

## **Sir Bernard Silverman FRS – Written evidence (COV0016)**

### **Should SAGE have a published Working Protocol?**

This note is written from my experience as Home Office Chief Scientific Adviser (2010-2017) and also, subsequently, as Chair of the Technology Advisory Panel (TAP) of the Investigatory Powers Commissioner.

I have been very heartened by the recent newspaper articles by Sir Patrick Vallance and Sir Paul Nurse, both seeking (in their characteristically different ways!) to demarcate the roles that science and politics play in the present crisis. It seems to me that it could be advantageous for all concerned if the working methods for SAGE and its subcommittees were more explicitly set out, for example through a published and agreed working protocol. I should state at the outset that I have not been involved in SAGE or any of its subgroups during the present emergency.

### **Background**

The Home Office Chief Scientific Adviser sponsored two sensitive scientific advisory committees, the Advisory Council on the Misuse of Drugs (ACMD) and the Animals in Science Committee (ASC). One of the tasks facing me in 2010 was the aftermath of the departure from the ACMD of its chair and several of its members in 2009. Agreeing and publishing a Working Protocol between the Home Secretary and the Chair of the ACMD greatly facilitated the task of re-establishing trust between the ACMD and Government. The document is available at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/119041/workingprotocol.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/119041/workingprotocol.pdf) The ASC has a [code of practice and working protocol](#) and, at the express suggestion of the House of Commons Science and Technology Committee, we have also established a [working protocol between the chair of the TAP and the Investigatory Powers Commissioner](#).

The basic scope of these documents is similar, though each is tailored to specific circumstances. They cover the background to the particular committee, the method of appointment of its members and the fields of expertise required, and the way that the work of the committee should be conducted and its advice given. They are intended to anticipate and avoid problems that may occur, though obviously not every eventuality can be foreseen. For example, in the case of the ACMD, there is an explicit process designed to ensure that the Home Secretary does not prejudge the committee's advice, and a procedure to be followed in the event that the Government does not accept a recommendation of the committee, which is that Ministers will write (publicly) to the ACMD to explain their reasons for rejection. In the period 2010-17, there were only two occasions on which Ministers were minded to reject the advice; in both cases there was a very good discussion between the Home Secretary and the Chair of the Committee, one leading to the advice being accepted after all, and the other to a [published response](#) explaining the reasons for control *Catha edulis* (khat) as a Category C drug.

In each case, the working protocol is explicitly designed to supplement, not to contradict or supersede, overarching documents such as the [Principles of Scientific Advice to Government](#) or the [Seven Principles of Public Life](#).

### **A working protocol for SAGE?**

An explicit working protocol for SAGE and its subgroups could be agreed quite quickly, and could of course be revised in the light of experience. The following are possible topics to be addressed within the general framework set out above, but others might well emerge in the process of setting out the document.

1. Should the membership of SAGE and its subgroups be published, perhaps drawing a distinction made between “permanent members” and those who attend ad hoc on only one or a small number of occasions? This might depend on national security considerations, for example if SAGE is convened in the light of a terrorist threat or attack. If some members are not avowed, the principles on which avowal takes place should be set out.
2. What are the fields of expertise covered by the committee? It may not be possible to do a one-to-one mapping between these and individual members, because some members will have multiple expertise. But it could be appropriate when publishing the membership to indicate what field(s) of expertise were covered by each member.
3. How are members appointed? It could be useful to set out a list of bodies consulted in the appointment of members, and also to state who actually makes the appointments (presumably the Government Chief Scientific Advisor).
4. How are decisions made, and how are dissenting opinions, if any, recorded or reported? Presumably SAGE mainly works by consensus rather than majority vote, but this needs to be set out. Minority opinions are also important, of course. Should there be a standard approach for expressing the confidence of evidence, and the degree of consensus in the underlying science, perhaps along the lines of [that used by the Intergovernmental Panel on Climate Change?](#)
5. Are officials in attendance at meetings, and under what terms? This should allow a distinction between members of SAGE (who have full rights to speak and who share in the responsibility of giving advice) and officials who may attend for a variety of reasons. It may draw a distinction between private meetings at which no official are present, and those open to officials (and, in some circumstances, the wider public).
6. When officials are present, what speaking rights do they have? For example, must they keep completely silent? May they ask for points of clarification? May they make other observations?
7. What are the processes for keeping of records and the publication of minutes and of advice given? The working protocol of the Advisory Committee for the Misuse of Drugs states that “The ACMD will publish its advice concurrent with its presentation to Ministers, unless there are pressing public or health protection reasons, or other reasons, for not doing so.” Should the same be true for SAGE? What would constitute “pressing reasons”? Should all supporting evidence and papers also be published at the time the advice is tendered?

8. Assuming that the main customer for SAGE's advice is COBR (though that should be made clear) what processes will be followed in the event that advice is not accepted? And similarly, if advice provided by a subgroup is not adopted by the main SAGE, there could also be some process of documentation and justification.

### **Conclusion**

A published working protocol is a very good way of being transparent about transparency, making explicit the various processes that underlie what is already a very good process for bringing scientific advice to bear in emergencies. By making processes and roles clear, it should also help to strengthen public confidence in policy decisions and in the scientific evidence that informs them.

*9 June 2020*