be.

## Engaging the Scientific Community and Succession Planning

**Question 3: In order to maintain the effective provision of scientific advice to government, SACs need to seek feedback on the advice they provide, consider the ongoing need for their advice, and consider succession planning.**

- a) It is important to have a balance of expertise between scientific knowledge and other areas on both SACs and their secretariat.**
  - i) How can the balance of expertise on SACs between scientific experts, those from other professions and key partner organisations be determined?**

The balance of expertise on a given SAC should be determined by its terms of reference and forthcoming work programme.

In the case of the ACMD, where its terms of reference are set out in legislation, an appropriate balance of skills is sought to fulfill this remit. The Chair of the SAC should consult the membership which should then be considered by the sponsoring department before adverts are placed for members.

The ACMD believe that there should be more formal succession planning within the SAC sponsor Department.

- ii) How can the balance of expertise required for SAC secretariats be determined?**

The balance of expertise on a SAC secretariat depends on their function in relation to the SAC and the sponsoring department. Secretariats need to fulfill a range of tasks. However, part of the secretariat role would be to contribute to drafting of documents/advice expertise in a relevant area then further skill sets will be required, often requiring a scientific background or skills in the specific area of the SAC.

- b) What steps can SACs take to ensure that expertise is maintained and future skills needs identified? What practical steps might be taken to broaden the pool of potential candidates?**

The SACs sponsoring department should always consult with the SAC before considering the expertise that it will advertise for. Advertisements for posts to the SAC should be made widely available in appropriate media.

- c) How might the broader scientific and engineering community feed into the work of SACs, the consideration of future work priorities and any potential refocusing of priorities?**

SACs should consult with other relevant organisations or individual experts to provide evidence to their enquiries. The ACMD value the input of stakeholders, other experts and consult on specific issues wherever possible to help inform its considerations.

The work priorities of the SAC are often dependent on the requirements of the sponsoring Department and also those issues that the SAC see as most pressing to consider at any given time. The balance of these requirements is not prescribed and may also, in part, depend on the status of the SAC e.g. whether it is a statutory body.



## **General**

### **Question 4: Is there any other information that could be usefully included in the Code of Practice?**

It should be incumbent upon the SAC sponsoring Department that they observe good joint working practice, the ACMD believe that this was well articulated in a joint statement that the ACMD developed with the former Home Secretary. The statement is attached at Annex 1 for the consideration of this consultation as a set of principles that should be part of the CoPSAC regarding expectations of the recipients of the SACs advice.

**Request for information:** In updating the Code of Practice we will be reviewing the publications signposted in the document. We would appreciate suggestions for documents that might usefully be referenced in addition to/other than those in the reference section.

## **Annex 1.**

### **Joint Statement from the Home Secretary and the Advisory Council on the Misuse of Drugs**

The Home Secretary and the ACMD met on 10 November [2009] to discuss working together collaboratively in the future.

The Home Secretary outlined the value he put on the ACMD's advice, and the important contribution the ACMD makes to government drug's policy. The ACMD summarised their concerns regarding how their advice is received by the Home Office and over the dismissal of Professor Nutt.

Both the ACMD and the Home Secretary agreed that it was important to concentrate efforts on ensuring the best advice is available to government on the important issue of drug misuse working together with the common purpose of reducing drug related harms in the UK.

The following ways of working were discussed:

1. The Home Secretary emphasised that he would not pre-judge the ACMD's advice in advance of receiving a report.
2. The Home Secretary said he would like to meet with the ACMD Chair on a regular scheduled basis in the future and that he would meet with the full Council annually.
3. The Home Secretary and ACMD agreed that the Home Secretary would continue give careful consideration to all ACMD reports. In doing so it was agreed:
  - i) The ACMD would publish its advice concurrent with its presentation to the Home Secretary. The Home Office gave assurance that it would give appropriate consideration of the advice before issuing its response;
  - ii) If government was minded not to accept the ACMD's advice, the Home Secretary suggested that he would, before making a final decision, meet with the Chair of the Council to discuss the issue;
  - iii) If the advice is not to be accepted the Home Secretary will write to the full Council setting out his reasons for rejection. This will be ahead of any public comment by the Home Office on the matter.
4. The Government's Chief Scientific Advisor, Professor John Beddington is considering Lord Rees of the Royal Society's letter to the Prime Minister, enclosing the 'Principles for the Treatment of Independent Scientific Advice'. Professor Beddington will report on these by Christmas. The ACMD asked for clarification from the Home Secretary how their academic role was impacted by their membership of the Advisory Council. The Home Secretary agreed to put into practice the outcome of Professor Beddington's report with his dealings with the ACMD and all the other scientific committees that advise him in the Home Office.
5. The Home Secretary outlined the process for recruiting a new Chair of the ACMD following the guidelines of the Office of the Commissioner for Public Appointments. It was agreed that both the ACMD and the Home Secretary need to have the utmost confidence in the new Chair. As such the ACMD

accepted the Home Secretary's offer that one of their members would be part of the interview panel during the recruitment process.