

Triennial Review Report: Scientific Advisory Committee on the Medical Implications of Less-Lethal weapons (SACMILL)

Reviewing the function, form and governance of the Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons.

Executive Summary

In April 2011, Cabinet Office announced that all Non-Departmental Public Bodies (NDPBs) still in existence following the reforms brought about by the Public Bodies Act would have to undergo a substantive review at least once every three years. The triennial review into the Ministry of Defence sponsored NDPB the Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons (SACMILL) was initiated on 30 August 2013 and subsequently announced to Parliament through a Written Ministerial Statement dated 13 September 2013.

The aim of the triennial review of SACMILL, an advisory NDPB sponsored by the Ministry of Defence (MOD), is to ensure that SACMILL meets a continuing governmental requirement for advice, is effective and meets policy and governance guidelines as well as providing value for money.

As a result of specific recommendations within the Patten Report (Recommendations 69 & 70, Independent Commission on Policing in Northern Ireland: September 1999), and at the request of the Home Office and Northern Ireland Office, a subcommittee on the medical implications of less-lethal weapons was established and administered by the Defence Scientific Advisory Council (DSAC) in order to provide advice to the Home Office and Northern Ireland Office and was originally intended to have a limited life-span. However, the value of the subcommittee was recognised and, on review, it was agreed that function should continue. As a result, the formation of SACMILL was announced to Parliament in July 2009 and it was tasked to provide independent advice across Government on the medical implications of less lethal weapons (LLW).

SACMILL sits as two small committees; the wholly independent technical committee and an executive committee. The technical committee (which determines the

independent advice) consists of a lay Independent Chair and eight Independent Members – six medical experts and two lay members - drawn from the academic and public sectors. The executive committee consists of the Independent Chair, plus three ex-officio members from the Defence Science and Technology Laboratories (Dstl), MOD and the Home Office plus any other independents that the SACMILL Chair wishes to invite in order to aid discussions and evidence gathering prior to the 'closed' technical committee deliberations. The marginal cost budget for SACMILL as an NDPB is approximately £52,000 pa dependent on demands for advice.

SACMILL is a unique and cost effective, technical advisory body which, while potentially deliverable within the MOD, provides advice, challenge and assurance functions in a highly politically and publicly sensitive area: security and public order 'weapon' capabilities. As such, there are clear and recognized benefits from these functions being delivered, and being seen to be delivered, both impartially and independently.

Stage One Recommendation: SACMILL continues to provide independent advice across Government on the medical implications of less lethal weapons (LLW) and is fully justified under the 'Three Tests' for NDB status. It should remain an NDPB. However and beyond the remit of this review, SACMILL could form one of a number of subcommittees in a wider medical scientific advisory body reporting to MOD's Chief Scientific Advisor.

SACMILL demonstrates a high degree of independence from its sponsor (MOD) and its main customers (Home Office, Police Services and MOD). SACMILL's current emphasis is on advice to the Home Office but it is the due process and independence that SACMILL provides which is just as important for MOD as the Home Office. The committee has strong relationships with the Police Services as system users, the Home Office Centre for Applied Science and Technology (CAST) as lead department for system test and evaluation and the Defence Science and Technology Laboratories (Dstl) for biomedical assessment, military test and evaluation and provision of related advice to allow SACMILL to comment on the medical implications of use. SACMILL is able to make recommendations on the type, specifications and employment of LLW as well as influence the training and tactical effectiveness of the systems. A robust feedback loop exists between the technical analysis (SACMILL, Dstl and CAST) and the front-line users.

SACMILL's structure complies with current NDPB governance criteria; it is independent (at arm's length from the sponsor – MOD), has an appropriate membership comprising experts and lay members, and has defined terms of reference. Funding and expenses information are detailed and appropriate.

Stage Two Recommendations: SACMILL retains the current governance framework with MOD as sponsor and the Home Office and MOD as the principal customers. Scientific analysis and support are appropriately

delivered through Dstl and CAST which should remain the key interfaces with industry.

Further Recommendations:

Departmental and NDPB restructuring has had an unintended impact on the role of SACMILL. The Patten Report empowered SACMILL's predecessor ('DOMILL') as a sub-committee of DSAC which came under the office of MOD Chief Scientific Advisor (CSA) and was supported by expert technical advisors from Dstl. In delivering greater independence, the transition to SACMILL, under the Surgeon General MOD, has blurred the tasking and empowerment lines of governance and delivered a more administratively focused solution. Consideration should be given to returning the committee to MOD CSA direction, through the Executive Committee.

Recommendation: A Framework Document must be developed which clearly sets out the governance of SACMILL and improves its agility to meet potential growth in the utility of less-lethal weapons systems.

SACMILL's efficacy could be improved if:

- 1) Some minor changes in authorities and 'permissions' were agreed; this would allow better data capture from the use of systems. For example, government-to-government engagement on water canon employment and injury data, and NHS anonymous data collection in Northern Ireland¹.
- 2) Related to information sharing, SACMILL could also provide independent assessment of facts and data to support development, investigation or inquiries into the use of LLW. By definition as a LLW, injuries or deaths through Taser employment are possible but extremely unlikely and SACMILL provides potential negative-outcome mechanisms, a risk assessment and mitigation advice for users. Incidents have occurred globally but access to the data on specific incidents can be denied; for example, early access is not always possible and the Independent Police Complaints Commission (IPCC) refer information on a case-by-case basis while effective channels are not easy to put in place to share global users experiences. As well as better feedback providing better informed decisions on LLW, SACMILL expertise could be drawn upon to support UK investigation functions.

¹ Although there is media evidence of rioters being 'bowled over' by water cannon in countries where they are commonly employed, there is little evidence of injury – presumably because few rioters seek to 'complain' or document their injuries. NHS data collection through the Royal Colleges has been considered by SACMILL.

- 3) While SACMILL advice is not binding, any injuries from the use of a LLW without a pre-deployment supportive medical statement from SACMILL might cause political embarrassment, public disquiet and could possibly form the basis for legal action. Comply or explain doctrine should apply to the implementation of SACMILL advice.

Recommendation: A new Framework Document should set out agreed (customer/sponsor) processes to deliver a better directed, agile and flexible governance structure. A mechanism for effective feedback of ‘in-use’ lessons should be developed in conjunction with the Home Office Public Order Unit, Association of Chief Police Officers (ACPO) and IPCC to ensure the relevance and currency of the SACMILL (informed) medical statement.

SACMILL’s scope could be extended to include other LLWs:

- 1) CS, irritant ‘sprays’. The medical implications of police CS spray were considered by a Department of Health committee in the 1990s and before DOMILL existed. Police PAVA spray was subsequently reviewed by the Department of Health in 2002. The current police arrangement with the Food Standards Agency Committee on Toxicity works well and all current statements on the toxicity of Police Irritant Sprays are owned by the COT and its sister committees. Formal information sharing should be in place between COT and SACMILL as both irritant and LLWs are likely to be used in conjunction in the public order operational environment and would benefit from the independent oversight of SACMILL². Consideration should be given to reclassify current and future chemical sprays as LLWs. In the near term, projectile delivery systems testing and evaluation should be consistent with AEP medical assessment and be considered by SACMILL.
- 2) Less Lethal Weapons. There is a wide range of systems (including light, electrical, acoustic, kinetic and chemical systems) within the less lethal, low-lethality and non-traditional weapons lexicon. Given the advances

² The police, Home Office and ACPO currently do not consider irritant sprays as LLWs; rather, these devices are classed as being ‘Protective Equipment’. However, there is a clear argument that the police sprays should be reclassified as LLWs.

in these fields, a 'universal term' and defined scope of SACMILL should be conducted and agreed prior to the next review.

Recommendation: The scope of SACMILL and the definition of less lethal weapons should be reviewed to include all current systems and address future systems. A single term, say 'Low Lethality Systems', should be considered to address current descriptors like less lethal weapons, non-lethal weapons and less-than lethal weapons which all have subtly different connotations.

Introduction

Aims of the review

It is Government policy that a non-departmental public body (NDPB) should only be set up, or remain in existence, where the model can be clearly evidenced as the most appropriate and cost-effective way of delivering the function in question.

In April 2011, Cabinet Office announced that all NDPBs still in existence following the reforms brought about by the Public Bodies Act would have to undergo a substantive review at least once every three years. The first year of these reviews would be 2011-12. These triennial reviews would have two purposes:

- 1) To provide a robust challenge of the continuing need for individual NDPBs – both their function and their form, employing the 'three tests' discipline; and
- 2) Where it is agreed that a particular body should remain as an NDPB, to review the control and governance arrangements in place to ensure that the public body is complying with recognised principles of good corporate governance.

All triennial reviews are carried out in line with Cabinet Office guidance "Guidance on Reviews of Non Departmental Public Bodies", June 2011. This guidance states that reviews should be:

- **Proportionate:** Reviews must not be overly bureaucratic and should be appropriate for the size and the nature of the NDPB in question;
- **Timely:** Reviews should be completed quickly – the first stage ideally within three months – to minimise disruption to the NDPB's business and reduce uncertainty about its future;
- **Challenging:** Reviews should be robust and rigorous. They should evidence the continuing need for individual functions and examine and evaluate as wide a range as possible of delivery options;

- **Inclusive:** Reviews should be open and inclusive. Individual NDPBs must be engaged in reviews. Key users and stakeholders should have the opportunity to contribute to reviews. Parliament must be informed about the commencement and conclusions of reviews.
- **Transparent:** All reviews should be announced and all reports of reviews should be published; and
- **Value for Money:** Reviews should be conducted in a way that represents value for money for the taxpayer.

Background on the body being reviewed

With the introduction of the 'Baton Round' into Northern Ireland and as a result of specific recommendations within the Patten Report (Recommendation 69 & 70, Independent Commission on Policing in Northern Ireland: September 1999), a sub-committee of the Defence Scientific Advisory Council was established in order to provide advice on the medical risks to the public of less lethal systems – the direct (eg impact) and indirect (eg ricochet injury) risks.

On review, it was established that the subcommittee should be succeeded by and reflect changes in Government policy on the governance and membership of NDPBs. As a result, SACMILL was established to provide independent advice across Government on the medical implications of less lethal weapons (LLW); these include less-lethal projectiles (various types of impact or 'baton' rounds), acoustic warning systems, conducted energy devices (eg Tasers) and water canon as examples, predominantly, though not exclusively, for the civilian police forces.

Whilst SACMILL is a cross-government body, the primary sponsor is the Surgeon General within the Ministry of Defence (MOD). SACMILL acts in accordance with the Government's Code of Practice for Scientific Advisory Committees (CoPSAC 2011) and the Code of Conduct for Board Members of Public Bodies (June 2011).

Specifically, the role of SACMILL (NDPB) is to provide:

- 1) Advice on the biophysical, biomechanical, pathological and clinical aspects of generic classes of LLW systems;
- 2) Independent statements on the medical implications for use of specific LLW systems given published operational guidance to users;
- 3) Advice on the risk of injury from specific LLW systems striking specific areas of the body in a format that will assist those responsible for

developing policy and, separately, guidance to users, as well as operational users themselves in making tactical decisions.

SACMILL comprises a lay Independent Chair and eight Independent Members – six experts and two lay - drawn from the medical, academic and public sectors, plus three ex-officio Executive Members from Dstl, MOD and the Home Office. The full Committee currently aims to meet twice a year, and has an annual budget of around £52,000 (£12,000 fees and expenses, plus £40,000 charged to MOD by Dstl for technical support).

The advice given to ministers by SACMILL's predecessor (DOMILL) is in the public domain and may be obtained from the House of Commons Library. This advice takes the form of medical statements. For example, between 2002 and 2012, DOMILL provided six public statements (plus a revised issue of the sixth) regarding the medical implications of the use of Taser conducted energy devices. Other LLW systems for which there are DOMILL medical statements include the PSNI water cannon and the AEP impact round. SACMILL has recently (November 2013) endorsed its first medical statements (on a new water cannon system intended for the UK mainland). SACMILL has reviewed and endorsed DOMILL's earlier statements.

SACMILL's current emphasis is on advice to the Home Office (feeding ACPO LLW guidance to the Police and including LLW use by Civil Nuclear Constabulary, Ministry of Defence Police and British Transport Police etc). This emphasis is understandable because the current workload is from the Home Office. However, advice has also been provided to MOD for three weapons systems that were approved for use overseas (two in Iraq and one in Afghanistan, as well as the current use of impact rounds). It is the process and independence of SACMILL which is just as important for MOD as it is the Home Office despite the understandable departmental differences (put simply defence or law enforcement), Rules of Engagement (Law of Armed Conflict or public order law) and subtly different responsibilities and decision chains. There are also potential cross-government funding complexities in supporting SACMILL as MOD currently provides the majority of technical support.

The Review: Stage One

Process

Given that the review covered a highly technical, bounded and small (in terms of organization and funding) NDPB, the sponsor elected to conduct an internal Triennial review. As a result, the review was conducted by an independent military reviewer (Head of Transformation at Joint Forces Command) who has consultancy and change roles and has relevant operational, weapons, training and bioscience experience.

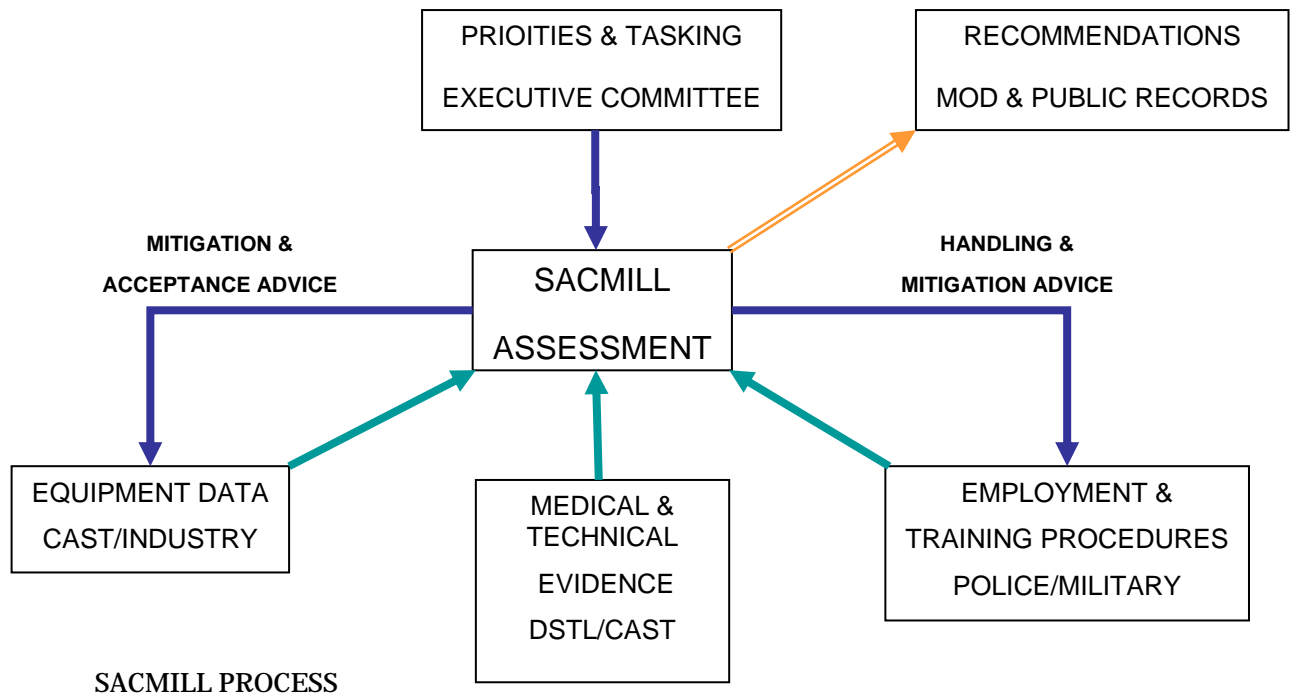
The review followed Cabinet Office guidance in examining SACMILL’s terms of reference, its agendas and records of decisions, and sought the views of personnel involved in the committee and senior officials. Given the nature and relative simplicity of the NDPB, it was decided after initial investigation that a challenge approach was more appropriate than a team review. In broad terms, the process focused on personal, face-to-face engagements with stakeholders, observation of the NDPB at work and the review of governance models and reports. The outline process is tabulated below.

	2-6 Sep	9-13 Sep	16-20 Sep	23-27 Sep	30 Sep on
Planning	-----^				
Information gathering	----- ----- -----	----- -----	----->	<SACMILL>	
Analysis		----- -----	----->		
‘Creative’ Phase			-----> -----		
Evaluation and challenge		----->	----- -----	----- ->	
Report		<Stage 1>			----- <Stage 2>
Follow up					Drafting
Internal Recommendations					<SRO Mtg>

Evidence and Stakeholder Engagement

Stakeholders were advised of the review by the SACMILL Secretariat. The reviewer then contacted the relevant stakeholders by introductory email and then face-to-face. The information gathering phase was focused on successful collection of open and ‘confidential’ views.

On behalf of the sponsor, an Executive Committee chaired by the Surgeon General MOD sets the tasking and priorities for SACMILL. The SACMILL assessment is informed by other stakeholders; the diagram below outlines the SACMILL process.



Of note is that all reporting from the SACMILL is through the sponsorship organization. However, there are informal, direct and routine engagements between stakeholders when necessary and to improve the speed of release of information or to inform emerging changes to training or employment of systems – despite the formal reporting mechanism, SACMILL are necessarily and continually engaged in the advisory process. Given the nature of the SACMILL work, it is current policy that the names of the members are not publicly released and this review endorses that approach but recommends that this should be reconsidered as some members seek professional ‘recognition’ and believe that greater credibility of independence might be achieved. However, members have reasonable concerns about lobbying, legal pressure and threats might be realized if the committee membership ‘goes public’.

Stakeholders. SACMILL’s stakeholders are internal and have been engaged throughout the review. Stakeholder feedback has included private views of the committee and departmental representatives on the Executive Committee and users (Police). The current constitution, including terms of reference, and a list of SACMILL stakeholders engaged in this review are attached at Annex B.

Output evidence. The Minutes, Records of Decision and advice of SACMILL’s predecessor, and SACMILL have been assessed for impact and utility. There is a direct relationship, including formal and informal advice, with the tactical use and training of LLW by the Public Order elements of the security forces and military where appropriate. Given the sensitive nature of the tactical employment of these systems, details have not been included in this report.

Functions of the Body

SACMILL was established as a unique functional body, operating independently and its work is strongly in the public interest. However, the committee is the outcome of the 1999 Patten Report and could be considered unnecessary in the current climate. The overriding opinion of all consultations and evidence is that the continuation of SACMILL is in both the public and political interest. Given the potential political and physical risks of LLWs used by UK security and military personnel at home or abroad, the Patten principles still apply. SACMILL provides a unique independent 'check' on systems that may be 'used' on members of the public either in the UK or as a result of military operations overseas and may consequently be subject to intense legal, media and public scrutiny should mishap/injury occur.

Accepting the continuation of the SACMILL function, the intrinsic and essential supporting role of CAST and Dstl have to be assured.

- 1) **CAST.** CAST's remit for the Home Office is to provide independent (of the manufacturer) scientific assessment of how well a particular piece of (in this case Less Lethal) equipment meets the police operational requirement. This will include elements of robustness, accuracy, safety and effectiveness. The results of the assessment will allow the police to develop guidelines and training for safe and effective use and also give ministers independent information on the capabilities of particular equipment to allow them to make an informed decision on its introduction. CAST is a physical science based organisation and does not hold any biomedical expertise. Therefore, and to avoid unnecessary duplication within government departments, the biomedical sciences team at Dstl provides expert biomedical support to the CAST.
- 2) **Dstl.** Dstl's role is to provide MOD with independent advice and research for Defence capabilities. In this context, Dstl's role is two-fold: (a) to provide a link via the Dstl Official Member between SACMILL and government departments through the Executive Committee, and (b) to provide impartial technical, scientific and biomedical advice. In addition, Dstl provides technical support to the SACMILL secretariat as required (e.g. assistance in compiling meeting agendas, technical oversight of meeting minutes) and provision of a technical focus for out-of-committee issues and communications as they arise.

SACMILL is a fully independent function supporting both police and military LLW procurement and in-service use. CAST and Dstl have enduring and fundamental roles in equipment procurement, training and education within their respective departments (Home Office and MOD). The interdependencies are appropriate and the supporting functions clearly defined. This relationship should continue and together support SACMILL.

Public Order Unit. The Home Office Public Order Unit is, and should remain, responsible for Government policy on the use of less lethal weapons. The head of the unit is also the chair of the national Less Lethal Technologies and Systems Strategic Board. This board provides the governance mechanism for the introduction of less lethal weapons, overseeing all parts of the Home Secretary approval process. The chair of the Strategic Board plays a key role in being able to request, on behalf of the Government and the police, that SACMILL consider the medical implications of a new piece of technology or one where there have been some changes. The bodies represented on the Strategic Board include:

- Centre for Applied Science and Technology
- Department of Justice Northern Ireland
- Ministry of Defence
- ACPO Conflict Management
- ACPO Armed Policing
- Metropolitan Police Service
- Police Service of Northern Ireland
- SACMILL
- UK Border Force
- National Offender Management Service

Delivery Models

The triennial review guidance sets out delivery options that departments should consider when reviewing the functions of an NDPB. A brief resume of the review analysis against the options follows. These options are:

- 1) **Abolish:** Abolition of the SACMILL could lead to unnecessary exposure of Police, military and Ministers on safety and legal grounds.
- 2) **Move out of central government:** While the SACMILL could be moved into a non-central governmental area (regional NHS for example), there are unlikely to be any benefits, and access to MOD and Home Office science and technology capabilities would become more complicated; the relationship with Dstl and CAST are seen as critical for information gathering and analysis and synergistic with their other functions. Out-sourcing to Industry would not maintain the independence required; Dstl and procurement staff emphasize that fundamental to the advice is test and evaluation of industry claims on system performance which are sales focused, often reflect optimum rather than median or worst performance and rarely reflect degradation with system age. SACMILL's marginal demand and unique scrutiny requirements mean that there is no commercial benefit to industry in delivering similar independent assessment of secondary or tertiary effects of their systems. As the independence and commercial aspects

are plain, the review did not carry out a cost benefit analysis or seek industry bids. As Dstl and CAST benefit to some degree from irreducible expertise and some inherent capacity, they are likely to be most cost effective. Given the size and funding of SACMILL coupled to its non-permanent status, there is little or no benefit from a change in sponsorship out of central government. The central government governance model should be kept under annual review by the Executive Committee of SACMILL as the balance of use shifts to meet the emerging Defence and security requirements.

- 3) **Bring in-house:** The overriding benefit of SACMILL is its independence – this would be a self-defeating option.
- 4) **Merge with another body:** While other medical scientific bodies exist (advice on non-approved operational medicines for example), the specifics associated with less lethal weapons are focused on soft tissue and trauma expertise as opposed to pharmacology. Merging with another body would reduce the credibility/expertise of the SACMILL. However, SACMILL could exist as a subcommittee of a wider MOD or governmental medical scientific advisory body should one be established in future. However, this observation was outside the scope of this review and a suitable solution would require further study.
- 5) **Delivery via a new Executive Agency:** Not appropriate for this scale of NDPB.
- 6) **Continued delivery by an NDPB.** SACMILL passes at least one of the Government's 'Three Tests' (see below) to remain as an NDPB and provides credible independent recommendations across departments.

The Three Tests

Does SACMILL pass at least one of the Government's "three tests"?:

Qu. Is this a technical function (which needs external expertise to deliver)?

Ans. Delivery of the scientific advice requires specific trauma and medical research expertise which exist, not exclusively but in practice, within the NHS and Royal Colleges of medicine and medical practice.

Qu. Is this a function which needs to be, and be seen to be, delivered with absolute political impartiality (such as certain regulatory or funding functions)?

Ans. Delivery of the scientific advice from internal review would undermine the independence of the advice and potentially weaken the case for the employment of LLW.

Qu. Is this a function which needs to be delivered independently of Ministers to establish facts and/or figures with integrity?

Ans. Arms-length delivery of LLW advice ensures impartiality and ‘protects’ against charges of political or state collusion in the procurement and employment of LLWs.

Conclusions of Stage One

SACMILL is a unique scientific advisory body which, while potentially deliverable within the MOD, provides advice, challenge and assurance functions in a highly political and publicly sensitive area: security and public order ‘weapon’ capabilities. As such, there are clear and recognized benefits from these functions being delivered, and being seen to be delivered, both impartially and independently.

Stage One Recommendation: SACMILL continues to provide independent advice across Government on the medical implications of less lethal weapons (LLW) and is fully justified under the ‘Three Tests’ for NDB status. It should remain an NDPB. However and beyond the remit of this review, SACMILL could form one of a number of subcommittees in a wider medical scientific advisory body reporting to MOD’s Chief Scientific Advisor.

The Review: Stage Two

All triennial reviews are required to follow the CO standard “comply or explain” methodology when assessing the body’s compliance. This report provides a summary of the governance review and covers specific issues in Annex A.

SACMILL’s structure complies with current NDPB governance criteria; it is independent (at arm’s length from the sponsor – MOD), has an appropriate membership of experts and lay members and has defined terms of reference (a Constitution). Funding and expenses information are detailed and appropriate. Therefore, SACMILL is compliant with the ‘best practice’ in corporate governance (with a single deviation outlined below). The review’s remaining comments in the Stage Two conclusions seek minor adjustments to current governance to improve the agility and efficacy of SACMILL.

There is one area of non-compliance in ‘transparency’ within the context of accountability. Because of the sensitive nature of some of the subject matter considered, DOMILL's terms of reference entitled the committee to retain anonymity. This also enabled them to maintain independence and guard against undue influence. Unlike DOMILL, members of SACMILL may identify themselves as being members of the committee at their own discretion but only one (lay) non-medical member has to date chosen to do so. As LLW have been introduced onto the mainland (impact rounds, Tasers and potentially water cannon), the risk of challenge may have changed in nature but still exists and, therefore, it is not up to government to divulge the committee's composition. Consequently, the sponsor takes on accountability for SACMILL advice.

Conclusions

SACMILL demonstrates a high degree of independence from its sponsor (MOD) and its main customers (Home Office, Police Services and the MOD). The committee has strong relationships with the Police Services as system users, Defence Science and Technology Laboratories (Dstl) (biomedical assessment and military test and evaluation) and Centre for Applied Science and Technology (CAST) (lead for police system test and systems integration). SACMILL is able to make recommendations on the type, specifications and employment of LLW as well as influence the training and tactical effectiveness of the systems. A robust feedback loop exists between the technical analysis (SACMILL, Dstl and CAST) and the users.

The observed Technical Committee meeting showed that Public Order representatives from the police and ACPO were open, informative and fully engaged in the discussion which generated new approaches and thinking on the employment of the system under scrutiny. Committee members were active in challenging the norms and assumptions in the system procurement, training and employment process as well as injury mechanisms. Dstl and CAST presented technical and observed data with collated analysis from all available sources (including media) of actual injury mechanisms from similar systems in use globally.

All stakeholders are highly motivated to identify and help mitigate risks both to the public and to the equipment operators. If deemed beneficial, committee members are invited to see the equipment in ‘action’ during test and training to better identify user risks. The stakeholder debate includes communications, public response and ethical issues which are not directly the concern of SACMILL but recognize that SACMILL medical statements, once published in Parliament, could be utilized as part of a wider public communications plan as part of the Home Office or MOD equipment deployment programme or by the wider media. Stakeholders sought a more formal, transparent and rapid communications pathway for the medical statements.

Stakeholders agreed and evidence supported that the selection and appointments process had been applied in accordance with government policy. However, the recommended processes for performance reporting on members and of an annual report to the sponsor were not specified in the committee's Terms of Reference. Staggering appointments and retention should be agreed between the Chair and the Sponsor – given the level of unique expertise it may be in the public interest to retain committee members beyond the nominal recommended timelines of 3yrs with an additional 3yrs: therefore, performance reporting is of greater than normal importance in SACMILL. The Chair has initiated an improved performance reporting mechanism for inclusion in the constitution and Framework Document.

The principal customers, the committee and the Home Office stated that the frequency and 'agility' of the committee meetings were a constraining factor. Given the sensitivity of some of the systems and the circumstances of their deployment, coupled to the political and public interest deployment and employment of the systems might generate, departments and ministers need to be able to ask SACMILL specific questions which require a prompt response. This would best be achieved by an established timetable for 2 standing committee meetings and 2 'ad hoc' short (6 weeks?) notice meetings to be called by the customer. Such flexibility would require a more robust and dedicated secretariat function than currently exists. The Executive Committee should have greater interaction on priorities and tasking ex-committee.

The MOD sponsorship and governance were challenged by the review in response to a number of minor administrative issues; predominantly generated by personnel churn and restructuring. If these administrative issues were to be resolved, stakeholders acknowledged that the customer-supplier relationship between MOD and the Home Office presented the best governance model as it optimized independence of SACMILL and data analysis in Dstl but that it introduced communications and administrative challenges. Stakeholders also reflected on the likelihood of increased SACMILL workload as the security context shifts and new LLWs reach market. Stakeholders agreed that the annual face-to-face meeting between the SACMILL Chair and the responsible Minister provides an important governance and direction check. Finally, the current funding lines, although small, are within the MOD. With a view to ensuring appropriate administrative support, SACMILL processes would benefit from a dedicated head-office secretariat in accordance with current NDPB guidance. The review concluded that the current arrangements, which complicate the administration of SACMILL between the MOD and Dstl, could and should be strengthened and be subject to reassessment in the next triennial review.

Stage Two Recommendations: SACMILL retains the current governance framework with MOD as sponsor and the Home Office and MOD as the principal customers. Scientific analysis and support are appropriately

delivered through Dstl and CAST which should remain the key interfaces with industry.

Further Recommendations:

Departmental and NDPB restructuring has had an unintended impact on the role of SACMILL. The Patten Report empowered DOMILL as a sub-committee of DSAC which came under the office of MOD CSA and was supported by an expert secretariat from Dstl. In delivering greater independence, the transition to SACMILL has blurred the tasking and empowerment lines of governance and delivered a more administratively focused solution through the Executive Committee.

There is member evidence that more time pre-reading analysis would improve committee effectiveness. However, access to some data, police tactical reports for example, may be restricted for legal and ethical reasons and a review of permissions has been initiated. Currently, no ex-officio members are present during the committee deliberations but members agree that there would be benefit in retaining some external expert input during sessions; they have requested that Dstl and CAST representatives remain present to explain complex system data or to identify further data capture. As these Dstl and CAST representatives are pure scientists, the review concludes that this inclusion would not affect the independence of the committee and furthermore, the committee should be able to call on expert witnesses whenever they have need.

Recommendation: A Framework Document should be developed which clearly sets out the governance of SACMILL and improves its agility to meet potential growth in the utility of less lethal weapons systems.

Recommendation: The Chair of SACMILL should report annually to the responsible minister, face-to-face, on Committee and member performance and any support or governance concerns.

SACMILL's efficacy could be improved if:

- 1) Some minor changes in authorities and 'permissions' were agreed; this would allow better data capture from the use of systems. For example, government-to-government engagement on water cannon employment and injuries data, and NHS anonymous data collection in Northern Ireland.
- 2) Related to information sharing, SACMILL could also provide independent assessment of facts and data to support development, investigation or inquiries into the use of LLW. By definition as a LLW, injuries or deaths through Taser employment are possible but

extremely unlikely and SACMILL provides potential negative-outcome mechanisms, a risk assessment and mitigation advice for users. Incidents have occurred globally, but access to the data or specific incidents can be denied; for example, early access is not always possible and the Independent Police Complaints Commission (IPCC) refer information on a case-by-case basis and effective channels are not easy to put in place to share global users experiences. As well as better feedback providing better informed decisions on LLW, SACMILL expertise could support UK investigation functions.

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Recommendation: A new Framework Document should set out agreed (customer/sponsor) processes to deliver a better directed, agile and flexible governance structure. A mechanism for effective feedback of ‘in-use’ lessons should be developed in conjunction with the Home Office Public Order Unit, Association of Chief Police Officers (ACPO) and IPCC to ensure the relevance and currency of the SACMILL (informed) medical statement.

SACMILL’s scope should be extended to include other LLW:

- 1) CS, irritant ‘sprays’. The medical implications of police CS spray were considered by a Department of Health committee in the 1990s and before DOMILL existed. Police PAVA spray was subsequently reviewed by the Department of Health in 2002. The current police arrangement with the Food Standards Agency Committee on Toxicity works well and all current statements on the toxicity of Police Irritant Sprays are owned by the COT and its sister committees. Formal information sharing should be in place between COT and SACMILL as both irritant and LLWs are likely to be used in conjunction in the public order operational environment and would benefit from the independent

oversight of SACMILL³. Consideration should be given to reclassify current and future chemical sprays as LLWs. In the near term, projectile delivery systems testing and evaluation should be consistent with AEP medical assessment and be considered by SACMILL.

- 2) Less Lethal Weapons (LLW). There is a wide range of systems (including light, electrical, acoustic, kinetic and chemical systems) within the less lethal, low-lethality and non-traditional weapons lexicon. Given the advances in these fields, a 'universal term' and redefined scope of SACMILL should be agreed prior to the next review.

Recommendation: The scope of SACMILL and the definition of less lethal weapons should be reviewed to include all current systems and address future systems. A single term, say 'Low Lethality Systems', should be considered to address current descriptors like less lethal weapons, non-lethal weapons and less-than lethal weapons which all have subtly different connotations.

³ The police, Home Office and ACPO currently do not consider irritant sprays as LLWs; rather, these devices are classed as being 'Protective Equipment'. However, there is a clear argument that the police sprays should be reclassified as LLWs.

Annex A: Compliance with the Principles of Good Corporate Governance

In undertaking this review, the MOD has employed the standard “comply or explain” approach to corporate governance. This section details, against each principle of the code, whether the body complies or not; and where it doesn’t, explains why.

Accountability

Principle: The minister is ultimately accountable to Parliament and the public for the overall performance, and continued existence, of the advisory NDPB.

The SACMILL NDPB has no delegated financial responsibility. All public monies are managed by the MOD, compliant with Public Governance. The Top Level Budget is Joint Forces Command and funding is scrutinised within that budget. Appointments are managed by Defence Business Services MOD in accordance with the Code of Practice and appointed by the minister. The minister has not routinely reported on performance of SACMILL to Parliament because SACMILL advice, when issued, is submitted to the House of Commons Library. The public body has no delegated authorities but applies best practice compliant with the Sponsor organisation including the Freedom of Information Act 2000, Data Protection Legislation and Public Records Acts.

Roles and Responsibilities

Role of the sponsoring department

Principle: The departmental board ensures that there are appropriate governance arrangements in place with the advisory NDPB. There is a sponsor team within the department that provides appropriate oversight and scrutiny of, and support and assistance to, the advisory NDPD

Departmental and NDPB restructuring has had an unintended impact on the role of, and support to, SACMILL. The Patten Report empowered DOMILL as a sub-committee of DSAC which came under the office of MOD CSA and was supported by an expert secretariat from Dstl. In delivering greater independence, the transition to SACMILL has blurred the tasking and empowerment lines of governance and delivered a more administratively focused solution through the Executive Committee. Ongoing oversight, the customer-supplier relationships with the Home Office have reaffirmed the effective oversight and governance mechanisms and have highlighted minor issues in support and assistance. Work is underway to review the

provision of support and assistance to SACMILL and forms part of the Stage Two recommendations.

Role of chair

Principle: The chair is responsible for leadership of the advisory NDPB and for ensuring its overall effectiveness.

The SACMILL NDPB is appropriately chaired and remuneration and expenses defined by the sponsoring body. Since it's relatively recent beginnings (2011) and slowed by infrequent meetings, changing structures and new governance models within the wider stakeholders, SACMILL's direction and tasking, and 'authorities' are being challenged and require review.

Role of the committee members

Principle: The members should provide independent, expert advice.

The SACMILL members are eager to provide the best possible independent advice. As new members are sought, an induction package will be refined and current members have been offered training and exposure to the systems, science labs and police training facilities. All members play an active role and there is evidence that the role requires significant pro bono commitment.

Communications

Principle: The NDPB should be open, transparent, accountable and responsive.

Because of the sensitive nature of some of the subject matter considered, DOMILL's terms of reference entitled the committee to retain anonymity. This also enabled them to maintain independence and guard against undue influence. Unlike DOMILL, members of SACMILL may identify themselves as being members of the committee at their own discretion but only one (lay) non-medical member so far has chosen to do so. As LLW have been introduced onto the mainland (impact rounds, Tasers and potentially water canon), the risk of challenge may have changed in nature but still exists and, therefore, it is not up to government to divulge the committee's composition. Consequently, the sponsor takes on accountability for SACMILL advice and the agendas, minutes and papers published in Parliament are redacted to preserve anonymity.

Conduct and Behaviour

Principle: Members should work to the highest personal and professional standards. They should promote the values of the advisory NDPB and of good governance through their conduct and behaviour.

The SACMILL NDPB is a body of professional experts in their respective fields. They adhere to the tenets of the Nolan Principles of public life and those of their professional bodies. The recruitment process defined clear rules for conduct which are promulgated for claiming expenses, political activity and conflicts of interest.

Annex B: List of Stakeholders Consulted

<p>Chair of the Less Lethal Technologies and Systems Strategic Board</p> <p>Head of Public Order Unit</p> <p>Home Office</p>	<p>Chief Scientist for biomedicine</p> <p>Biomedical Sciences Department,</p> <p>Dstl Porton Down,</p>	<p>Surgeon General</p> <p>Ministry of Defence</p>
<p>Armed Policing, Police Protective Services and Mass Fatalities</p> <p>Public Order Unit</p> <p>Home Office</p>	<p>Injury Assessment and Management Team</p> <p>Biomedical Sciences</p> <p>Dstl Porton Down</p>	<p>SACMILL Secretariat</p> <p>Ministry of Defence</p>
<p>Capability Adviser (Public Order)</p> <p>Home Office Centre for Applied Science and Technology (CAST).</p>	<p>Public Order Capabilities Sponsor</p> <p>West Mercia Police</p>	
<p>Chair</p> <p>SACMILL</p>	<p>Members of SACMILL</p>	

Annex C: Terms of Reference of the Review

SACMILL is a relatively straightforward NDPB. Air Commodore M J M Jenkins, Head of Transformation Joint Forces Command was tasked as an independent reviewer of the SACMILL NDPB; to be conducted in accordance with Cabinet Office guidelines on the conduct of NDPB Reviews. As there is little controversy in the requirement, a challenge team was not considered necessary outside stakeholder challenge activity.