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## FOOD STANDARDS AGENCY (FSA) TRIENNIAL REVIEW OF SIX SCIENTIFIC ADVISORY COMMITTEES: PUBLICATION OF THE FINAL REPORT

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### 1 SUMMARY

1.1 The Board is asked to:

- **Note** the publication of the final report for the FSA Triennial Review of its six Scientific Advisory Committees (SACs) on the 24 March 2016<sup>1</sup>; and
- **Discuss** the final report.

### 2 INTRODUCTION

2.1 The FSA has reviewed its six SACs, listed below, as part of its governance and funding of these bodies. The review was timely given the new FSA science governance arrangements introduced in 2014 and the publication of the FSA's new Strategic Plan: Food We Can Trust 2015-2020<sup>2</sup> and its underpinning Science, Evidence and Information Strategy 2015-2020.<sup>3</sup> The six SACs reviewed were:

- The Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT);
- The Advisory Committee on the Microbiological Safety of Food (ACMSF);
- The Advisory Committee on Novel Foods and Processes (ACNFP);
- The Advisory Committee on Animal Feedingstuffs (ACAF);
- The Social Science Research Committee (SSRC);
- The General Advisory Committee on Science (GACS).

2.2 The FSA SACs are currently all non-statutory Advisory Non-Departmental Public Bodies (ANDPBs), which are subject to triennial review under the Cabinet Office (CO)<sup>4</sup> Public Bodies review programme. The SACs provide independent expert advice to the FSA and in some cases to other Government Departments (OGDs), including on key areas of risk assessment, current and emerging scientific issues and our use of science.

### 3 STRATEGIC AIMS

3.1 The purpose of the review, which started in September 2015 and concluded in March 2016, was to provide assurance to the FSA, wider Government and consumers that the SAC roles and purposes are appropriate in addressing the

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<sup>1</sup> <http://www.food.gov.uk/sites/default/files/triennial-review-sac.pdf>

<sup>2</sup> <http://www.food.gov.uk/about-us/about-the-fsa>

<sup>3</sup> <http://www.food.gov.uk/sites/default/files/fsa151104.pdf>

<sup>4</sup> <https://www.gov.uk/government/publications/public-bodies-reform-reports>

future needs of the FSA and wider Government, and that the bodies are operating effectively whilst taking account of the requirement for public sector efficiency. The review would make recommendations to better realise these objectives, as appropriate.

3.2 The triennial review has followed two stages:

- **Stage one** looked at the ongoing need for the functions provided by the body and the benefits to users and stakeholders; it then considered the best delivery model for the functions that are still needed;
- **Stage two** considered how the body operates, including relationships with stakeholders, opportunities for efficiencies and improved performance, and governance.

3.3 The review considered the six SACs together, to enable a more efficient process, consider common issues and strands of evidence (e.g. on shared governance) and for a better evaluation of how the SACs work with each other and with other relevant bodies.

#### 4 EVIDENCE, CONSULTATION AND CONSUMER ENGAGEMENT

4.1 The review gathered evidence and consulted in a number of ways, including:

- **Written material:** publications, reports, stakeholder views, relevant press, previous reviews and the actions taken in response to their recommendations;
- **Interviews** with key stakeholders - these included: SAC Chairs, a selection of members and their secretariats; the FSA Board Chair and Deputy Chair, Directors and senior staff within FSA and other bodies that commission, collaborate or use SAC advice (including the Department of Health (DH), Public Health England (PHE), the Department for Environment, Food and Rural Affairs (Defra), the Department for Environment and Climate Change (DECC) and Health and Safety Executive (HSE), Food Standards Scotland (FSS), and the Department of Agriculture and Rural Development Northern Ireland (DARD)). A total of 51 confidential one-to-one interviews were carried out during the qualitative evidence gathering phase of the review and interviewees are summarised in Annex F of the final report. One-to-one interviews were held in confidence to ensure people could give frank opinions; as a result, the report does not identify individual contributions or reproduce verbatim information from interviews;
- **An open call for evidence** published on the FSA website ran from 21 September until 5 November 2015, and generated 1296 (992 unique) website hits and received 14 completed responses. This included a questionnaire asking key questions and/or the opportunity to submit written evidence. A summary of the open call is provided in Annex E of the final report;
- **Three workshops:** one with SAC members and FSA staff; one with members of the GACS; and one with any external interested parties were held during the evidence gathering phase of the review.

- 4.2 The key messages that emerged from the 51 one to one interviews with key stakeholders as detailed in para 4.1 were:
- agreement that FSA needed flexible independent scientific advice that was accessible, delivered in the right areas, at the correct pace (faster) and that questions were framed by FSA correctly so they could be answered usefully by the SACs;
  - views that the framing of the question(s) to SACs was key to obtain value for money and that SACs need to answer questions set by FSA or identified by the committees and agreed as relevant and value adding to the FSA;
  - the potential benefits in thinking differently as to whether the SACs were the right model to deliver scientific advice for FSA or whether a model that included access to a wider pool of experts would be useful;
  - agreement that risk assessment should continue to be the main focus of the SACs but that better communication on risk management was required;
  - a requirement to increase pace and for FSA to increase visibility of what the committees do;
  - a recognition of the benefits of bringing together Chairs of committees;
  - there was an opportunity for GACS or its successor to have a stronger focus on areas of strategic priority;
  - need for flexibility of membership linked to FSA policy areas.
- 4.3 A project board chaired by the FSA Director of Science and comprising a cross-section of internal FSA, OGD and devolved representatives, and an Advisory Group chaired by the Chief Scientist and comprising representatives from OGDs, FSS and the FSA Board met four and three times respectively during the course of the review to assure the process and evidence gathered, and to provide challenge and constructive critique to the review and the draft report and recommendations.
- 4.4 Draft recommendations and the draft report were shared and discussed with the Chairs and members of the reviewed Committees, and their responses were considered alongside the other inputs and lines of evidence in formulating the final recommendations.
- 4.5 Since the FSA last reviewed its SACs, a number of OGDs have reviewed and reclassified some of their SACs, which were ANDPBs, to become Departmental Expert Committees (DECs). This provided useful evidence on what the benefits, impact and any disbenefits a change in classification had on SAC operation. This evidence suggested that Committees can operate effectively under either model, although neither will in itself guarantee this; rather, this rests on having clear roles and responsibilities, and practices

which safeguard openness and independence in practice and provide for challenge if concerns arise. Evidence from the Chairs of some of these relevant SACs indicated that since this transition, their Committees have maintained the same level of independence and expertise (e.g. the Scientific Advisory Committee on Nutrition (SACN), the Committee of Carcinogenicity (COC) and the UK Expert Committee on Pesticides). The evidence gathered also suggests that it is important to ensure that DEC's maintain clear and effective lines of communication with, and access to, relevant officials, including those who commission or use their advice and senior leaders in the sponsor department, and equally with relevant other departments and Committees. These points are reflected in recommendations 6 and 7 of this review, relating to effective dialogue and iteration between FSA and the SACs, and to effective co-ordination and communication across OGDs and wider groups of SACs.

- 4.6 The review identified that where the DEC classification is more appropriate given the role and purpose of a committee, it can also deliver additional advantages. DEC's can be more flexible and new members can be recruited in shorter timeframes due to simpler procedures for appointments. There are also some administrative savings. The review identified that change in Committee classification had in some cases led to some members leaving, but that there had been no problems in recruiting equally expert new members into the DEC's as a result of their classification.
- 4.7 Consultation with OGDs indicated that they work to variable models to obtain expert scientific advice: a mixture of ANDPBs, expert Committees, subject-specific sub-groups, and by commissioning of specific, time-bound projects.
- 4.8 All SACs, irrespective of their classification as ANDPBs or as DEC's, should follow the cross-Government guidelines (and for FSA SACs, the FSA guidelines) for the provision of scientific advice, which includes doing so in an open, independent and transparent manner. This is of course of fundamental importance to the FSA.
- 4.9 The FSA lead reviewer took account of a wider Cabinet Office review of the classification of Public Bodies: guidance for Departments on classification of ANDPBs and DEC's<sup>5</sup>. The conclusions from this Cabinet Office review were published on the 27 April 2016 and the work was reflected in the assessment and recommendations for the classification of the FSA's SACs, to ensure that the stage 1 recommendations aligned with the developing cross-government guidance.
- 4.10 Overall, we conclude that the DEC is the appropriate default model for the FSA SACs for the future; provided that appropriate safeguards on independence, transparency and other elements of effective operation are set in place and followed (these are discussed in more detail in paragraphs 5-5-

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<sup>5</sup> <https://www.gov.uk/government/publications/classification-of-public-bodies-information-and-guidance>

5.10). The review considered whether there were any specific features of any of the individual SACs which would lead us to conclude that a departure from this default position was justified. . Our view is that is the case for the ACMSF and the COT, which provide expert advice on core risk assessment for microbiological and chemical food safety. Here, the established Codex principle of functional separation of risk assessment and risk management in food safety, and the history behind this, provide an additional benefit in maintaining a more formal separation between these SACs and the FSA. The review therefore concludes that these two Committees should remain ANDPBs.

4.11 The eight recommendations of the Triennial Review are summarised below.

#### **Stage One Recommendations**

**Recommendation 1:** The review recommends that there remains a clear requirement from FSA and Government for the scientific advisory functions provided by the COT and the ACMSF. These two committees should continue to operate as ANDPBs.

**Recommendation 2:** The dossier review function for novel foods, currently provided by ACNFP should continue until the EC provides clarification of the future process under the remit of the European Food Safety Authority (EFSA), then the FSA should consider future options by December 2017. FSA should replace the risk advisory functions of the ACNFP and the ACAF with a new core expert Committee, which would retain any future functions required from these two committees within the framework of a wider remit on innovation in the food chain. The new Committee on Innovation in the Food Chain should be established by December 2017 and should operate as an expert committee of FSA, reflecting its more focussed role in advising FSA and the likely volume and nature of its work.

**Recommendation 3:** FSA should replace the GACS with a new high-level Science Council to provide insight, challenge and support for the Chief Scientific Adviser (CSA) and FSA. The new Science Council should follow other Government models like those in Defra such as the Science Council and the Royal Commission on Environmental Pollution. The new FSA Science Council should operate as an expert committee of FSA.

**Recommendation 4:** FSA should ensure that the Social Science Research Committee (SSRC) provides clear evidence of its impact, through a work programme that focuses on strategic advice and challenge which will help the FSA to apply the latest social science insights effectively to deliver its strategic objectives and understand their impact. The SSRC should become an expert committee of the FSA, reflecting its future focus on advising the FSA and the likely volume and nature of its work.

The report suggested that the FSA should take the opportunity to reflect on the future composition and the name of the Committee. Some suggestions made during the review for other disciplines to be included were a statistician, an economist and a social anthropologist. A future name for the Committee

could be the Applied Strategic Science Committee which should also broaden its external focus and work,

### Stage Two Recommendations

**Recommendation 5:** FSA should update its approach and current guidance on conflicts of interest (COI) including considering other models in use across Government nationally and internationally and their efficacy in protecting consumer interests and ensure that its SACs consistently follow the revised guidance.

**Recommendation 6:** To ensure that SACs' advice addresses appropriate issues for FSA and across Government, in ways which optimise its relevance and impact and the transparency of its use in risk management, FSA should ensure appropriate iterative dialogue with its SACs, including through effective application of its 'Framework for dialogue between FSA and the SACs'.

**Recommendation 7:** Communication should be strengthened between the SACs and the wider external scientific, Government, customer and stakeholder communities including other Government Departments and their Committees to ensure the process for using the SACs is efficient and effective and that strategies and advice are aligned for consumers.

**Recommendation 8:** FSA should work through its secretariats and Chairs (both with individual SACs, as a group and with OGDs) to consider joint working, using new tools and technologies, external expertise and other means to make efficiencies (including cost savings) that can be used to make the best use of members' and secretariats expertise and time and help develop FSA staff and Committee members for the future.

## 5 DISCUSSION AND IMPACT

- 5.1 The review has provided an opportunity for the FSA to consider how we get the best independent science and evidence to support the new FSA strategic Plan and Science, Evidence and Information Strategy, as part of delivering our future priorities. The stage 1 recommendations were considered robust and innovative by the Minister for the Cabinet Office.
- 5.2 The review report was discussed by the GACS at its open meeting on 24 March 2016. The Committee raised a number of concerns, which have since been related to the Board in a letter from the GACS Chair, Professor Sir Colin Blakemore, and in separate letters from other members of GACS (attached at Appendix A). GACS questioned what it felt to be a lack of evidence or rationale in the review report for the stage one recommendations, including that to replace GACS with a Science Council. It also highlighted a number of points which it feels will be essential for FSA to address in order to maintain the effectiveness and credibility of its use of SACs. These include:
- Maintaining the independence, openness and transparency of operation of the SACs and their ability to challenge as well as advise the FSA, and ensuring this is 'hard-wired' into their establishment (GACS concerns on these points were heightened with regard to the potential real or perceived impact on independence and transparency of proposals with a shift to the DEC classification).

- Maintaining the FSA's commitment to lay/consumer members on all of its SACs;
  - Questioning the need to replace GACS with a Science Council;
  - Maintaining effective co-ordination and joint working across the SACs, if SAC Chairs are not to be members of the Science Council;
  - GACS also questioned whether the Science Council could be effective with only the 4-5 members suggested in the report.
- 5.3 The Chair has met Sir Colin to discuss his concerns, and it is important that the Board discussion of the Review fully considers each of these points and is explicit about our position and expectations.
- 5.4 Transparency and independence are fundamental to the effective operation of SACs. Any new committees the FSA establishes, and any committees which change classification as a result of the review, will follow the same principles and practices of openness, independence of operation, including the right to challenge FSA, as our existing SACs. They will have access to the same mechanisms that provide assurance that this is followed in practice, including holding open meetings, publication of papers, minutes and advice, and access to the FSA CSA, Chief Executive and Chair (and *in extremis* the Government CSA) to raise any concerns should they arise. This will be made explicit in their Terms of Reference and other founding documentation.
- 5.5 The review did not discuss the practice of having lay/consumer members on the FSA's SACs, as no changes were proposed. We value the input of lay/consumer members and intend to continue this practice.
- 5.6 The recommendation to move the role of overarching challenge and advice on FSA's use of science from the GACS to a Science Council reflects a number of drivers. The first is the move in 2014 to a science governance model with an external CSA. This provides an additional source of independent challenge to FSA science which was not present when GACS was established. The GACS itself identified at the time of these changes that they could have implications for the role of GACS. Input to the review identified a demand for a more strategic scientific perspective and challenge across the full suite of the FSA's functions than was currently being offered by GACS. To add this to the collaborative and networking benefits of GACS, by increasing membership and expanding agendas, would make GACS an unwieldy forum. The review therefore proposed creating a replacement body to GACS, being a Science Council, to meet this need. Decoupling the overarching challenge role from the SAC networking and co-ordination role is considered a more effective step. It will allow the new Council to fulfil a strategic role with a core membership. We would still expect it to network, work with, and co-opt input from, wider expert groups as needed, of which the SAC Chairs would be one. As such the Council need not duplicate expertise that already exists in the SACs. The Council should be able to operate effectively with a smaller membership; this may well exceed the 4-5 members suggested in the report.

- 5.7 FSA and the review report recognise the value of the co-ordination between SACs, through regular discussion between their Chairs, and we will maintain this. We expect to hold regular meetings and discussions of the SACs which advise FSA directly (including SACN), and that this group will also interact regularly with wider groups of SACs, such as, for example, the Chairs of Defra's SACs. Discussion would include cross-cutting issues and co-ordination across SACs work, and could also include shared horizon scanning. This networking and coordination function does not however need to be formally constituted as an SAC and indeed does not fit the taxonomy of a DEC or ANDPB.
- 5.8 The Council and the SAC Chairs will need effective lines of communication. We expect that the Council would have a role on overseeing any strategic issues relating to the SACs work, and FSA's use of the SACs, while the SAC Chairs will be able to raise issues with the Council if they wish.
- 5.9 We propose to return to the Board in 2017, after 12-18 months of experience with implementation, to report back on progress and impact. The Chair of the new Science Council would take part in this discussion to give their independent perspective.

## **6 RESOURCE AND SUSTAINABILITY IMPLICATIONS**

- 6.1 The review evidence, gathered in discussions with OGDs and key stakeholders has reflected the importance of transparency, independence, flexibility and timeliness for any Government approach to gathering scientific advice, balanced with the need to be as efficient and effective as possible against the backdrop of diminishing resource across Government. The report recommendations 6 to 8 provide some suggestions to improve resource efficiency and sustainability in the future operation of our SACs. Broadly, the outcomes are about delivering more impact and effectiveness from current involvement, given the central core importance of science and evidence to the FSA, than about generating economies.

## **7 LEGAL IMPLICATIONS**

- 7.1 FSA should ensure that during the implementation of the review recommendations, that all its future SACs are supported under the Food Standards Act, schedule 2 section 3 on other advisory committees.

## **8 DEVOLUTION IMPLICATIONS**

- 8.1 The review recommendations have been developed for the FSA with input from all three countries. Food Standards Scotland (FSS) have been part of both the Project Board and Advisory Group and are content with the review recommendations.

## **9 CONCLUSION AND RECOMMENDATIONS**



- 9.1 The role of the SACs has been at the heart of the FSA science-based model, one which is highly regarded across Government and indeed internationally. The review's eight recommendations provide the opportunity for us to create a future structure which provides the independent scientific evidence, advice and challenge required and helps maximise our impact to deliver our Strategic Plan: Food We Can Trust 2015-2020 and its underpinning Science, Evidence and Information Strategy 2015-2020. It ensures that our committee structure is properly aligned with the classifications in place across all Government Departments.
- 9.2 The Board is asked to:
- **Note** the publication of the final report for the FSA Triennial review of its six Scientific Advisory Committees (SACs) which was published on the 24 March 2016; and
  - **Discuss** the final report.