

**UPDATE TO THE CODE OF PRACTICE FOR SCIENTIFIC ADVISORY
COMMITTEES**

A CONSULTATION BY THE OFFICE OF SCIENCE AND INNOVATION



URN: 07/995X

This consultation invites views from interested parties on the update of the Code of Practice for Scientific Advisory Committees (the Code). The Code promotes good practice in the operation of Scientific Advisory Committees and their relationship with Government, and was last revised in December 2001.

In reply to recommendations in the Seventh Report of the House of Commons Science and Technology Committee on Scientific Advice, Risk and Evidence Based Policy Making, the Government has committed to update the Code by the end of 2007, to reflect developments in areas such as the role of lay members.

Issued 25 June 2007
Respond by 16 September 2007

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1. Executive Summary

The Code of Practice for Scientific Advisory Committees (the Code) is intended for use of scientific advisory committees, their chairs, members and secretariats.

The purpose of the Code is to provide detailed guidance specifically focused on the operation of scientific advisory committees 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 draft we are consulting on is based around a principle-based approach and puts more emphasis on the use of all forms of evidence. It also aims to ensure that:

- key decision makers can be confident that evidence is robust and stands up to challenges of credibility, reliability and objectivity,
- key decisions makers can be confident that the advice derived from the analysis of evidence also stands up to these challenges,
- the public is aware and confident, that such steps are being taken.

This draft principally seeks to address the recommendations to update the Code that were made by the House of Commons Science and Technology Committee's Seventh Report (2005-06) – 'Scientific Advice, Risk and Evidence Based Policy Making'. In doing so, this draft focuses on the comments of the Committee, and any necessary updates, rather than a complete re-write of the Code.

The consultation document poses a number of questions (listed at pages 6-7) based on the Science and Technology Committee's recommendations, set out on pages 34-38 and broadly cover issues relating to the need for Scientific Advisory Committees (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.

An Impact Assessment has not been prepared for this consultation, as the update to the Code covers a specialised area, and the impact on business is believed to be negligible.

2. How to respond

The consultation will open on 25 June 2007 and close on 16 September 2007.

When responding please state whether you are responding as an individual, or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Responses may be submitted by letter, fax or email to:

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A list of those organisations and individuals consulted is in Annex 3. We would welcome suggestions of others who may wish to be involved in this consultation process.

We do not intend to acknowledge receipt of individual responses, but if you require an acknowledgement, please let us know.

Additional copies

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<http://www.dti.gov.uk/consultations/index.html>

Other versions of the document in Braille, other languages or audio-cassette are available on request.

Confidentiality & Data Protection

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

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The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Help with queries

Questions about the policy issues raised in the document should be addressed to:

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If you have comments or complaints about the way this consultation has been conducted, these should be sent to:

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A copy of the Code of Practice on Consultation is produced at Annex 2.

3. What happens next?

- A stakeholders' event will be held in September 2007 to provide further input to this consultation process.
- The closing date for this consultation will be 16 September 2007.
- The Government response to consultation should be published on the DTI website within 3 months of the close of consultation. The updated version of the Code will be published by the end of 2007.

4. Consultation questions

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? [**To note:** Defra sponsored a research project through University of Liverpool and DEMOS that should deliver its findings on lay members over the Summer. See new paragraph (page 13) on lay members for more information].
- 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?

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?
- Can these objectives be adequately met through referencing external resources? For example, the Treasury's Risk Portal - http://www.hm-treasury.gov.uk/documents/public_spending_reporting/governance_risk/psr_governancerisk_index.cfm

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?

iv. The current Code has been widely adopted across Whitehall [**List at Annex 4**]. 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?

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.

5. Draft update of the Code (Amended text in bold)

HM Government



Code of Practice for Scientific Advisory Committees

DECEMBER 2007

**Chief Scientific Adviser
Office of Science and Innovation**

CODE OF PRACTICE FOR SCIENTIFIC ADVISORY COMMITTEES

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CODE OF PRACTICE FOR SCIENTIFIC ADVISORY COMMITTEES

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. **[Existing paragraph]** The basic principles which government departments should follow in assembling and using scientific advice, as set out in Guidelines 2000, are that departments should:

- think ahead, identifying the issues where scientific advice is needed at an early stage;
- get a wide range of advice from the best sources, particularly where there is scientific uncertainty; and
- publish the scientific advice they receive and all the relevant papers.

3. **[Replacement paragraph]** The basic principles which government departments should follow in assembling and using scientific advice, as set out in the [Guidelines](#), are that departments **must ensure that:**

- **key decision makers can be confident that evidence is robust and stands up to challenges of credibility, reliability and objectivity,**
- **key decision makers can be confident that the advice derived from the analysis of the evidence also stands up to these challenges, and**
- **the public are aware, and are in turn confident, that such steps are being taken.**

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 they 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. Increasingly they 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 as such 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 interests.

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). Committees are subject to periodic review, **and should be compliant with Cabinet Office guidelines on reviews as well as any departmental good practice**.

[New paragraph] Some scientific advisory committees are directly subject to Freedom of Information legislation (new footnote a) 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 legislation are expected to abide by the spirit of Freedom of Information legislation. The guidance is to be understood in this context.

[New paragraph] Devolved administrations should comply with the appropriate guidances and codes of practice for their administration, in regard to public appointments (see new footnote b).

The Committee's role and remit

11. 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

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."

[New footnote a] **Freedom of Information legislation includes the Freedom of Information Act 2000, the Freedom of Information (Scotland) Act 2002 and the Environmental Information Regulations 2004**

[New footnote b] **Office of the Commissioner for Public Appointments in Scotland (OCPAS) and Office of the Commissioner for Public Appointments for Northern Ireland (OCPA NI).**

should take place before a committee begins its work.^{2 3} 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 necessary revisions should then be considered with sponsoring departments.

12. **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 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.

13. 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.

[New paragraph] Members of scientific advisory committees should be encouraged to follow the universal ethical code for scientists (Annex A).

Early identification of issues

14. In order to provide timely advice to Ministers, **scientific advisory** committees should ensure that they have mechanisms in place that allow them to consider on a regular basis whether new issues in their particular areas of responsibility are likely to emerge for which scientific advice or research might be needed.

15. New or unexpected developments in science and technology may also give reason for **scientific advisory** committees to review advice that they (or their predecessors) have issued in the past. Committees should consider this possibility alongside the emergence of new issues.

Balance of expertise

16. The secretariat of the **scientific advisory** committee should prepare a membership template, setting out the context in which members, including lay members, have been appointed in terms of relevant expertise and/or membership of a particular interest group. The function of the template is primarily to assist in arriving at a view on the balance of expertise. It is not intended that it should circumscribe members' roles or their freedom to question any aspects of committee business.

17. 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.

² BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 104/105.

³ 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.

18. 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 expertise⁴ is adequate to perform the role with which they are entrusted.⁵ Any concerns should be raised with the Chair and the secretariat.

19. **[Paragraph to be reviewed to reflect current practice. Consultation question i refers]** 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 basis.

20. 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.

Lay members

[New section and paragraphs to be added, which will be informed by Defra-sponsored research into lay members]

Further information can be found at

<http://www.demos.co.uk/files/receivedwisdom.pdf>, and also

http://www2.defra.gov.uk/research/project_data/More.asp?I=CB01078&SCOPE=0&M=CFO&V=ULP.

Consultation question i refers.

See Annex 1 of this consultation, for the recommendations in the Seventh Report of the House of Commons S&T Committee on Scientific Advice, Risk and Evidence Based Policy Making, regarding lay members.

Conflicts of interest

21. **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*, 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.⁶ 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, particularly Sections 2.09 – 2.11***. Other relevant publications include OST's ***Good Practice Guidelines for Public Sector Research Establishments on Staff Incentives and the Management of Conflicts of Interest (2000)***.⁷

⁴ Lord Phillips' Inquiry noted that "A lay member can play a valuable role on an expert committee" – BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 138

⁵ BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 106

⁶ 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)."

⁷ 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)."

Responsibilities of chairs

22. 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 fulfil 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;
- 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;
- **[new paragraph] ensuring that a record of information is maintained and is available for the purposes of monitoring and evaluating the performance of the scientific advisory committee. [consultation question iii refers]**

Members' rights and responsibilities

23. **[Paragraph to be reviewed to reflect current practice]** Ministers for sponsoring departments will usually appoint members of scientific advisory committees. Insofar as the power to appoint, or to recommend appointment, lies with the committee (for example when co-opting individuals with specific expertise), the general 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](#).

24. 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)

25. 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. Lay members should be clear

about the capacity in which they have been appointed and the role they are expected to fulfil.

26. 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.⁸

27. 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.

28. If additional clarification of members' roles is required, this can most usefully be done after they are appointed, but before they begin work.

29. 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.

30. 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 lay person.

31. All members should share in the general responsibility to consider the wider context in which their expertise is employed. There may, however, be a particular role in this regard for members who are present in a lay capacity.

⁸ BSE Inquiry Report, Vol 1, 1290 and Government Response Annex I, Finding 107.

32. 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;
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.

Handling of expenses

33. 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

34. The Cabinet Office [*Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies*](#) 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."

35. 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** to ensure that appropriate indemnity for members is in place.

Role of the secretariat

36. The primary function of the secretariat is to support the 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.

37. The secretariat should provide committee Chairs with the induction required by **the Cabinet Office guidance [Welcome to the Board](#)**, and also provide them with the opportunity to undertake appropriate training in developing their skills in committee management and communication skills.⁹

38. The secretariat should include, or have access to, people with relevant technical/scientific expertise.

39. The secretariat should be an impartial and disinterested reporter. It should at all times respect the committee's independent role. It should guard against introducing bias during the preparation of papers, during meetings, or in the reporting of the **scientific advisory committee's** deliberations.¹⁰

40. 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.

[New paragraph] 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.

41. 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 legislation**.

42. 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.¹⁰

⁹ **[Existing footnote 9]** (Non Departmental-Public Bodies: A Guide for Departments, March 2000 Annex E para 38) 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.

⁹ **[New footnote 9]** 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.

¹⁰ 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."

43. **[Existing paragraph]** The secretariat should draw up appropriate procedures, approved by the committee, of its handling of confidential material so that this can be communicated to suppliers of such information. The procedures should be drawn up in accordance with the principles of openness and transparency of the Code of Practice on Access to Government Information, with the aim of ensuring that material is only withheld from public release for confidentiality reasons when there are justifiable reasons for doing so.

43. **[Replacement paragraph]** 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 legislation.**

Role of other assessors or officials

44. **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.

45. **[Existing paragraph]** Assessors share with the secretariat the responsibility of ensuring that information is not withheld from the committee on the grounds of commercial or government confidentiality. They should also make the committee aware of the existence of any information that has been withheld from the committee on grounds justified under the Code of Practice on Access to Government Information. 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.

45. **[Replacement paragraph]** 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 legislation.** 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.

Working practices

46. **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 below under "Dealing with confidential information"). The committee should maintain high levels of transparency during routine business.

11 **[Existing footnote, to be deleted]** In due course, the commitments in the Code of Practice on Access to Government Information will be superseded by the requirements of the Freedom of Information Act. The right of access to information provided by the Freedom of Information Act will be brought into force in respect of all public authorities in January 2005. The duty to publish information in accordance with a publication scheme drawn up under the Act will be progressively rolled out across public authorities commencing in November 2002.

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

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

47. **Scientific advisory** committees and their secretariats should aim to prepare papers in accessible language.

48. **[Existing paragraph]** Where the nature of its work may demand a rapid response, the 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. 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.

48. **[Replacement paragraph]** 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.

49. **Scientific advisory** committees should have in place systematic mechanisms for identifying the available research in a given area.

50. 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.

51. 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.

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

53. **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.

54. 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

55. **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. 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

56. 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: e.g. statistical modelling techniques, risk assessors, **HM Treasury's Risk Support Team**.

57. 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 experience of advising on similar issues in the past.

58. 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.

59. 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.

60. 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

61. **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.

¹⁴ BSE Inquiry Report, Vol 1, 1290.

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."

62. 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 [Government's Code of Practice on Consultation](#) should be followed.

63. 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

64. **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.

Publication of documents – general

65. The **scientific advisory** committee should establish a policy on what documents are to be published based on principles of openness and transparency. 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.

66. "Publication" need not mean traditional paper circulation. All **scientific advisory** committees should aim to have their own website or a distinct area within their sponsoring department's website. 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 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.

67. 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

68. **[Existing paragraph]** Committees should abide by the principles contained in the Code of Practice on Access to Government Information.

68. Paragraph to be removed, covered by new paragraph between paragraphs 10 and 11

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

69. **[Existing paragraph]** The committee should develop a policy on the handling of 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 the Code of Practice on Access to Government Information.

69. **[Replacement paragraph]** 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 legislation**.

70. **Scientific advisory** committees should be prepared to explain publicly why information is being withheld.

71. **[Existing paragraph]** 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.

71. **[Replacement paragraph]** 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 is 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 legislation, it is not possible to give guarantees that information will be treated as confidential in all circumstances.**

Meeting agendas

72. **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

73. **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.

74. **[Existing paragraph]** Committees should decide upon a 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. Confidential information may be placed in an annex not for publication.

74. **[Replacement paragraph] 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.

75. The minutes should accurately reflect the proceedings of the **scientific advisory** committee. They should be written in terms that make it easy for a layperson 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 layperson.¹⁷

Submitting and publishing a committee's advice

76. 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

77. Advice should be in terms that can be understood by a layperson. 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

78. In situations of uncertainty, **scientific advisory** committees could offer a range of options or interpretations to their departments rather than just one²³. In so doing they should distinguish between options which are alternative interpretations of the scientific evidence, and options which involve other factors including social, ethical or economic considerations.

79. **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

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.

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", (p 77, recommendation 146 of Annex 1 "Detailed Findings") 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.

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.

80. 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 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, and in any event within three months of submitting the advice. Reasons for privacy should be consistent with the principles of **Freedom of Information legislation**.

81. 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

82. **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

83. 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 refused and the grounds for such refusal.

84. 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

85. 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.

²⁵ From BSE Inquiry Report, Vol 1 para 1290.

²⁶ **[Existing footnote]** 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

²⁶ **[Replacement footnote]** **Scientific advisory Committees** which are Advisory Non Departmental Public Bodies (ANDPBs) will need to produce annual reports in any event in accordance with the [Guidance on Codes of Practice for Board Members of Public Bodies](#).

86. 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.

87. 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. 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.

88. 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

89. **[Existing paragraph]** To ensure openness and transparency committees should seek to keep the public and stakeholders informed as they develop advice. In addition to timely publication of minutes and agenda 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 nondisclosure is justified under the Code of Practice on Access to Government Information.

89. **[Replacement paragraph]** 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 agenda 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 legislation.**

Publication of applications

90. **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

91. **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.

Open meetings

92. **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.

93. **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

94. 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.

95. 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.

96. 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

97. A **scientific advisory** committee's draft findings may benefit from 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.

Communication with the media

98. **Scientific advisory** committees should decide on who should represent them to the media e.g. departmental press officer, independent press officer, Chair. 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.

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.

Information exchange

99. **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.

100. 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
Office of Science and Technology
Department of Trade and Industry
1 Victoria Street
London SW1H 0ET

[Amended text in bold]

Annex A

Rigour, respect and responsibility: A universal ethical code for scientists

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.

[Amended text in bold]

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.

[Amended text in bold]

Annex C

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.

[Amended text in bold]

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>

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

Making And Managing Public Appointments - A Guide For Departments, Cabinet Office, September 2004
<http://www.cabinet-office.gsi.gov.uk/public/Default.htm>

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

Welcome to the Board, Cabinet Office, February 2005
http://www.civilservice.gov.uk/publications/public_appointments/pau_induction_05.pdf

Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies
http://www.civilservice.gov.uk/publications/public_appointments/exec_adv_codes_practice_23oct04.pdf

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 TSO
<http://www.legislation.hmso.gov.uk/acts/acts2000/20000036.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 On Scientific Analysis In Policy Making, Office of Science and Technology, October 2005
<http://www.dti.gov.uk/files/file9767.pdf>

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

Code of Practice on Consultation, Cabinet Office, January 2004
<http://www.cabinetoffice.gov.uk/regulation/documents/consultation/pdf/code.pdf>

Guidance on Codes of Practice for Board Members of Public Bodies, Cabinet Office, October 2004

http://www.civilservice.gov.uk/publications/public_appointments/exec_adv_codes_practice_23oct04.pdf

Public Bodies: A Guide for Departments, Cabinet Office, June 2006

http://www.civilservice.gov.uk/other/agencies/guidance_for_departments/pb_guidance/index.asp

OXERA report: Policy, Risk and Science: Securing and Using Scientific Advice, Health and Safety Executive, published October 2000

http://www.hse.gov.uk/research/crr_pdf/2000/crr00295.pdf

Risk Communication: A Guide To Regulatory Practice, ILGRA, 1998

<http://www.hse.gov.uk/aboutus/meetings/ilgra/risk.pdf>

Office of the Commissioner for Public Appointments in Scotland (OCPAS)

<http://www.ocpa-scot.org.uk/>

Office of the Commissioner for Public Appointments for Northern Ireland (OCPANI)

<http://www.ocpani.gov.uk/index.htm>

Freedom of Information (Scotland) Act 2002

<http://www.opsi.gov.uk/legislation/Scotland/acts2002/20020013.htm>

The BSE Inquiry: The Inquiry into BSE and variant CJD in the United Kingdom” House of Commons (October 2000)

<http://www.bseinquiry.gov.uk/report/index.htm>

ANNEX 1

Code-specific recommendations from the Seventh Report of the House of Commons Science and Technology Committee on Scientific Advice, Risk and Evidence Based Policy Making

There are fourteen Code-specific recommendations contained within the Select Committee's Report. These are set out below, together with the Government response.

Recommendation 23

Wherever possible, the secretariat of scientific advisory committees should include secondees from appropriate scientific establishments, to both enhance the specialist knowledge within the secretariat and safeguard its independence.

The Government welcomes secondments to SAC secretariats to provide specialist knowledge. OSI recently hosted a workshop for secretariats of SACs, aimed at networking and sharing best practice. The Spongiform Encephalopathy Advisory Committee (SEAC) Secretariat has set up a cross-departmental networking group for SAC secretariats. The membership of this group has doubled in two years.

Recommendation 24

We urge the Government to update the Code of Practice for Scientific Advisory Committees and the list of code committees as a matter of urgency.

Accepted. The GCSA told the Committee (**Q1350**) that the *Code of Practice for Scientific Advisory Committees*³ (CoPSAC) would be reviewed and updated during 2007. The review will take into account the Committee's **Recommendations 25 to 33**. The Government would welcome any further proposals from the Committee for changes to the CoPSAC. The list of code committees will also be updated during 2007.

Recommendation 25

We recommend that the revised Code of Practice for Scientific Advisory Committees provide explicit guidance on how the performance of these committees should be monitored. It should give departmental CSAs clear responsibility for overseeing the performance of scientific advisory committees sponsored by their Department and advise them to commission light-touch independent reviews every five years to ensure that committees are functioning as required and to identify innovations in working practices that could usefully be applied by other committees.

Recommendation 26

We recommend that committees not designated as ‘scientific advisory committees’ but which play a significant role in the provision of scientific advice, or whose advice to Government relies heavily on scientific input, be required to comply with the Code of Practice for Scientific Advisory Committees.

Recommendation 27

Industry members of scientific advisory committees can be important sources of expertise and experience but are frequently perceived to be less trustworthy than NGO representatives. This is unfair and illogical: the same standards and expectations should be applied to both categories of representative.

Recommendation 28

It is important not to allow the ‘double counting’ of non-scientific opinion or advice.

Recommendation 29

There is an urgent need for greater clarity regarding the role of lay members on scientific advisory committees and the status of their contribution. Clearly, where a committee has been tasked with providing purely technical advice, it would be inappropriate to give the views of lay members equal weight to advice from experts: scientific advice must be based on science. In view of the many potential problems identified in having lay membership of scientific advisory committees (as opposed to policy commissions where they play a vital role), we recommend that scientific advisory committees dealing with technical advice to Government should not routinely have lay membership.

Subject to the consultation on revisions to the CoPSAC, the Government’s provisional views are:

- The CoPSAC should propose light-touch reviews of SAC performance. We agree with the Committee that such reviews should identify best practice that can be shared with other SACs **[Rec 25]**.
- Departments will be encouraged to apply the CoPSAC to non-code Committees as far as relevant. The fact that they are non-Code Committees may be because application of the CoPSAC is inappropriate in some respects **[Rec 26]**. This would however need proper justification

in each case.

- SAC Chairs should remain vigilant for any evidence of bias, whether from industrial advisers, advisers from NGOs, or elsewhere **[Rec 27]**.
- The issue of ‘double counting’ will be addressed in the updating of the CoPSAC **[Rec 28]**.
- The question of lay membership of SACs will also be addressed in the updating of the CoPSAC. The Government is not inclined to introduce a general presumption against lay membership. Lay membership can bring important skills and experience including legal and communication skills. There are many examples where the presence of lay members has worked well: the alternate vice-Chair of the Gene Therapy Advisory Committee is a barrister; all nine independent SACs for the Food Standards Agency have lay membership. In each case, it is important that the role of the lay membership is clearly defined and understood; for example to ensure the right questions are asked, or that the wider context is taken properly into account. Where detailed technical or scientific advice is needed, this should come from appropriately qualified scientists and/or engineers **[Rec 29]**.

Recommendation 31

We find the institutional structure of the scientific advisory system in the US attractive and encourage the Government to discuss with the learned societies the extent to which similar arrangements could be adopted in the UK and the changes that this would necessitate.

Recommendation 32

There is ample room for greater involvement of the learned societies and professional bodies in the UK scientific advisory system. We recommend that the Government take up the offer by the Science Council to coordinate a scientific advisory network comprising all the professional bodies.

Recommendation 48

Peer review of the extent to which Government policies are evidence-based by learned societies, professional bodies and researchers can play a useful role in stimulating debate and refining policy makers’ thinking and should, therefore, be welcomed by the Government. We recommend that the Government commission such reviews, on a trial basis, of selected key policies after a reasonable period of time as part of the policy review process. (Paragraph 120)

The Government will reflect further on **Recommendation 31**. It believes however that **Recommendation 32** is too prescriptive. The Government consults many organisations such as PSREs, Learned Societies, Research Councils, SACs, the Council for Science and Technology, and Foresight programmes when it needs advice. It may seek advice from such an organisation directly or seek guidance on who the best experts to consult are. The Government does not believe that any of these organisations should be

routinely involved in decision-making or peer review, though they might be in specific cases **[Rec 48]**. The recent establishment of the Civil Service Steering Board will contribute an important check on the quality of evidence-based policy making.

Recommendation 41

We recommend that where the Government describes a policy as evidence-based, it should make a statement on the department's view of the strength and nature of the evidence relied upon, and that such statements be subject to quality assurance (Paragraph 101)

This recommendation will be considered during the 2007 update of the CoPSAC to see to what extent and if so how it might be made workable, taking account of the volume of work implied and the value it would add.

Recommendation 52

We recommend that departmental Chief Scientific Advisers monitor the extent to which their departments and associated advisory bodies are adopting best practice in terms of openness and transparency and seek to ensure that any deficiencies are addressed. (Paragraph 130)

The Government agrees this recommendation as part of its overall aim to enhance and support the role of DCSAs alongside SAC Chairs in promoting the health of science in Government. OSI and the Secretariat to SEAC are supporting workshops, seminars and other networking opportunities for SAC Secretariats and DCSAs, in order to spread best practice.

While it will not always be appropriate, there are some good examples (e.g. SEAC) where reviews and the day to day business of SACs is conducted using open sessions, webcasts, and web summaries of open and closed sessions. The Government commends the example set by SEAC. The Select Committee's recommendation and the importance of the spread of good practice will inform the update of the CoPSAC in 2007. Monitoring and evaluation will be reinforced through the annual report on the Science and Innovation Investment Framework 2004–2014. The emerging findings of the first departmental Science Reviews have already identified common issues and concerns across departments; OSI is helping departments to address these.

Recommendations 66 and 69 – Common language on risk

Recommendation 66

We believe scientists, including departmental CSAs, should play a leading role in communicating to the public levels of scientific agreement, where necessary, and the degree of certainty in the scientific advice being offered. We recommend that common terminology be developed to be used consistently across Government in order to communicate these uncertainties. (Paragraph 177)

Recommendation 69

We recommend that the Government build on existing work to develop, subject to academic peer review, a scale of risks for use by all departments, as appropriate, when communicating levels of risks to the public. (Paragraph 194)

Just as the Government has not developed a standardised table of risks, as risks mean different things to different people, it does not agree that a common terminology or scale of risks would be helpful to DCAs or the public. Each case and each issue needs to be dealt with individually and communications or actions tailored appropriately. Generic categorisation of risks may infer that one risk is directly comparable to another, which is often not the case.

The Government does however adopt a common methodology and scale in specific areas where the advantages outweigh the disadvantages, for example in assessing disruptive challenges to the UK. There is a duty on Category 1 responders (those organisations at the core of the response to most emergencies, eg emergency services, local authorities, NHS bodies), under the Civil Contingencies Act 2004, to assess risk in their area and communicate those risks by publishing a community risk register. The Civil Contingencies Secretariat in the Cabinet Office provides these responders with guidance on which risks to consider, a common methodology and a common scale for assessing the likelihood of those risks to ensure that there is some consistency between the assessments made across the country at a local level and those made as part of the national risk assessment.

The Government analytical community has a role in explaining to the public, as well as to policy makers, the true nature of perceived risks. Their involvement ensures that the Government is in a position to adopt a balanced and proportionate approach to managing risk. In order to achieve this, the public needs to be in a position to understand the available information and set it in context. This will ensure that any debate is based on an understanding of the facts.

The reporting of risk and uncertainty is specifically addressed in the CoPSAC, paragraphs 55 to 60. The proposed update of the Code in 2007 will make clarifications where appropriate.

ANNEX 2

The Consultation Code of Practice 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.

The complete code is available on the Cabinet Office's web site, address <http://www.cabinetoffice.gov.uk/regulation/consultation/index.asp>

Comments or complaints

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Kathleen McKinlay
Consultation Co-ordinator
Department of Trade and Industry
Better Regulation Team
1 Victoria Street
London
SW1H 0ET

Tel: 020 7215 2811
Fax: 020 7215 2235
E-mail: Kathleen.McKinlay@dti.gsi.gov.uk

ANNEX 3: List of Consultees for public consultation

Consultees already informally consulted

Defence Science and Technology Laboratory (DSTL)
Department for Communities & Local Government (DCLG)
Department for Culture, Media & Sport (DCMS)
Department for Education & Skills (DfES)
Department for Environment, Food & Rural Affairs (DEFRA)
Department for International Development (DfID)
Department for Transport (DfT)
Department of Health
Department of Trade & Industry (DTI)
Department for Work & Pensions (DWP)
Forestry Commission
Department of Enterprise, Trade and Investment Northern Ireland (DETI NI)
Food Standards Agency (FSA)
HM Treasury
Home Office
Health & Safety Executive (HSE)
Health Protection Agency
Foreign & Commonwealth Office (FCO)
Advisory Committee Secretaries Group
 Advisory Committee on Animal Feedingstuffs (ACAF)
 Advisory Committee on Dangerous Pathogens (ACDP)
 Advisory Committee on Hazardous Substances (ACHS)
 Advisory Council on the Misuse of Drugs / Home Office (ACMD)
 Advisory Committee on the Microbiological Safety of Food (ACMSF)
 Advisory Committee on Organic Standards (ACOS)
 Animal Procedures Committee / Home Office (APC)
 Committee on Toxicity of Chemicals in Food, Consumer Products
 and the Environment (COT)
 The Defence Scientific Advisory Council (DSAC)
 Expert Advisory group on AIDS (EAGA)
 The England Implementation Group (EIG)
 Independent Scientific Group on Cattle TB (ISG)
 Committee for Microbiological Safety of Blood, Tissues and Organs (MSBTO)
 Science Advisory Council, Defra (SAC)
 Science Advisory Council Secretariat, Defra (ScD)
 Science and Technical Reference Group / Home Office
 The Spongiform Encephalopathy Advisory Committee (SEAC)
 TB Advisory Group Secretariat
 UK Zoonoses Group (UKZG)
 Veterinary Residues Committee
Government Social Research Unit (GSRU)
Ministry of Defence (MOD)
National Assembly for Wales
Office of Science & Innovation (OSI)
Scottish Executive

Consultees we intend to consult

House of Commons Science & Technology Select Committee Office
Liverpool University
Research Councils UK (RCUK)
All relevant Scientific Advisory Committees

ANNEX 4: List of Scientific Advisory Committees

Administration of Radioactive Substances Advisory Committee (ARSAC)
Advisory Board on the Registration of Homeopathic Products (ABHRP)
Advisory Committee on Animal Feedingstuffs (ACAF)
Advisory Committee on Antimicrobial Resistance and Hospital Acquired Infection (ARHAI)
Advisory Committee on Borderline Substances (ACBS)
Advisory Committee on Dangerous Pathogens (ACDP)
Advisory Committee on Forestry Research (ACFR)
Advisory Committee on Hazardous Substances (ACHS)
Advisory Committee on Microbiological Safety of Food (ACMSF)
Advisory Committee on Novel Foods and Processes (ACNFP)
Advisory Committee on Pesticides (ACP)
Advisory Committee On Releases to the Environment (ACRE)
Advisory Committee on Sites of Special Scientific Interest (ACSSSI)
Advisory Council on the Misuse of Drugs (ACMD)
Advisory Group on Hepatitis (AGH)
Advisory Group on Medical Countermeasures (AGMC)
All Wales Medicines Strategy Group (AWMSG)
Animal Procedures Committee (APC)
Animal Welfare Advisory Committee (AWAC)
Building Regulations Advisory Committee (BRAC)
CJD Incidents Panel
Commission for Integrated Transport (CFIT)
Commission on Human Medicines
Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment (COC)
Committee on Medical Aspects of Radiation in the Environment (COMARE)
Committee on Microbiological Safety of Blood, tissues and organs (MSBTO)
Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment (COM)
Committee on Radioactive Waste Management (CoRWM)
Committee on the Medical Effects of Air Pollutants (COMEAP)
Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (non-Food) (COT)
Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT)
Darwin Advisory Committee
Defence Nuclear Safety Committee (DNSC)
Defence Scientific Advisory Council (DSAC)
Disability Living Allowance Advisory Board (DLAAB)
Disabled Persons Transport Advisory Committee (DPTAC)
Expert Advisory Group on AIDS (EAGA)
Expert Panel on Air Quality Standards (EPAQS)
Farm Animal Welfare Council (FAWC)
Gene Therapy Advisory Committee (GTAC)
General Advisory Committee on Science (GACS)
Genetics and Insurance Committee (GAIC)
Herbal Medicines Advisory Committee (HMAC)

Human Genetics Commission
 Independent Scientific Group on Cattle TB (ISG)
 Industrial Injuries Advisory Council (IIAC)
 Joint Committee on Vaccination and Immunisation (JCVI)
 National Expert Panel on New and Emerging Infections (NEPNEI)
 National Sure Start Evaluation Expert Advisory Committee
 Nuclear Research Advisory Council (NRAC)
 Nuclear Safety Advisory Committee (NuSAC)
 Pesticide Residues Committee (PRC)
 Regional Advisory Committee on Communicable Disease Control (RACCDC)
 Research and Education Advisory Panel (REAP)
 Research Liaison Group for Children's Social Care research
 Royal Commission on Environmental Pollution (RCEP)
 Science Advisory Council (SAC)
 Scientific Advisory Committee on Genetic Modification (Contained Use)
 (SACGM (CU))
 Scientific Advisory Committee on Nutrition (SACN)
 Scottish Advisory Committee on Drug Misuse (SACDM)
 Secretary of State's Honorary Medical Advisory Panel on Alcohol, Drugs and
 Substance Misuse and Driving
 Secretary of State's Honorary Medical Advisory Panel on Driving and
 Diabetes Mellitus
 Secretary of State's Honorary Medical Advisory Panel on Driving and
 Disorders of the Nervous System
 Secretary of State's Honorary Medical Advisory Panel on Driving and
 Psychiatric Disorders
 Social Science Research Committee (SSRC)
 SoS Honorary Medical Advisory Committee on Driving and Cardiovascular
 Disease
 SoS Honorary Medical Advisory Committee on Driving and Vision
 Spongiform Encephalopathy Advisory Committee (SEAC)
 Standing Dental Advisory Committee (SDAC)
 UK Advisory Panel for HealthCare Workers Infected with Bloodborne Viruses
 (UKAP)
 Veterinary Products Committee (VPC)
 Veterinary Residues Committee (VRC)
 Welsh Committee for the Professional Development of Pharmacy (WCPDP)
 Welsh Dental Committee (WDC)
 Welsh Medical Committee (WMC)
 Welsh Nursing and Midwifery Committee (WNMC)
 Welsh Optometric Committee (WOC)
 Welsh Pharmaceutical Committee (WPC)
 Welsh Scientific Advisory Committee (WSAC)
 Welsh Therapies Advisory Committee (WTAC)
 Working Group on Action to Control Chemicals (WATCH)
 Zoos Forum

ANNEX 5: Abbreviations

CoPSAC	Code of Practice for Scientific Advisory Committees
CSA	Chief Scientific Adviser
DCSA	Departmental Chief Scientific Adviser
Defra	Department for Environment, Food & Rural Affairs
NDPB	Non-Departmental Public Body
OCPA	Office of the Commissioner for Public Appointments
OSI	Office of Science and Innovation (originally OST)
OST	Office of Science and Technology (now OSI)
PSRE	Public Sector Research Exploitation Fund
S&T	Science and Technology
SAC	Scientific Advisory Committee
SEAC	Spongiform Encephalopathy Advisory Committee