

Government Office for Science

**Consultation on the
update to the Code of
Practice for Scientific
Advisory Committees**

**Summary of Responses
and Government Response
to consultation**

December 2007

Government Office for Science

The GCSA (Government Chief Scientific Adviser) and Head of the Government Office for Science is responsible for:

- Providing scientific advice personally to the Prime Minister and members of Cabinet (in consultation with Departmental Chief Scientific Advisers when appropriate);
- Advising the Prime Minister and Cabinet on aspects of Government policy on science and technology;
- Ensuring and improving the quality and use of scientific evidence and advice in Government;
- Leading the science and engineering profession within the Civil Service.

Department for Innovation, Universities and Skills

The Department for Innovation, Universities and Skills will drive forward delivery of the Government's long-term vision to make Britain one of the best places in the world for science, research and innovation and to raise the level of education and skills at every level in our economy to give the UK the competitive edge. Science and innovation is a key part of the Department.

Contents

1	Introduction	2
2	Summary of Responses by Question and Government Response	5
3	Additional Comments	11
4	Next Steps	12
Annex A	- List of Respondents	13
Annex B	- Attendees at consultation workshop	14

1 Introduction

The Code of Practice for Scientific Advisory Committees (The Code) promotes good practice in the operation of Scientific Advisory Committees (SACs) and their relationship with Government, and was last revised in December 2001.

In response to recommendations in the Seventh Report of the House of Commons Science and Technology (S&T) Committee on Scientific Advice, Risk and Evidence Based Policy Making, the Government committed to update the Code by the end of 2007.

The Code is intended for use by SACs, their Chairs, members and secretariats. The purpose of the Code is to provide detailed guidance specifically focused on the operation of SACs and their relationship with government, and to help translate the *Guidelines on Scientific Analysis in Policy Making, October 2005* into day-to-day practice. The Code reflects a principle-based approach and puts more emphasis on the use of all forms of evidence. It also aims to ensure that parties:

- think ahead and identify early the issues on which they need scientific advice and early public engagement, and where the current evidence base is weak and should be strengthened
- seek a wide range of advice from the best available sources, particularly when there is policy uncertainty
- have transparent publication policies in place for evidence and analysis and relevant papers

The public consultation has materially contributed to the Code update and reinforced the Government's view that the Code is broadly fit for purpose and there is no compelling need to completely re-write the Code.

Consultation Process

The then Office of Science and Innovation (OSI) (now the Government Office for Science), published a consultation paper on 25 June 2007, seeking views on updating the Code. The consultation was published on the Department for Business, Enterprise & Regulatory Reform website at <http://www.berr.gov.uk/files/file39981.pdf>, and publicised through the Department for Innovation, Universities and Skills (DIUS) website.

The consultation posed a number of questions based on the S&T Committee's recommendations and broadly covered issues relating to the need for SACs to have access to a variety of experts; the recognition of the tension between transparency and the handling of sensitive information; the need for regular 'light touch' monitoring, evaluation and spread of good practice; and the fact that some SACs remain outside the Code. Respondents were also invited to offer ideas on how the operation of SACs might be improved further through the Code. The consultation was circulated directly to approximately 300 stakeholders, including all scientific advisory committee secretariats, and members and officials of the Chief Scientific Advisor's Committee.

To supplement the consultation process, a public consultation workshop was held in London on 5 September 2007, and was attended by SACs, government officials, and individuals, who are listed at Annex B. The points raised in the consultation workshop have been included in the consultation responses. Attendees were also invited to use a web-based form to submit answers to questions raised at the workshop, and these have been taken into account.

Consultation Responses

The consultation closed on 16 September 2007. Thirty responses were received, broken down as follows:

- SACs – 15
- Departments/Agencies – 3
- Individuals – 1
- Research Institutes – 1
- Informal Federations – 1
- Research Councils – 1
- Professional Body – 1
- Consumer Representative – 1
- Royal Academy – 1
- Learned Society – 1
- Workshop contribution – 1
- Federation and Independent Body – 1
- Charities – 2

The responses received, and input from the consultation workshop, were informative, detailed and suggested additional courses of action that could be

undertaken outside the formal code. There was overall agreement that the Code, as it stood, was “basically a sound document”.

The Government is grateful to everyone who responded formally to the consultation, and to those who attended the workshop. The views expressed have been carefully analysed and have helped inform our approach to updating the Code. The revised Code is available at <http://www.dti.gov.uk/science/science-in-govt/advice-policy-making/codeofpractice/page9483.html>.

A summary of the responses received to the consultation, and the Government’s response is set out below.

A list of those respondents who agreed that their names and responses could be disclosed can be found in Annex A.

2 Summary of Responses by Question and Government Response

Question i

To be effective, SACs need access to a variety of experts. Access can be through formal membership of the committee or through other devices and practices.

- What role should lay members have and how should that be represented? Is 'lay member' an appropriate term to use for this type of committee member?
- When might it be appropriate to use secondees or co-opt appropriate experts, either to the SAC or its Secretariat? Where should they be drawn from – NGOs, business, academia, overseas? On what terms? How can we guard against bias?
- There may be a risk of “double counting” of views of non-members (lay or secondees) expressed to a SAC and then taken into account in a public consultation. Is this a significant risk and how might it be managed?

Summary of Responses

- The majority of respondents acknowledged the value of lay input, particularly in challenging scientific advice offered by other SAC members. Support was also shown for lay members where they advised SACs on communication of scientific advice to a wider audience. There was overall agreement that all SAC members could function in a lay role for issues that fell outside their specific area of expertise. There was broad agreement that the term 'lay' was unhelpful, and that SACs should adopt “... a ‘*competence based approach*’ for membership, rather than trying to categorise members into “lay” and “expert””. This view was upheld by the consultation workshop, which proposed the creation of a ‘skills set’ matrix, to ensure that the SAC had the relevant range of expertise for its effective operation. The creation of each ‘skills set’ should be considered when setting up a SAC and be maintained and updated by the secretariat.
- The majority of respondents supported the use of co-opted members to supplement the expertise of a SAC, on an ad-hoc, short-term basis. The respondents also supported the use of fixed-term secondees in secretariats.
- On the issue of “double counting”, an overwhelming majority of respondents did not see this as a significant risk.

Government Response

- The Government welcomes the detailed contribution of respondents on the make-up of SAC membership, and the roles members might perform. The Government supports the revision of the Code to drop the term ‘lay’ in favour of SACs developing a competence-based approach to accessing the required skills for each SAC through person specifications (paragraph 19 of the Code). SACs can thereby retain some flexibility in shaping their membership and that of the secretariat in consultation with their sponsoring department to meet changes in circumstance.
- We welcome the recognition of the value of co-opted members and secondees to the work of SACs.
- On the issue of double counting (identified by the Select Committee), while this clearly is not considered a risk by respondents, it is important that an individual responding to a public consultation in a personal capacity should declare their membership of any relevant committees.

Question ii

It is important to recognise that a balance must be drawn between openness and the need to protect sensitive information. Since the Code was first published in 2001, there have been several developments that now need to be referenced. We have already identified the importance of the Freedom of Information Act and the Environmental Information Regulations as potential references for inclusion in the revised Code.

- Are there any other codes, regulations or legislation that might affect the ability of SACs to deliver their roles effectively in support of departmental and wider government policy-making?

Summary of Responses

- The respondents were in favour of working “...in an open and transparent manner as far as possible”. Examples were given of how SACs use websites, hold open meetings, and conduct regular reviews of the evidence. Such publication of the advice was seen as a way of opening the SAC to wider scrutiny and challenge whilst giving the public the reassurance that information was not being withheld. There was acknowledgement that SACs would sometimes need to meet behind closed doors, but this should be kept to a minimum. There was recognition that SACs must work within existing

legislation and recognise confidentiality, i.e. the Freedom of Information Act, the Data Protection Act and the Environmental Information Regulations.

- None of the respondents were aware of any other codes, regulations or legislation that might affect the ability of SACs to deliver their roles effectively in support of departmental and wider government policy-making.

Government Response

- The Government welcomes the recognition of the need for openness and transparency in the majority of the work of the SACs, and will continue to promote such openness through the Code. The Government also recognises the importance of the advisory process in maintaining confidentiality in certain circumstances. The Freedom of Information Act (FOI) provides a range of exemptions to protect information that should not reach the public domain. This includes, in particular, section 41 of the Act which provides a specific exemption to protect information where disclosure would be an actionable breach of confidence. It should not be the case under the FOI regime that information provided in confidence would be made public.

Question iii

It is important that the Code remains current and that SACs are quality assured through regular 'light touch' monitoring, evaluation and spread of good practice.

- Who is best placed to ensure implementation of the Code by SACs? The range of possible key stakeholders with an interest includes the individual SAC Chairs, departmental Chief Scientific Advisers, departmental Management Boards, the Chief Scientific Advisers Committee, and the Government Chief Scientific Adviser.
- How frequently might this process be applied?
- How should the Chair, Ministers, departmental Chief Scientific Advisers and Management Boards interact?
- How should SACs express and monitor their publication policies?
- How might good practice be captured and spread across the community of SACs? OSI workshops? Publications? Other devices?
- How might SACs be peer reviewed?

Summary of Responses

- Respondents recognised that a ‘light touch’ form of monitoring was necessary. They identified the Chief Scientific Adviser (CSA) within the SAC’s sponsoring department as being best placed to carry this out. The CSAs could inform the Chief Scientific Advisers Committee (CSAC) about the work of SACs on specific policy areas as appropriate. It was felt that the Chair and secretariat should liaise with the departmental CSA about monitoring. The frequency of monitoring varied from annually to every three years. The compilation of an annual report by the CSA on the ‘health’ of their departmental SACs, was seen as a positive way to publicise the work of the SACs.
- Respondents identified a need for networking both at departmental level and across government. Examples included a suggestion that the departmental CSA should hold an annual dinner to allow SACs to exchange good practice, and network. This was felt to be “...a good idea to get as many secretaries and chairs of committees together across government to share their experiences...”. Respondents also saw a need for good practice workshops, facilitated by GO-Science, but Chairs of SACs and CSAs were also seen as disseminators of good practice.
- In relation to making good use of peer review, some respondents were unsure how SACs could do this as “...it was not clear what the peer review process would be or seek to achieve”. Other respondents suggested that, if resources permitted, SAC Chairs could be invited to sit in and observe other SACs, as part of the drive for quality assurance. It was felt that more guidance on this issue was needed, possibly from GO-Science. It was also suggested that learned societies could help with peer review work.
- Some respondents also highlighted the need for formal training in areas such as media handling.

Government Response

- The Government welcomes the recognition by respondents for the need for regular, light touch monitoring and evaluation of the work of SACs. The updated Code now points to the importance of Chairs and secretariats maintaining clear records to assist scrutiny. The detail of required information will be a matter for SACs and their sponsoring departments. CSAs are best placed to ensure that the necessary light touch monitoring and evaluation takes place, and are well placed to make reports to CSAC on the overall performance of their departmental sponsored SACs. This role will be emphasised in a proposed revision of induction material for departmental CSAs. In addition, GO-Science will continue to refine their basket of measures

of the quality and direction of travel of departmental use of scientific evidence into policy. The metrics required are currently under review.

- The Government agrees the importance of supporting networking opportunities to ensure the spread of good practice. GO-Science will contribute to this objective through tailored events and material. Departments should also aim to provide similar events at departmental level.
- GO-Science will explore the development of peer review guidance with SACs.

Question iv

The current Code has been widely adopted across Whitehall. However, some SACs remain outside the Code. Some have been excluded because they manage funds/ disburse grants and this could be seen as potentially biasing advice.

- Should there be a stronger policy statement in support of Code compliance or can we rely on the Code remaining “a material consideration” (of good practice) if the activities of a non-signatory SAC are brought into question?
- Is there a need for clarity on linkages or separations between a SAC’s advisory responsibilities and spending or policy priorities of a department?
- Should the definition of SACs that are required to comply with the Code be clarified? If so, what type of committees should comply with the Code?

Summary of Responses

- The majority of respondents said that a strong policy statement should be issued, emphasising the need for all SACs to adhere to the Code.
- Whilst there was recognition of the need for linkages to their sponsoring departments, the respondents clearly stated that SACs’ independence was more important. If SACs were seen to show a bias towards departmental policy it was felt that it would dent their independent stance.
- There were a number of calls for a clarification on the definition of a SAC.

Government Response

- The Government welcomes the views of the respondents in acknowledging the importance of the Code in the operation of SACs. However, we believe that the Code can offer guidance not only to signatories of the Code, but to others who may wish to reference the Code as good practice. We therefore feel that there is currently no need for compulsion in this area. This will be kept under review.

- On the matter of linkages and independence, the Government believes it is inappropriate to dictate the level and degree of independence of SACs, and this should be governed by the needs of the parent department. The purpose of the Code is to set out standards and expectations of management and behaviour of a SAC and its members. SACs offer expert advice that cannot readily be provided from within departmental resources. To that extent, SACs are independent. However, Ministers and departmental officials must retain the right to balance SAC and other advice in coming to their decisions.
- In relation to the need for a clearer definition of SAC, paragraphs 6 and 8 in the Code re-affirm the position of a SAC in support of policy making.

Question v

Since its introduction in 2001, the implementation of the Code has been largely successful. However, we should welcome any further ideas on how the operation of SACs might be developed or improved further through the Code. We would also welcome updates to the list of SACs at Annex 4.

Summary of Responses

- Respondents suggested that GO-Science could hold networking and best practice events for SACs. This would raise the profile of SACs in the wider governmental scientific community. In addition to departmental networking opportunities, an annual SAC event by the Government's Chief Scientific Adviser (GCSA) was suggested. Not only would this be an opportunity for an exchange of ideas and experiences, but would also serve as a way to celebrate delivered scientific advice.
- Respondents also stated that, while the Code provided comprehensive guidance on how to operate a SAC, there was a need for a clear distinction between mandatory and non-mandatory actions that a SAC should perform.
- The respondents were less clear on whether research grant or other resource-awarding committees should be excluded from the Code.

Government Response

- The Government welcomes suggestions for further engagement with SACs through workshops and other devices. GO-Science will explore further with departments the scope for facilitating this. GO-Science will also explore suggestions for an annual event in support of building the community of SACs led by the Government Chief Scientific Advisor.

- The Code offers a range of principles for SACs and their host departments to consider – they will adopt and adapt those principles to meet operational circumstances. It is important that the whole of the Code is considered equally when setting up SACs. The Government welcomes the practice of some SAC Secretariats of summarising key components of the Code for guidance of Chairs and Members. Therefore we believe the circumstances of SACs vary so widely that it may be misleading to differentiate components of the Code.
- As no clear arguments were made for change on the issue of research awarding committees or other resource-awarding committees, we will continue to exclude these types of committees from the Code.

3 Additional Comments

Summary of comments

- Respondents welcomed the inclusion of the Universal Ethical Code for Scientists, but asked for an explanatory background reference to be added.
- Suggestions of communication best practice were made, such as members performing observer roles at other SACs.
- Looking to the future, a view was raised on how technology could be used to bring in a much wider range of inputs into the committee process. Imaginative uses of technology may allow for input to the advice making process from further afield than the UK.

Government Response

- We welcome the comments on appending the Universal Ethical Code to the Code of Practice and welcome the inclusion of a source reference.
- We welcome and support the fact that some SACs are already using a wide range of communication technologies to engage Members and others in their deliberations. We agree that SACs and departments should keep under review the use of technologies to support their respective functions.

4 Next Steps

The revised Code has been published and takes into account views provided on membership of SACs, the need for light touch monitoring and evaluation with a pivotal role for the CSA, and recognition of the adherence to FOI legislation. The Code is available at <http://www.dti.gov.uk/science/science-in-govt/advice-policy-making/codeofpractice/page9483.html>.

GO-Science and DIUS recognise the need amongst SACs for an inclusive networking event where good practice can be exchanged, and ideas discussed about the effective operation of SACs. This will be taken up by GO-Science who will also consider future workshops to address matters such as the production of tailored Codes of Practice within the context of the main Code. GO-Science and DIUS plan to take these matters further in 2008.

We propose that the Government CSA considers hosting an annual event for SACs, as a way to reinforce the place of SACs in the wider government policy and advisory community.

On the issue of the use of peer reviews by SACs, GO-Science will explore with SACs the development of peer review guidance.

Annex A

List of Respondents

Advisory Committee on Animal Feedingstuffs
Advisory Committee on Hazardous Substances
Advisory Committee on Pesticides
Advisory Committee on Releases to the Environment
Advisory Committee on Sites of Special Scientific Interest
Biosciences Federation and Institute of Biology
Biosciences Network
Commission for Integrated Transport
Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment
Department for Environment, Food and Rural Affairs (Defra)
Defra Science Advisory Council
Defra Veterinary Medicines Directorate and consumer representatives
DEMOS
Department for Transport
DIUS Consultation workshop held on 5 September 2007
EMF Biological Research Trust
Food Standards Agency
Gene Therapy Advisory Council
Genetics & Insurance Committee
Human Genetics Commission
Institution of Occupational Safety and Health
Mrs Rosemary Collingborn
National Council of Women of Great Britain
Nutrition Society
Research Councils UK
Royal Academy of Engineering
Secretariat to Department of Health SACs (based at the Health Protection Agency)
Spongiform Encephalopathy Advisory Committee
Veterinary Products Committee
Welsh Nursing and Midwifery Committee

Annex B

Attendees at consultation workshop held on 5 September 2007

David Atkins	Food Standards Agency
Sarah Bamford	DVLA
Phil Banks	Animal Procedures Committee (Home Office)
Colin Bennett	Defra (Veterinary Products Committee Secretariat)
Sandra Costigan	Department of Health
Rosie Davies	Institute of Physics
Bill Eason	Defra (Science Advisory Council)
Neil Ebenezer	Department of Health
David Eggleton	DIUS
Chris Fisher	Consultant
Chris Gaskell	Defra (Science Advisory Council)
Androulla Gilliland	Defra
Daniel Gooch	Department of Health
Tracy Halsey	DIUS
John Hampton	HSE
Wilma Harper	Forestry Commission
Nigel Heriz-Smith	DIUS
Elizabeth Hogben	Defra (Science Advisory Council)
Helen Janecek	Health Protection Agency
Kevin Jones	Liverpool University
Mark Keegan	Advisory Council for the Misuse of Drugs
Eileen Lawrence	Department of Health
Linda Lazarus	Health Protection Agency
Helen Lucas	Lucas Associates Ltd
Jane Mani-Saada	Health Protection Agency
Diane McCrea	SEAC
Khandu Mistry	Department of Health
Miles Parker	Defra
Michael Paton	HSE
Will Pethen	Department for Transport
Monika Preuss	Department of Health
Patience Purdy	National Council of Women
Jonathan Radcliffe	DIUS
Kate Richards	SEAC
Isobel Rosenstein	Health Protection Agency
Phil Routledge	All-Wales Medicines Strategy Group
Delyth Sheppard	DVLA
Elizabeth Warham	DIUS
Tony Whitney	DIUS
Mari Williams	BBSRC
Iain Williams	Home Office

