

BIS Consultation on the Code of Practice for Scientific Advisory Committees

A response from the Society of Biology to the Department of Business, Innovation and Skills

10th December 2010

The Society of Biology is a single unified voice for biology: advising Government and influencing policy; advancing education and professional development; supporting our members, and engaging and encouraging public interest in the life sciences. The Society of Biology is a charity created by the unification of the Biosciences Federation and the Institute of Biology, and is building on the heritage and reputation of these two organisations to champion the study and development of biology, and provide expert guidance and opinion. The Society represents the breadth of biology and has a diverse membership of over 80,000 - including practising scientists, students and interested non-professionals - as individuals, or through the learned societies and other organisations listed below.

Summary

The Society of Biology welcomes this review and the opportunity to comment on it.

- To ensure effective communications between scientific advisory committees (SACs) and their sponsoring government department, it is vital **SAC Chairs should have direct access to their departmental Chief Scientific Advisor**. Formalised procedures need to be established for dealing with disputes between SACs and their sponsoring department.
- Government should **publicly explain the rationale behind their decision making** if they chose not to take the advice of a SAC and/or reject scientific evidence.
- Advice provided by SACs must be made available in the public domain to ensure that SACs act in an open and transparent manner and non-disclosure agreements must only be used in extreme circumstances. We suggest that SACs should have **access to training and media advice from independent science press officers outside of government** in order to communicate their position effectively.
- **We recommend that GO Science develops a range of resources to facilitate input to SACs from the broader scientific community**, including up to date records of key dates for SACs, annual reports and a point of contact. To broaden the pool of potential candidates for positions on SACs, Learned Societies should be utilised in advertising positions to their memberships. We also recommend that positions on the SAC secretariat should be offered as secondment positions to ensure that they have access to scientifically literate candidates and necessary resources.

Maintaining strong relationships

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

- a) *What role should be played by and what expectations should the SAC Chair have with regard to relationships between:*
- i) *The SAC and its sponsoring Department;*

SACs should feel supported by their sponsoring department and that their advice is listened to and respected. Crucially, to ensure effective communication between SACs and their sponsoring department, SAC Chairs should have a direct and entirely open line of communication with the sponsoring Department's Chief Scientific Advisor.

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

We reiterate the importance of meetings between SAC Chairs and the departmental Chief Scientific Advisor or Minister to whom they report. We highlight the importance of these meetings when SACs are discussing controversial and unpalatable issues, as this ensures that scientific advice reaches the Minister in its original form. At a minimum, formal meetings between SAC Chairs and the relevant Minister must take place at least annually.

We again state that SAC Chairs should have an expectation of access to the departmental Chief Scientific Advisor and we suggest that there should also be another nominated departmental point of contact for day to day issues. In paragraph 50 of the current Code of Practice document it states that the secretariat should '*support a two-way channel of communication between the department and the SAC*'. We agree that this is an important process in communication between SACs and the government, which is particularly important to have in place in emergencies.

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

We recommend interaction between SACs with significantly overlapping interests, within UK Government, devolved Governments and the European Union. However, we strongly agree with paragraph 108 of the current Code of Practice document which highlights that in these circumstances each SAC needs to be clear about their own responsibilities. We would recommend a formal mechanism detailing distribution of responsibilities of SACs and regulating the formal communication process between SACs, facilitated by the sponsoring department(s). For example, we suggest that during annual report writing, there should be formal discussion between overlapping SAC Chairs with regard to horizon-scanning and future activities to identify any cross-cutting issues which may benefit from joint activity. Regular meetings between relevant SAC Chairs should be in place in order to share best practice and annual reports, and discuss cross-cutting issues. Minutes of relevant meetings should be shared between relevant SACs where appropriate.

Where formal cross-representation at committees is established, committee members need to ensure that they are representing the views of their committee as a whole, and not their own individual views.

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

It is crucial that SACs retain their independence and are free from political interference¹. SACs should be free to communicate with the media appropriately, and we recommend that SACs should have access to an independent source of media advice.

Objectivity can be maintained by peer review and open consultations when appropriate and practicable. It is also the responsibility of the Chair to ensure that an appropriate mix of committee members is recruited, and that there is appropriate turnover, to ensure objectivity. All conflicts of interest should be declared and noted.

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

We consider it vital that different views within a SAC should always be clearly described, ensuring that arguments are evidence based and all factors acknowledged. We recommend that disputes should always be recorded, and where possible, made publically available for reference, for example through the Chair's webnote. A formal strategy involving the departmental Chief Scientific Adviser should be established for situations in which disputes between members of the SAC cannot be resolved.

Where there is media interest in a dispute within a SAC, it is vital that a true representation of each side of the issue and its support is given, and that the need for adequately balanced reporting is stressed. It would be helpful to set up a formal process to enable all views to be rationally presented. Where scientists speak about the societal implications of their research to the media, it needs to be clear in what capacity they are communicating, and that the lines between scientific evidence and advice (which is the remit of the SAC) and social implications are clear. Responsibility for the iteration of this in each case should not rest solely with the SAC spokesperson however, and it is reasonable to expect that interpretation by media and departmental personnel should routinely recognise these boundaries.

With respect to disputes between SACs and ministers and/or the sponsoring department, we feel strongly that it is the role of SACs to provide scientific advice, and not to resolve disputes about the use of advice. The Principles on the Treatment of Independent Scientific Advice state that '*Government departments and their independent scientific advisers should raise issues of concern over the application of the Principles, or other guidance, with the relevant departmental Chief Scientific Adviser (CSA). If the matter of concern cannot be effectively resolved or is especially serious CSAs should approach the Government Chief Scientific Adviser (GCSA) and Ministers should approach the GCSA and the Minister for Science.*'. We agree that this would be a suitable avenue for dealing with disputes. Where Ministers' decisions differ from the advice of a SAC, Ministers should state clearly and publically the rationale behind their decision.

Openness and Transparency

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

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

We consider that only truly exceptional circumstances, such as matters of national security, warrant decision making prior to the publication of advice. **We suggest that a formalised risk register of**

¹ Principles for the Treatment of Independent Scientific Advice. Sense About Science, 2010

potential emergencies should be drawn up by SACs, detailing procedures for rapid-response emergencies, particularly those which fall under the remit of multiple SACs.

We are concerned over paragraph 56 of the current Code of Practice document, which states that the SAC Chair may act on behalf of the committee in situations which demand a rapid response. This must not be abused. We consider that the committee members should expect all reasonable attempts to consult them and the Chair *must* make, and expect departmental support for making, all appropriate efforts to contact the committee prior to making a statement, except in truly exceptional circumstances. The use of electronic mail should make this relatively simple.

b) How can SACs ensure that non-disclosure agreements (NDAs) are used appropriately? In what circumstances are NDAs appropriate?

We suggest that a framework should be agreed upon by SACs which details circumstances requiring non-disclosure agreements (NDAs). We are in favour of openness and transparency throughout the advisory process and we recommend that NDAs be used *only in extreme cases*. Where they are used, SACs should be open about the reason for the non-disclosure and if possible, provide a timescale for eventual release of the information. The number of times NDAs are used each year should be recorded and the statistics published.

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

We believe that media training for all Chairs and committee members likely to deal with the media is essential. Confrontational media training would be particularly valuable. Furthermore, in light of the changing issues which SACs face, we would welcome an independent press officer to be available for all committee members prior to interaction with the media, to discuss individual issues. It is important that this press officer be both independent and specifically experienced in science media. We suggest the Science Media Centre as an example of an appropriate science press office.

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

We believe that committees should be able to nominate a spokesperson other than the Chair, where that committee member is the relevant expert. However, in situations where there is conflict within the committee surrounding an issue, we would recommend that the Chair act as spokesperson. In these circumstances it is key that the Chair gives a balanced account of conflicting views.

Engaging the Scientific Community and Succession Planning

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

a) It is important to have a balance of expertise between scientific knowledge and other areas on both SACs and their secretariat.

i) How can the balance of expertise on SACs between scientific experts, those from other professions and key partner organisations be determined?

We are concerned with the emphasis in this question on the balance of expertise between scientific knowledge and other areas on SACs, particularly in light of the proposed changes to the Police Reform Bill, which remove the statutory requirement of the Advisory Council on the Misuse of Drugs (ACMD) to include a medical doctor, a veterinarian, a dentist, a pharmacologist, a representative of the pharmaceutical industry and a chemist on their committee. Although the ACMD is not a purely scientific committee and its code of practice is only based upon the SAC code, the Society would like to stress the absolute need for proper scientific input to this committee and all similar expert and advisory committees governing the use of bio-active compounds. Providing scientific advice for the formation of evidence based-policy must be a major role of such a group, and there cannot be any circumstance in which a committee would be well constituted without subject experts to provide clear advice on the underlying science.

The Code of Practice states that *'The function of a scientific advisory committee is to help government collect scientific information and make judgements about it... Depending on their remit, a committee may have to frame their advice to take account of social and ethical issues and public and stakeholder concerns'*.

Whilst we appreciate that the ACMD and other SACs are not committees dedicated solely to scientific advice, we urge that there must be a stage in which scientific evidence alone can be robustly debated within SACs. This allows refined assessment of evidence before extending to examination from different perspectives, ensuring that there is no misinterpretation of scientific messages, and that advice can be scrutinised for inadvertent bias before release. It is then the Minister's role to make decisions based on the advice, taking into account the wider social and political perspectives.

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

We believe that SAC secretariats should be scientifically literate and note that the available pool of scientists in the civil service may not always be sufficient to staff these positions. We suggest that secondment positions could be advertised for people outside of government to join these secretariats to ensure the correct level of expertise. Furthermore, we are concerned that secretariats may not always have access to necessary scientific literature and recommend that steps be taken to ensure this.

We also wish to highlight the need for the secretariat to be impartial, and suggest that this should clearly be written into the role of the secretariat. Again, secondment of external staff to these positions could help to ensure that the secretariats maintain appropriate independence.

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

We agree that the pool of potential candidates for committee members needs to be broad, and should reflect the best and most relevant scientists, regardless of institution. In order to attract the best candidates for these positions, it is crucial to ensure that the committees are well resourced and that their opinions are respected, with measurable impact. We note that contributing to policy formation contributes towards the Research Excellence Framework (REF) score for academics.

In order to broaden the pool of potential candidates, we would welcome steps which would allow Learned Societies such as the Society of Biology to advertise committee positions to their membership of academics. Research Councils and Universities could also advertise positions to their academic communities to ensure the best pool of candidates.

Although we feel that the opinion of lay members in government advisory structures is useful and helps to identify public issues, their position as voting members on a SAC could alter the focus of the SAC towards social and ethical considerations, when scientific advice should be the focus of the SAC.

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

We agree that the broader scientific community should feed into the work of SACs, particularly with regards to consideration of future priorities. We recommend a yearly open meeting for the discussion of future priorities and risks. In addition to this, scientists and engineers could be involved in targeted consultations and a peer review process where appropriate. In order to facilitate these processes, we suggest that GO Science could develop an information platform for the up to date record of all SACs, their point of contact, a calendar of key dates, and their annual reports.

We also highlight the ease of access to the Knowledge Exchange programme and recommend that SACs could further utilise approaches such as this. The Research Councils have been promoting this approach, particularly strategies in which research can contribute directly to policy development.

It is also important to recognise the potential contribution of the Learned Societies, such as the Society of Biology, which represent a large number of professional scientists from all walks of life. These societies offer networks of expertise which can facilitate discussion between science policy makers and academics. The Society of Biology has a database of contact details for professional Policy Officers in biology who may be able to help with specific issues.

General

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

We ask for clarification of the roles of Committees of Experts in relation to SACs. Does the current Code of Practice also cover Committees of Experts? This should be made clear, and if they are not covered by this current document, we suggest that a Code of Practice covering different forms of committees be incorporated into the Code of Practice for SACs.

We are concerned about the potential impact of current budgetary constraints on SACs. We note that several commitments described in the Code of Practice require considerable funding, for example, training for committee members and Chairs, and the research which may be commissioned as described in paragraph 58. In light of the cuts to funding, surety is needed that the committee retains the funds that it needs to continue to act effectively, efficiently, independently, and openly. We would urge against the use of transitory committees in an attempt to economise, and instead see value in standing committees, with the ability to co-opt members or convene groups to provide additional expertise as required.

Specific comments:

Paragraph 84 states that the advice of a SAC '*should be seen as independent of government*'. We would like this to be reworded as '*should be and be seen to be independent of government*'.

Paragraph 90 states that '*it should not be necessary to publish members' private addresses*'. We would like to comment that it would never be appropriate to publish members' private addresses under any circumstance.

We gratefully acknowledge the specific contributions of a Task Force (Chair: Prof Rosie Hails MBE, Centre for Ecology & Hydrology, with contributions from Dr Eva Sharpe; Prof Angela Flannery, Astra Zeneca; Ceri Margerison, British Ecological Society; Rebecca Smith, Biochemical Society; Michelle Brook, Biochemical Society) as well as submissions from Prof Chris Pollock, Institute of Grassland and Environmental Research; Prof Alan Boobis, Imperial College London; Dr Elizabeth Bell, The Physiological Society.

The Society of Biology is pleased for this response to be publicly available and will shortly place a version on www.societyofbiology.org. For any queries, please contact Dr Laura Bellingan, Society of Biology, 9 Red Lion Court, London, EC4A 3EF. Email: policy@societyofbiology.org

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