

Department for
**Innovation,
Universities &
Skills**

Government Office for Science

**Code of Practice
for Scientific
Advisory
Committees**

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.

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Introduction

- 1** The Code of Practice for Scientific Advisory Committees (the Code) is intended for the use of scientific advisory committees, their Chairs, members and secretariats.
- 2** The role of government departments in the process of obtaining and using scientific advice is addressed through *Guidelines on Scientific Analysis in Policy Making* (the Guidelines) and other relevant guidance addressed to departments. A list of relevant sources and website addresses is attached at Annex D.
- 3** The basic principles which government departments should follow in assembling and using scientific advice, as set out in the *Guidelines*, are that departments should:
 - 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
 - get a wide range of advice from the best sources, particularly when there is uncertainty
 - publish the evidence and analysis and all relevant papers
- 4** These principles are intended to be of general application to the procurement of scientific advice, irrespective of whether it is sought from in-house experts or from external individuals or bodies. The *Guidelines* therefore apply when scientific advisory committees are used to obtain or offer views.
- 5** The purpose of the Code is to provide more detailed guidance specifically focused on the operation of scientific advisory committees and their relationship with government, and to help translate the *Guidelines* into day-to-day practice.

The context in which scientific advisory committees work

- 6** The function of a scientific advisory committee is to help government collect scientific information and make judgements about it. Such committees give advice on a very wide range of issues, spanning everything from the food we eat and grow to the quality of our environment, the safety of our roads and

transport, and the buildings we live and work in. They review, and sometimes commission, scientific research, and offer independent expert judgement, including where facts are missing or uncertainties exist. Scientific advisory committees may be required to provide either scientific advice, advice on scientific issues, or indeed both. Depending on their remit, a committee may have to frame their advice to take account of social and ethical issues and public and stakeholder concerns.

- 7** The committees to which this Code applies would exclude research grant or other resource-awarding committees.
- 8** A scientific adviser, whether a committee or a person, is generally responsible for providing scientific input to assist policymaking or analysis. This should include highlighting issues likely to be of future concern that lie within their terms of reference. The task of policy making, which is essentially one for government, can be thought of as working up practical options for responses to the problem on which scientific advice has been sought, analysing those options and making decisions on them. A committee advising on science would not normally undertake the role of policy making unless it is within their terms of reference. However, it may be asked on occasions to comment on policy options put before it by government or to provide policy options for government to consider, including advice on risk management.¹
- 9** A scientific advisory committee will not be expected to fulfil the role of a stakeholder representative, although individual members of that committee may have been appointed because of their stakeholder expertise. However, a committee may be asked to comment on issues, as a stakeholder in its own right.
- 10** Where a scientific advisory committee is established to cover issues that are likely to be long-lived, the sponsoring department(s) will need to investigate whether it should be formally established as a Non Departmental Public Body (NDPB). All appointments to such committees should comply with the guidelines issued by the Office of the Commissioner for Public Appointments (OCPA)². Committees are subject to periodic review, and should be compliant with Cabinet Office guidelines on reviews as well as any departmental good practice.²

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

² Devolved administrations should seek advice from their Public Appointments Unit, and also from the Office of the Commissioner for Public Appointments in Scotland (OCPAS) and Office of the Commissioner for Public Appointments for Northern Ireland (OCPA NI).

- 11** Some scientific advisory committees are directly subject to Freedom of Information legislation³ and hence will be under a statutory requirement to disclose certain information on request and to abide by commitments in a Freedom of Information Publication Scheme. Those that are not subject to Freedom of Information legislation³ are expected to abide by the spirit of Freedom of Information legislation³. The guidance in this Code is to be understood in this context.
- 12** Scientific advisory committees will need to assure themselves that they abide by the Data Protection Act 1998. Further advice on the application of the Data Protection Act 1998 is available from the Information Commissioner's Office.

The committee's role and remit

- 13** The terms of reference for most scientific advisory committees are set by government. It is government's responsibility to ensure that a committee's remit is clear, and it is the committee's responsibility to raise concerns if they believe there are ambiguities. As a general principle, any required clarification of a committee's role should take place before a committee begins its work.^{4 5} A committee's formal terms of reference may well have been set in statute or be otherwise difficult to change, or be so broad as to leave scope for interpretation. In addition, committees' roles tend to evolve over time. Members may be asked to offer advice on new developments not foreseen when the terms of reference were set out. Committees should create periodic opportunities for members to discuss the committee's role, activities and resources, and review these for consistency with the formal terms of reference. Any proposed revisions should then be considered with sponsoring departments.
- 14** Scientific advisory committees should be clear on their day-to-day reporting lines to government. A scientific advisory committee will normally report formally through the Chair to the sponsoring department. Some committees may be required to report jointly to more than one department, including to

³ Freedom of Information legislation includes the Freedom of Information Act 2000, the Freedom of Information (Scotland) Act 2002 and the Environmental Information Regulations 2004.

⁴ BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 104/105.

⁵ This should include the extent and manner in which the committee will contribute to deciding policy. BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 115.

departments in the devolved administrations. In some cases there may also be an additional reporting line to the sponsoring department through the secretariat. Where this is the case, members of the committee should be made aware of this.

- 15** Where a scientific advisory committee is required to offer advice on social, ethical and economic considerations which bear on the scientific advice, it should be made explicit to the committee that this role is being taken on. In putting forward its advice, the committee should make clear any limitations on its expertise to address such wider considerations.
- 16** Members of scientific advisory committees should be aware of, and encouraged to adopt and promote the principles of the Department for Innovation, Universities and Skills/Government Office for Science *Universal Ethical Code: Rigour, Respect and Responsibility* (Annex A).

Early identification of issues

- 17** In order to provide timely advice to Ministers, scientific advisory committees should keep under review potential future threats, opportunities and key developments in their particular areas of responsibility and which may also lead to revision of previous advice.
- 18** Scientific advisory committees may wish to draw on or contribute to available horizon scanning resources in their parent departments when considering options for change in the remit, delivery or risk analysis for their committee (see paragraph 63 below).

Balance of expertise

- 19** As part of the appointments process, the secretariat and Chair of the scientific advisory committee should prepare a person specification, setting out the personal qualities, skills, competencies, and where applicable, professional qualifications sought. Guidance on drawing up a person specification can be found in *The Commissioner for Public Appointments Code of Practice for Ministerial Appointments to Public Bodies*², particularly Section 3.10, and the Cabinet Office publication, *Making And Managing Public Appointments - A Guide For Departments*², particularly Section 8.1 and Annex B (Model Letters, Submissions and Forms).

- 20** The secretariat of the scientific advisory committee should maintain a membership template that sets out the core “skills set” to help deliver the business of the Committee. The purpose of the template should be to ensure a balance of expertise without circumscribing members’ roles or their freedom to question any aspects of committee business.
- 21** The range of expertise required for a particular scientific advisory committee may not become obvious until it has begun its discussions. In such cases the committee should advise the sponsoring department(s) of any gaps.
- 22** The scientific advisory committee should be given a regular opportunity to review the membership template. This review should be aimed at enabling members to satisfy themselves, insofar as they are able, that the balance of expertise is adequate to perform the role with which they are entrusted.⁶ Any concerns should be raised with the Chair and the secretariat.
- 23** Where a scientific advisory committee is unable to fill an appointment through the OCPA appointments procedure, owing to the rare expertise required, the sponsoring department should apply to OCPA for ‘expert’ designation of the appointment². (See paragraph 28 below).
- 24** Where a scientific advisory committee lacks the relevant expertise for a particular project or task, the committee should co-opt appropriate experts or establish sub-groups to include such people on an ad hoc, time-limited basis². (See paragraph 28 below).
- 25** Chairs, members and secretariats should, regularly review the phasing and length of appointments to ensure both continuity and fresh perspectives and report to sponsoring departments any difficulties they foresee. Such reviews of membership and appointments should take into account the particular nature of the scientific field and the available pool of expertise.

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

Conflicts of interest

26 Scientific advisory committees should draw up procedural rules for handling conflicts of interest that reflect government guidance. This can be found in the Cabinet Office publication, *Making And Managing Public Appointments - A Guide For Departments*², particularly Sections 13.7 and 13.8 and Annex B (Model Letters, Submissions and Forms). A committee's rules should cover how to recognise conflicts, how to resolve them, what happens if the rules are not observed and the procedure for regularly updating a register of interest.⁷ Guidance on handling conflicts of interest during the appointment stage can be found in *The Commissioner for Public Appointments Code of Practice for Ministerial Appointments to Public Bodies*², particularly Sections 2.09 – 2.11. Other relevant publications include the Office of Science and Technology's *Good Practice for Public Sector Research Establishments on Staff Incentives and the Management of Conflicts of Interest (2000)*.⁸

Responsibilities of Chairs

- 27** Chairs of scientific advisory committees have responsibility for:
- the operation and output of the committee, including assessing the workload and ensuring that the volume of work does not compromise the rigour of the discussion;
 - ensuring that members have any necessary training to enable them to fulfill their role and providing an appraisal of members performance as necessary;
 - ensuring that every member of the panel has the opportunity to be heard and that no view is ignored or overlooked, using, where appropriate, a structured process which ensures that all views are captured and explored;
 - ensuring that the full range of scientific opinion, including unorthodox and contrary scientific views are appropriately taken into account;

⁷ Phillips notes that “where any item of business involves an apparent conflict of interest on the part of a member, that should be declared” (BSE Inquiry Report, Vol 1, para 1290).

⁸ Phillips notes that “Potential conflicts of interest should not preclude selection of those members otherwise best qualified, but conflicts of interest should be declared and registered” (BSE Inquiry Report, Vol 1, para 1290).

- ensuring that the secretariat accurately documents the proceedings of the committee so that there is a clear audit trail showing how the committee reached its decisions;
- ensuring that any significant diversity of opinion among the members of the panel is fully explored and discussed and if it cannot be reconciled is accurately reflected in the report and in any other communications with sponsoring departments;
- reporting the committee’s advice to government;
- representing the committee to the public or the media (unless other specific arrangements have been made);
- ensuring that the committee acts in accordance with this Code; and
- ensuring that a record of information is maintained and is available to the sponsoring department, for the purposes of monitoring and evaluating the performance of the scientific advisory committee.

Members’ rights and responsibilities

- 28** Ministers for sponsoring departments will usually appoint members of scientific advisory committees. Committee Chairs and members are able to nominate candidates, who must go through the same formal appointments process as other applicants. The overriding principle of selection should be that appointments are made on merit in accordance with *The Commissioner For Public Appointments Code of Practice for Ministerial Appointments to Public Bodies*². (See paragraphs 23 and 24 above).
- 29** Members should be asked on appointment to confirm that they have accepted the Seven Principles of Public Life (sometimes referred to as the Nolan Principles) set out by the Committee on Standards in Public Life. (Annex B)
- 30** Members of scientific advisory committees should ensure they understand why they are being appointed and in what capacity, and the role they are expected to play on the committee. Members should understand the nature of any expertise that they are asked to bring. Members with a particular expertise have a responsibility to make the committee aware of the full range of opinion within the discipline.

- 31** Members should confirm before accepting an invitation to serve on a scientific advisory committee that they are clear about the period of appointment and that they can fulfil the commitment required in terms of meeting attendance, committee business and preparation for meetings.⁹
- 32** Unless specifically stated otherwise, members of scientific advisory committees complying with this Code are appointed as individuals to fulfil the role of the committee, not as representatives of their particular profession, employer or interest group, and have a duty to act in the public interest. Members are normally appointed on a personal basis, even when they may be members of stakeholder groups. Where members declare an organisation's views rather than a personal view, they should make that clear at the time of declaring that view.
- 33** If additional clarification of members' roles is required, this can most usefully be done after they are appointed, but before they begin work.
- 34** A member's role on the scientific advisory committee should not be circumscribed by the expertise or perspective he or she was asked to bring to that committee. Any report belongs to the whole committee. Members should regard themselves as free to question and comment on the information provided or the views expressed by any of the other members, notwithstanding that the views or information do not relate to their own area of expertise. If members believe the committee's method of working is not rigorous or thorough enough they should have the right to ask that any remaining concerns they have be put on the record.
- 35** All members and secretariats should regard it as part of their role to:
- consider whether the questions on which the committee offers advice are those which are of interest to the public and other interested parties outside the scientific community;
 - examine and challenge if necessary the assumptions on which scientific advice is formulated and ask for explanations of any scientific terms and concepts which are not clear;
 - ensure that the committee has the opportunity to consider contrary scientific views and where appropriate the concerns and values of stakeholders before a decision is taken; and
 - ensure that the committee's advice is comprehensible from the point of view of a member of the public.

⁹ BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 107.

- 36** All members should share in the general responsibility to consider the wider context in which their expertise is employed.
- 37** Members joining scientific advisory committees should undergo an induction process. This should cover the following issues (notwithstanding that some of these may have been dealt with by the sponsoring department during the appointment process):
- Explanation of the committee’s official remit;
 - The committee’s authority and powers;
 - Who sets the committee’s agenda;
 - On what basis decisions are made;
 - The committee’s current work and its future agenda;
 - The role of the secretariat and other officials;
 - Whether meetings are open to the public;
 - How the public can find out what is discussed;
 - Rights and responsibilities of members;
 - Conflicts of interest;
 - What capacity they are serving in (as individuals as opposed to being a delegate of an organisation);
 - What commitment is required in terms of meeting attendance, committee business and preparation for meetings;
 - Whether any proceedings or papers are confidential;
 - The likelihood of media contact and how members should deal with it;
 - Whether members personal details (if only name and affiliation) will be available to the public, bearing in mind personal security and other considerations;
 - The rules governing declarations of outside interests, potential conflicts of interest, and gifts and hospitality;
 - How conflicts of opinion are resolved;
 - Their term of appointment;
 - Remuneration (if any) and reimbursement of expenses; and
 - Personal liability.

Remuneration

- 38** Sponsoring departments are responsible for determining whether remuneration should be paid to members of scientific advisory committees and the level at which any remuneration is set.

Handling of expenses

- 39** Members are entitled to fair and prompt repayment of legitimate expenses, provided that they follow the rules governing the submission of claims and their timing.

Liabilities of members

- 40** The Cabinet Office *Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies* (see pages 27-34 of publication)² states that: “*Legal proceedings by a third party against individual board members of advisory bodies are very exceptional. A board member may be personally liable if he or she makes a fraudulent or negligent statement which result in a loss to a third party; or may commit a breach of confidence under common law or criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual board members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their board functions. Board members who need further advice should consult the sponsor department.*”
- 41** This should already be the position for existing advisory NDPBs. For newly established committees and for non-NDPBs, secretariats should liaise with their sponsoring department’s Public Bodies Team or Human Resources Team to ensure that appropriate indemnity for members is in place.

Role of the secretariat

- 42** The primary function of the secretariat is to support the scientific advisory committee by assembling and analysing information and recording conclusions. It should advise committees on the process and procedure. It should bring to the attention of committees and their members emerging issues of concern so as to inform the committee's deliberations. The secretariat should arrange regular briefing meetings with the Chair.
- 43** The secretariat should take into account the Cabinet Office publication *Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies* (see pages 27-34 of publication)².
- 44** The secretariat should provide committee Chairs with the induction required by the Cabinet Office guidance *Welcome to the Board*², and also provide them with the opportunity to undertake appropriate training in developing their skills in committee management and communication skills¹⁰ (See paragraphs 27 and 37 above).
- 45** The secretariat should include, or have access to, people with relevant technical/scientific expertise.
- 46** The secretariat should be an impartial and disinterested reporter. It should at all times respect the scientific advisory committee's independent role. It should guard against introducing bias during the preparation of papers, during meetings, or in the reporting of the committee's deliberations.¹¹
- 47** The secretariat should ensure that the proceedings of the scientific advisory committee are properly documented so that there is a clear audit trail showing how the committee reached its decisions.
- 48** The secretariat should ensure that members of the scientific advisory committee have the appropriate security clearance, if this is required to carry out the work of the committee. The secretariat should seek guidance from the sponsoring department as to the extent of security clearance necessary.

¹⁰ Sponsor Units should arrange to provide the Chair, prior to appointment, with clear information on the NDPB and the job; give thorough briefing information on appointment; set up suitable induction meetings with senior officials in the department; and encourage the taking up of appropriate training.

¹¹ Lord Phillips notes (BSE Inquiry Report, Vol 1, para 1290) *"It will often be desirable to draw the secretariat from the commissioning Department(s) in order to provide a two-way channel of communication. In such cases as in all cases the secretariat must be careful to respect the independence of the committee."*

- 49** The secretariat should, as far as it is aware, identify all relevant and appropriate scientific information and ensure that it is made available to the scientific advisory committee. The secretariat should make the committee aware of the existence of any information that has been withheld from the committee on grounds that it is exempt under Freedom of Information legislation³ unless that legislation provides a basis for not doing so.
- 50** The common practice for the secretariat to be drawn from the commissioning department(s) supports a two-way channel of communication between the department and the scientific advisory committee. The secretariat should therefore alert the appropriate department to emerging developments or implications of advisory committee discussions.¹¹
- 51** The secretariat should draw up appropriate procedures, approved by the scientific advisory committee, of its handling of sensitive information so that this can be communicated to suppliers of such information, with the aim of ensuring that material is only withheld from public release where it would be exempt under the provisions of Freedom of Information legislation³.

Role of other assessors or officials

- 52** Scientific advisory committee members should be aware of the role of departmental representatives and other officials and advisers having contact with committees and/or attending meetings as observers, (or in any other capacity). Such officials should at all times respect the committee's independence. Secretariats should ensure that the balance between officials attending to members present is kept within reasonable limits.
- 53** Assessors share with the secretariat the responsibility of ensuring that information is not unnecessarily withheld from the scientific advisory committee. They should also make the committee aware of the existence of any information that has been withheld from the committee on the basis that it is exempt from disclosure under Freedom of Information legislation³ unless that legislation provides a basis for not doing so. They should also ensure that their departments are promptly informed of any matters which may require a response from government¹² or which need to be discussed with the committee.

12 BSE Inquiry Report, Vol 1, 1279 and Government Response Annex I, Finding 101.

Working practices

- 54** Scientific advisory committees should operate from a presumption of openness. The proceedings of the committee should be as open as is compatible with the requirements of confidentiality¹³ (see also paragraphs 77-79 below). The committee should maintain high levels of transparency during routine business.
- 55** Scientific advisory committees and their secretariats should aim to prepare papers in accessible language.
- 56** Where the nature of its work may demand a rapid response, the scientific advisory committee should agree any special procedures to be used for producing urgent advice where it has not been possible to go through the normal channels. For example the Chair may act on behalf of the committee to ensure a timely response. On such occasions the full committee should be informed as soon as reasonably possible of the advice that has been provided, and be given an opportunity to offer any further comment they may have on it. Where the committee's considered view differs from the advice initially offered, the sponsoring department(s) should be promptly informed.
- 57** Scientific advisory committees should have in place systematic mechanisms for identifying the available research in a given area.
- 58** Where scientific advisory committees feel that necessary research is lacking, they should ask that such research be put in hand. Where a committee's research is commissioned through its sponsoring department, departmental procurement rules and procedures should apply.
- 59** When scientific advisory committees commission new research on their own behalf, it is likely to be needed on a short timetable. Procedures for commissioning such work need to be quick and effective, but should take account of agreed procurement procedures.
- 60** In general, any new work required by the scientific advisory committee on its own behalf should be commissioned in the name of the committee, and not on behalf of individual members or associates of members on the committee. The committee should encourage the publication in the scientific press of any work it has commissioned including literature reviews by the secretariat. When such

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

publication takes place, the committee should be acknowledged as the source of the initiative.

- 61** Scientific advisory committees must be able to assess or otherwise satisfy themselves as to the reliability of any research quoted or used in their decision making process. The researchers' consent should be sought for external peer review of unpublished research.
- 62** The scientific advisory committee should have mechanisms for reviewing previously offered advice in the light of new findings, and for submitting fresh advice if necessary. In its reports it should say what new information should prompt review or would further reduce the risk or uncertainty.

Reporting of risk and uncertainty

- 63** Scientific advisory committees should aim at having a transparent and structured framework to examine, debate and explain the nature of the risk. It is for committees to decide what form their risk assessments should take, but whatever procedure is used, it should be a systematic one (see paragraphs 17 and 18 above). Whenever their work involves an assessment of risk, committees should consider carefully, taking into account the nature and scale of the problem, what precision of estimates is appropriate or realistic, in terms of costs, resources and time. Where a committee is asked to provide risk management options, it will normally be helpful for it to follow a formal structure based on recognised principles of risk assessment.¹⁴ (See also paragraphs 85 and 86 below).
- 64** Whenever the scientific advisory committee's work is likely to involve an assessment of risk or where the scientific evidence is expected to be subject to appreciable uncertainty, if not already available within its membership, advice should be taken from individuals or groups with relevant expertise and/or guidance. For example, if there are any general queries on risk management policy or processes, contact HM Treasury Assurance, Control and Risk Team or for advice on the assessment of various options from the perspective of social cost benefit analysis as part of economic assessment, contact HM Treasury Performance and Efficiency Team.

14 BSE Inquiry Report, Vol 1, 1290.

- 65** Although it is important that decisions are based on all the available evidence, frequently a decision has to be taken when there are serious gaps in the knowledge base and considerable uncertainty exists. Where this is the case the scientific advisory committee should use its judgement to decide what it is best to recommend, based on their own or others' experience of advising on similar issues in the past.
- 66** It is inevitable that others may reach different judgements based on the same data and that sometimes judgements will prove to be wrong with the benefit of hindsight. Scientific advisory committees and secretariats should be open about both of these possible outcomes and committee reports should make clear where inadequate data is available and where judgements have had to be made in the face of uncertainty.
- 67** Within the context of the remit given to them, scientific advisory committees should use the most appropriate method of reporting outcomes that takes account of the level and type of uncertainty involved. Where practical and verifiable, risk should be reported in terms of the likelihood and consequences of the event. Sources of data should be quoted and any degree of auditing described. Where a range of policy options are considered, risks should be reported for each and reasons for choosing a preferred option should be made clear. This may require subsequent discussion with government. Committees should identify the sources and extent of uncertainties in the scientific analysis.
- 68** When communicating risks to the public, scientific advisory committees should take note of written guidance and other sources of advice available on the communication of risk and when necessary seek advice from individuals or groups with relevant expertise on risk communication.¹⁵

Procedures for arriving at conclusions

- 69** Scientific advisory committees should agree on the mechanisms by which the committee is to reach its view. Members should be clear about whether or not they are expected to reach a consensus on particular issues (see also paragraph 72 below).

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

- 70** In cases where decisions are particularly significant, scientific advisory committees may decide to take views on preliminary drafts of its advice from relevant organisations, other parts of the scientific community or even, in some appropriate cases a representative sample of members of the public. Where there is a written consultation, appropriate elements of the Cabinet Office’s *Code of Practice on Consultation* should be followed.
- 71** Whatever mechanism is used for agreeing the advice a scientific advisory committee should offer, it is essential that the minutes of the meeting should clearly set out what was the result of the discussion.

Dealing with dissenting views

- 72** Scientific advisory committees should not seek unanimity at the risk of failing to recognise different views on a subject. These might be recorded as a range of views, possibly published as an addendum to the main report. However, any significant diversity of opinion among the members of the committee should be accurately reflected in the report (see also paragraphs 69-71 above).

Publication of documents – general

- 73** The scientific advisory committee should establish a policy on what documents are to be published based on principles of openness and transparency. Subject to the paragraphs below, all committees are expected to publish, as a minimum, programmes of work, meeting agenda, minutes, final advice and an annual report. Unless there are particular reasons to the contrary they should also routinely publish supporting papers. Openness from the outset about risks and concerns can sometimes prevent difficult situations arising later on in a committee’s work.
- 74** ‘Publication’ need not mean traditional paper circulation. In the first instance, scientific advisory committees should aim to publish content on dedicated webpages usually on or linked to their sponsoring department’s website. Some committees currently publish on stand-alone websites, but should keep abreast of government policy on the acceptability of this. Committees also have the option of publishing on www.businesslink.gov.uk or www.direct.gov.uk. Further advice can be sought from the sponsoring department’s Head of E-Communications.

- 75** In certain circumstances, and in particular where the excessive cost of other methods would justify it, ‘publication’ may be achieved by posting the relevant information to a scientific advisory committee website. However, committees should not overlook the need to draw the attention of key stakeholders to the fact that publication is taking place.¹⁶ Where a website is used as the primary means of publication, it is important that this is accompanied by a permanent record. The committee will need to decide when it may be appropriate to supplement website publication by a circulation of paper copies to relevant stakeholders, or by contacting them to draw their attention to the website. In any event paper copies should be available on request.
- 76** When decisions are taken to delay release of information, (for example to allow proper analysis), the scientific advisory committee should immediately agree realistic deadlines for public reporting.

Dealing with confidential information

- 77** The scientific advisory committee should develop procedures for handling confidential information, and communicate it to third parties, so that those submitting it know what to expect. Decisions on confidentiality should be exercised consistently with Freedom of Information legislation³.
- 78** Scientific advisory committees should be prepared to explain publicly why information is being withheld.
- 79** Much information, which is confidential, may be sensitive for a relatively short time (for example, market sensitive information). When making decisions to withhold information, consideration should be given to whether the documents could be released as soon as the sensitivity has passed and, if so, a future publication date should be determined accordingly. Consultation with suppliers of information will be necessary to ensure confidentiality are not breached. Where the suppliers of information consider information to be confidential the reasons for that belief should be taken into account. However, in order to comply with the provisions of Freedom of Information legislation³, it is not possible to give guarantees that information will be treated as confidential in all circumstances.

¹⁶ In some contexts, decisions on publication may not be for the scientific advisory committee to make, e.g. evidence to Select Committees.

Meeting agendas

- 80** Scientific advisory committees should make agendas available prior to meetings. As a minimum agendas should be published on the committee's website and paper copies made available on request.

Publication of minutes

- 81** Scientific advisory committees should publish minutes of their meetings. It is good practice for the secretariat to prepare minutes within two weeks of the meeting and after initial amendment/approval by the Chair to be circulated to the committee for comment. The committee should generally approve minutes at the meeting following the one to which the minutes relate and then subject to any corrections required, publish them as soon as possible thereafter. Where meetings are infrequent, committees should develop written procedures to ensure that the minutes can be agreed and published more expeditiously.
- 82** Scientific advisory committees should decide upon a set format for their minutes. Where attribution of remarks to individuals might harm the freedom of discussion, the committee may decide that minutes should be written in an unattributable form. Where discussions are aimed at settling the text of a document to be published, and the discussion continues on over several meetings, the final document rather than the minutes may stand as the substantive record of the committee's deliberations on the text. Sensitive information may be placed in an annex not for publication.
- 83** The minutes should accurately reflect the proceedings of the scientific advisory committee. They should be written in terms that make it easy for a member of the public to understand the process by which a view has been reached. Where it is necessary for the minutes to contain substantial technical detail, there should be a summary comprehensible to a member of the public.¹⁷

¹⁷ A parallel statement to the minutes might be useful in situations where public appreciation of a decision on a complex issue would benefit from more detailed explanation or background information than is appropriate for the minutes.

Submitting and publishing a committee's advice

- 84** A scientific advisory committee's advice should be in writing¹⁸, and should be seen as independent of government.¹⁹ Where a situation is urgent, oral advice may have to be given but should be followed up by written confirmation of the advice.²⁰
- 85** Advice should be in terms that can be understood by a member of the public. It should explain the reasoning on which the advice is based; make clear what principles, if any, of risk management are being applied²¹, any assumptions underlying the advice and identify the nature and extent of any uncertainty.²² (See also paragraphs 63-68 above).
- 86** In situations of uncertainty, scientific advisory committees could offer a range of options or interpretations to their departments rather than just one.²³ In so doing they should distinguish between options which are alternative interpretations of the scientific evidence, and options which involve other factors such as social, ethical or economic considerations.
- 87** Scientific advisory committee reports and advice should indicate where, in forming a view, the committee has relied on any external advice or information provided by others which the committee has not reviewed.²⁴
- 88** Advice should normally be made public by the scientific advisory committee²⁵ at the time it is given or as soon as reasonably practicable thereafter. Where

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

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

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

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

22 From BSE Inquiry Report, Vol 1 para 1290.

23 From BSE Inquiry Report, Vol 1 para 1290.

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

25 From BSE Inquiry Report, Vol 1 para 1290.

there are circumstances which justify giving advice in private, committees should consider whether the advice could be made public after a suitable time interval has passed. If so, they should publish the advice as soon as is reasonably practicable. Reasons for privacy should be consistent with the principles of Freedom of Information legislation³.

- 89** Where there is a need to convey a decision as quickly as possible, the scientific advisory committee should consider a procedure for releasing the information. In such circumstances the Chair could release an interim statement shortly after a meeting through a press notice or otherwise.

Frequency of publication, and content of regular reports

- 90** Scientific advisory committees should, where possible publish their future programme of work. They should aim to publish an annual report (unless special circumstances of the committee make it necessary to publish more or less frequently) of their activities.²⁶ Good practice would be to aim at producing such a report within a defined time from the end of the year in question, say three months, but the committee may wish to determine the appropriate period. This report should contain details of committee membership or associations, members' interests, terms of reference, a financial statement including fee payments to members, methods for resolving conflict and a glossary of terms. It should not be necessary to publish members' private addresses.

Stand-alone reports on specific issues

- 91** The scientific advisory committee should also aim to publish stand-alone reports on specific topics. Published reports should record the sources of information used together with any restrictions on availability. Reports could also record requests for information that were agreed to, and those that were refused and the grounds for such refusal.

²⁶ Scientific advisory committees which are Advisory Non Departmental Public Bodies (ANDPBs) will need to produce annual reports in any event in accordance with the [Model Code of Practice for Board Members of Advisory Non Departmental Public Bodies](#) (see pages 27-34 of publication)².

- 92** The scientific advisory committee should ensure that its reports list the names of the people or bodies who were invited to give evidence, those who gave evidence and record any potential conflicts of interest.

Publication of background documentation

- 93** In order to help provide a full appreciation of its advice and decisions, the scientific advisory committee should, where appropriate, facilitate public access to documents or information that have contributed to the formulation of its advice. This would enable third parties to better understand the conclusions reached and decisions taken.
- 94** Where documents are already in the public domain the scientific advisory committee should not be under an obligation to publish them. It will usually be sufficient for the committee to identify the source for the documents concerned (or provide a website address) so as to enable enquirers to obtain their own copies. A committee should not normally feel itself under an obligation to provide layman's versions of material that it did not itself originate.
- 95** Where the scientific advisory committee has relied on previously unpublished background papers, a decision will need to be made as to whether to publish the papers and consideration given as to whether any of them should be exempt from disclosure under Freedom of Information legislation³. In cases where the costs of traditional paper publication would not be justified, the committee's obligation to provide information could be discharged either by posting the documents on the committee's website, or by allowing enquirers access to the documents concerned.
- 96** Where a scientific advisory committee's disclosure of information would involve bringing into the public domain previously unpublished research, it should be sensitive to whether this could hinder the process of formal publication elsewhere and, if so, endeavour to negotiate arrangements which avoid the problem (such as parallel publication).

Working papers

- 97** To ensure openness and transparency scientific advisory committees should seek to keep the public and stakeholders informed as they develop advice. In addition to timely publication of minutes and agendas committees should consider publishing interim working papers where these would be helpful. All substantive and significant papers should be published as soon as possible once a committee has formulated and delivered its advice, unless information would otherwise be exempt from disclosure under Freedom of Information legislation³.

Publication of applications

- 98** Scientific advisory committees which deal with cases should publish on their websites details of the cases received, so that stakeholders and interested parties have the opportunity to comment in advance of decisions being taken.

Communication with the public

- 99** Scientific advisory committees should develop a policy for the communication of their work to the public and other interested parties and for receiving feedback. There is a range of mechanisms that can be used such as: open meetings, public consultation, dialogue with interested parties and the calling of outside experts to attend meetings.
- 100** Scientific advisory committees should identify interested parties and consider maintaining an open register of relevant stakeholders. They should consult on issues that generate widespread public concern or raise significant ethical questions.²⁷ Particular attention should be paid to the communication of risk assessments.

²⁷ Scientific advisory committees should recognise that views expressed at open meetings or by individual members of the public may not be those of the public generally.

Open meetings

- 101** Scientific advisory committees should aim to hold open meetings on a regular basis or provide equivalent opportunities for direct public access. Open meetings may need to be organised in a different way from a committee's normal meetings.

Public consultation

- 102** Public consultations, written or otherwise, should accord with the Cabinet Office's *Code of Practice on Consultation*. Where consultation takes place, it should be recognised that consultation will generally be designed to enable the scientific advisory committee to reach a view on the advice it should offer, not necessarily on the policy options to be pursued. Any consultation on policy options will generally be for the government. A committee may however wish to advise government on where it thinks public consultation might be necessary.
- 103** Documents issued for consultation should include a list of all the consultees to whom they are being sent. Secretariats should keep lists of consultees and ensure relevant centres of scientific excellence are made aware of consultation exercises.
- 104** The general principle of consultation is that there should be transparency, which means that the public should be able to understand the procedures by which the scientific advisory committee arrived at its decisions. There should also be openness, in the sense that the public should have sufficient information available to be able to understand the chain of reasoning underlying a committee's advice, and have access to the information on which the committee based its assessments. (Annex C)

Peer review

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

Communication with the media

106 Scientific advisory committees should decide on who should represent them to the media e.g. departmental press officer, independent press officer, Chair. Consideration will need to be given to potential conflicts of interest, cost and the amount of time such a role would take when making this decision. Committees should establish rules of conduct on whether confidential/personal briefings given by members to interested parties are permitted. Such rules of conduct need not affect a member's freedom to represent his or her field of expertise in a personal capacity. The committee's rules however should generally oblige members to make clear when they are not speaking in their capacity as committee members.

Information exchange

107 Scientific advisory committees should be told of the existence of any other relevant committees and have opportunities to exchange information with them. This might involve giving other committees advance notice of significant announcements, copying relevant documents or sharing best practice through joint meetings. Where appropriate committees should develop contacts with relevant European Union and international committees.

108 Where a scientific advisory committee's work is closely related to that of another advisory committee, they need to be clear who has responsibility for what. This should be recorded in writing. They should consider setting up a system of cross-representation so that each committee includes a member of the other, or asking the bodies responsible for appointments to consider doing so. This should have the effect of forging close links between them and avoiding inconsistencies of approach in related fields.

For further information on the Code of Practice for Scientific Advisory Committees contact:

**Science in Government
Government Office for Science
Kingsgate House
66-74 Victoria Street
London
SW1E 6SW**

Annex A

Department for Innovation, Universities and Skills/ Government Office for Science *Universal Ethical Code: Rigour, Respect and Responsibility*

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

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

Rigour, honesty and integrity

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

Respect for life, the law and the public good

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

Responsible communication: listening and informing

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

Commentary

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

Scientists and institutions are encouraged to reflect on and debate how these guidelines may relate to their own work. For example, acting with rigour, honesty and integrity may include: not committing plagiarism or condoning acts of plagiarism by others; ensuring that work is peer reviewed before it is disseminated; reviewing the work of others fairly; ensuring that primary data that may be needed to allow others to audit, repeat or build on work, are secured and stored. Similarly, in communicating responsibly, scientists need to make clear the assumptions, qualifications or caveats underpinning their arguments.

Annex B

The Seven Principles of Public Life (Nolan Principles)

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

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

Leadership

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

The Six Consultation Criteria

- 1.** Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- 2.** Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- 3.** Ensure that your consultation is clear, concise and widely accessible.
- 4.** Give feedback regarding the responses received and how the consultation process influenced the policy.
- 5.** Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- 6.** Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

These criteria must be reproduced within all consultation documents.

Annex D

References and useful publications

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

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

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

Code of Practice on Consultation, Cabinet Office, September 2005
<http://bre.berr.gov.uk/regulation/consultation/code/introduction.asp>

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

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

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

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

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

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

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

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

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

