

Scientific Advisory Committee on Nutrition

Paper for discussion: Openness of Committee Proceedings

Agenda Item 2

Please see attached paper for consideration. The following annexes are also attached

Annex:

1. Department of Health. Communicating about Risks to Public Health: Pointers to Good Practice. 1998.
2. Food Standards Agency. Code of Practice on Openness. August 2000
3. Department of Health and Joint Food Safety and Standards Group. Review of the Structure and Function of the Committee on Medical Aspects of Food and Nutrition Policy (COMA).

Please also see:

1. The Constitution Unit, UCL. A Practical Guide to the Freedom of Information Act 2000. March 2001
2. Office of Science and Technology. Code of Practice for Scientific Advisory Committees: Draft for Second Round Consultation. DTI. March 2001
3. Office of Science and Technology. Review of Risk Procedures used by the Government's Advisory Committees Dealing with Food Safety. DTI. July 2000
4. Office of Science and Technology. Conclusions of the Review of Risk Procedures used by the Government's Advisory Committees Dealing with Food Safety. DTI July 2000
5. Food Standards Agency. Lessons to be Learned from the Report of the BSE Inquiry. Board Paper FSA/01/02. 8 February 2001.

Scientific Advisory Committee on Nutrition

Openness of Committee Proceedings

1. Introduction

1.1 The Government recognises that there has been a significant loss of public confidence in the arrangements for the handling of food safety and standards and has reviewed its procedures in risk assessment and policy making. It is committed to a policy of open and transparent working. The overall aim is to provide consumers and others with timely, accurate and scientifically based information and advice, enabling people to make informed choices. In order to achieve this, the Government is committed to improve policy-making and the democratic process by publishing the facts and analysis of the facts which it considers relevant and important in framing major policy proposals and decisions. The Government's commitment to 'openness' also applies to the working procedures of all Advisory Non-Departmental Public Bodies (ANDPBs) which includes SACN.

1.2 The Government's White Paper on 'Modernising Government' put forward a package of reforms designed to increase the efficiency and responsiveness of Government. The Freedom of Information Act, which received Royal Assent in November 2000, provides a statutory framework for openness in Government, making disclosure of information the norm save in exceptional circumstances.

1.3 Many significant developments in relation to openness have taken place over the last two years. These include the publication by the Office of Science and Technology (OST) of 'Guidelines 2000 – Scientific Advice and Policy Making'. These guidelines extend to social science research, and place greater emphasis on stakeholder involvement, and to openness and transparency, particularly in relation to uncertainty often present in risk assessments. In July 2000, the OST also issued a draft 'Code of Practice for Scientific Advisory Committees' for consultation and it is planned that the final version will be published later in the year. In addition to the Food Standards Agency, the Human Genetics Commission (December 1999) and the

Agriculture and Environment Biotechnology Commission (June 2000) were established.

1.4 In October 2000, the report of the BSE Inquiry conducted by Lord Phillips of Worth Matravers (the Phillips Report) was published. This includes a wide range of lessons to be learned on the use of scientific advisory committees, on the coordination of research, and on dealing with uncertainty and the communication of risk. The Government's interim response was published in February 2001. In March 2000 the House of Lords Science and Technology Committee published a report on Science and Society addressing what it saw as a crisis in public confidence in science. This includes a number of recommendations on communicating uncertainty and risk and on the openness of scientific advisory bodies. The Department of Health also published specific guidelines on the communication of Risks to Public Health (Annex 1).

2. Food Standards Agency (FSA)

2.1 Previously, different aspects of food safety and standards were managed by various parts of the Ministry of Agriculture, Fisheries and Food, the Department of Health, and their equivalents in the devolved administrations. Now, responsibility for development of food policy is under a single part of the Government - the Food Standards Agency. Under the Food Standards Act, the Food Standards Agency is charged with protecting consumer interests in relation to food safety and standards including nutritional standards. Responsibility for nutrition is shared with the Health Departments. Most importantly, the Agency is entitled to make public the advice that it gives to Government ministers. This means that the Agency can be seen to act openly and independently in looking after the interests of consumers.

2.2 The Food Standards Agency adopts the policy of openness which means that it communicates in a straightforward and timely way, that it will explain the reasons for its decisions and advice, and that it will publish its targets and achievements. There is a Statement of General Objectives and Practices confirming FSA's commitment to operating in an open and transparent way. The Food Standards Agency's policy on openness is attached at Annex 2.

3. Establishment of the Scientific Advisory Committee on Nutrition

3.1 In 1998 the then Secretary of State for Health and the Minister for Agriculture, Food and Fisheries (MAFF) agreed that the handling of nutrition issues should be reviewed in anticipation of the establishment of the Food Standards Agency. As part of the review, the way in which independent scientific advice should be given to Government was also considered. The review recommended the setting up of a new committee of independent experts, the Scientific Advisory Committee on Nutrition (SACN), to replace COMA. The committee will advise the FSA and all Health Departments individually and jointly and will be supported by a joint secretariat drawn from the Department of Health (DH) and the FSA. The following terms of reference were recommended:

To advise the CMOs or the FSA, and thus, through the CMOs or FSA, Government, on scientific aspects of nutrition and health with specific reference to:

- *Nutrient content of individual foods and advice on diet as a whole including the definition of a balanced diet, and the nutritional status of people;*
- *Monitoring and surveillance of the above;*
- *Wider public health policy issues including conditions where nutritional status is one of a number of risk factors (eg cardiovascular disease, cancer, osteoporosis and/or obesity);*
- *Vulnerable groups (eg infants and older people) and inequality issues;*
- *Research requirements for the above.*

3.2 An executive summary of the review is attached at Annex 3, which gives the division of responsibilities on nutrition between FSA and DH.

4. Working Practices for SACN

4.1 In accordance with the Government policy on transparency in working procedures, SACN should operate from a presumption of openness. The proceedings should be as open as possible and should maintain high levels of transparency during routine business. The following arrangements are suggested:

4.1.1 Agendas: It is suggested that dates of meetings and agendas be published in advance in the *FSA News* and on the website.

4.1.2 Minutes: It is proposed that the minutes of SACN meetings be made available *via* the website and in paper form, once agreed by members. Minutes should accurately reflect the proceedings and discussions that take place. However, to ensure that members are able to contribute fully to discussions, members may wish to consider whether specific comments or views recorded in the minutes should be attributable to individual members or observers, or, as for most other comparable committees, are recorded on a non-attributable basis, except where members have to declare an interest.

4.1.3 Papers: It is suggested that, in general, papers be published in advance to allow comments to be received from any interested parties before the meeting. However, to ensure that the Committee has access to all available information it may on occasion be necessary to treat some matters as confidential and the committee should be prepared to explain publicly why information or papers are being withheld. It is therefore proposed that any such data be annexed to the relevant paper which would make reference to it, but it would not be made available when the paper is put in the public domain. For copyright reasons, published material annexed to papers will not normally be supplied to those requesting copies of papers, but they will be given the relevant references. Where appropriate, a disclaimer will be added to papers explaining that they have been prepared for discussion and do not necessarily reflect the final views of the Group. Proceedings should be as open as is compatible with the requirements of confidentiality and the committee should be prepared to explain publicly why information or papers are being withheld.

4.1.4 Meetings: It is intended that the Committee should operate in as open a way as is possible. Members may wish to consider whether specific details or statements and views can be reported to outside interests by, for example, individual members or observers. **It is proposed that arrangements be made for at least one open meeting per year.**

4.1.5 Annual report: In line with other committees, **it is proposed that SACN should publish an Annual report detailing its work through out the year.** The report could be launched at an open meeting.

4.1.6 Consultation with interested parties: It is intended that, in line with the practice adopted in some other committees, the SACN invite submissions from outside interests on specific subjects that are to be discussed at future meetings. These will be sent direct, on request to the relevant interest groups and be published in FSA News and, placed on the website. **Members may also wish to consider whether the Committee's preliminary conclusions should be issued for comment prior to the finalisation of the report.**

4.1.7 SACN Website: An independent SACN website giving details of membership has already been set up at www.sacn.gov.uk. **It is proposed that agendas, minutes of meetings, annual reports, lists of papers submitted to the Committee and declaration of members' and observers' interests will be published on the website.**

Members are invited to:

1. Note and agree the plans for publishing dates of meetings and agendas in advance.
2. Agree the plans for publishing minutes and annual reports.
3. Agree the plans for making papers available to interested parties.
4. Agree to hold at least one open meeting per year.
5. Consider how confidential they wish discussions to be kept outside of the SACN meetings.

6. Consider the way in which interim conclusions should be handled in the minutes.
7. Consider whether the Committee's preliminary conclusions should be issued for comment prior to the finalisation of the report.

**SACN Secretariat
June 2001**