

**THE SPONGIFORM ENCEPHALOPATHY
ADVISORY COMMITTEE**

**A REPORT OF THE 2002 QUINQUENNIAL
REVIEW OF SEAC**

FEBRUARY 2003

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TERMS OF REFERENCE

In respect of the Spongiform Encephalopathy Advisory Committee:

- To examine the need for the Committee, its role, methods of operation and effectiveness; including its terms of reference and composition, the openness and transparency of its procedures and the relationships between the Committee, the commissioning departments and other bodies with related responsibilities, including the EU Scientific Steering Committee.

MEMBERSHIP

Roy Cunningham, formerly Department of Health
Mark Filley, Department for Environment, Food and Rural Affairs

PREFACE

In September 2002 we were asked to review and report on the work that the Spongiform Encephalopathy Advisory Committee (SEAC) does and its value to the Government. Our full terms of reference are opposite.

The review was commissioned by the Department of Health (DH), the Department for Environment, Food and Rural Affairs (Defra), the Food Standards Agency (FSA) and the Agriculture and Health Departments in Scotland, Wales and Northern Ireland. These are the Departments which sponsor SEAC.

We have interviewed a number of key bodies and individuals, including: Ministers; the SEAC Chairman, many of its members and Secretariat staff; other civil servants; and people from industry and consumer organisations. A full list of these contacts is given at Appendix A.

We also put information about the review on the Internet, with a list of the main issues that we wanted to consider and an invitation to people to comment. We wrote separately to many other interested stakeholders: details are given in Appendix B. We wanted to hear from as many people as possible so that our review could be properly informed and cover all the main points that needed to be addressed.

We are grateful for all of these contacts and interviews, which have been extremely helpful to our review.

Roy Cunningham
Mark Filley

EXECUTIVE SUMMARY

In this Executive Summary, we give an overview of our key findings and conclusions.

1. Is SEAC still needed?

- Over time, the Government's handling of the implications of Transmissible Spongiform Encephalopathies (TSEs) has derived significant benefit from the expert advice of SEAC. There are still many unanswered questions about BSE, vCJD and other TSEs. In these circumstances, the retention of SEAC is highly desirable. ([Chapter 2, para. 5](#))
- The scenery is shifting in respect of TSEs: a stronger EU regime for risk assessment and risk management is now developing; and the BSE in cattle epidemic is in rapid decline. It would be sensible, therefore, to undertake a light-touch look at the Committee earlier than the conventional five years – in, say, 2006 – to see whether departments are still content with its current form in the light of developments. ([Chapter 2, para. 8](#))

2. How SEAC works

- SEAC spends too much time on low-level or relatively minor questions at the expense of going in depth into fundamental scientific issues of TSEs. And the arrangements for forward work planning are relatively weak. This should be addressed. ([Chapter 3, para. 2](#))
- SEAC should have more precise terms of reference, which better focus the role of the Committee towards the tasks that it is required to perform: i.e. advising on risk assessment, new scientific discoveries and important general principles. This should help to ensure that advice sought from SEAC is more effectively targeted to its areas of expertise. ([Chapter 3, para. 18](#))

3. Membership

- The best way of adding expertise to SEAC is by co-opting experts on to time-limited sub-groups. Over time, the size of the main Committee could be reduced to make it more manageable. ([Chapter 4, para. 10](#))
- The appointment of eminent scientists from outside Europe can throw up practical difficulties. In future, it may be better to ask such experts to offer advice on an ad hoc basis. ([Chapter 4, para. 8](#))
- TSE research and testing are now big business. Members of SEAC (including sub-group members and, where appropriate, technical advisers and other experts who assist the Committee in relation to specific issues) must be rigorous in respect of declaring their interests. ([Chapter 8, para. 14](#))

4. SEAC sub-groups

- More of SEAC's business should be handled by ad hoc sub-groups so that there are better opportunities to look in depth at key issues. ([Chapter 5, para. 5](#))
- All SEAC sub-groups should be supported by the main SEAC Secretariat. ([Chapter 5, paras. 2, 15](#))
- The joint SEAC/ACDP working group on TSEs should be formally uncoupled from SEAC (though some representation by SEAC members should continue). This group is primarily concerned with risk management in the health and safety context. ([Chapter 5, para. 20](#))
- The standing CJD Epidemiology sub-group should continue, but with a tighter remit and more direction from the sponsoring departments (although the use of ad hoc groups as an alternative to the current sub-group might also be considered). The joint reporting line to the four UK CMOs is probably no longer needed. ([Chapter 5, paras. 13-15](#))

5. Europe

- SEAC should keep abreast of emerging opinions from the SSC or panels meeting under the auspices of the European Food Safety Authority (EFSA). These groups have similar remits in respect of TSEs at the EU level. Any unnecessary duplication should be avoided. ([Chapter 6, para. 4](#))
- The way that SEAC relates to EFSA and its scientific panels will need to be kept under review, as this important EU-wide risk assessment body develops. There will continue to be issues of particular national interest, however, where the Government will require SEAC to advise. ([Chapter 6, para. 3](#))

6. Openness and transparency

- The decision to hold open meetings was a sensible one. Some issues will need to be discussed in closed session however. An openness policy should be developed and published: all parties should be aware that there are clear, consistent and predictable rules. ([Chapter 7, paras. 2, 5](#))
- SEAC sub-groups will often be looking at issues where the scientific data is either absent or equivocal – where it is important that members are free to think ‘outside the box’. It is not unreasonable that such meetings should be ‘in camera’. To balance this out, however, sub-groups must follow all other good practice guidance in respect of openness. ([Chapter 7, para. 8](#))
- SEAC’s website is an under-developed resource. Managed correctly it could provide a very useful way for people to get access to key parts of SEAC’s work and advice – including its future work programme. ([Chapter 7, para. 14](#))
- The last SEAC annual report to be published covered the period 1 April 1999 to 31 March 2000. This should be addressed. ([Chapter 7, para. 14](#))
- We acknowledge and further encourage the important role that lay members play in respect of communicating SEAC’s conclusions in simple language. ([Chapter 7, para. 14](#))

- The sponsoring departments should do more to explain how the Government has responded to key advice from SEAC – perhaps via departmental reports or websites. ([Chapter 7, para. 18](#))

7. Management and costs

- The new Secretariat arrangements look to have made a strong start. It will be important regularly to take stock of how they are doing: in particular, to make sure that the Secretariat's role as a two-way channel of communication (between SEAC and the sponsoring departments) is still robust. ([Chapter 8, para. 8](#))
- The question of remuneration for SEAC members who are not public servants should be revisited. The Secretariat should ensure that SEAC interests are carefully considered as part of the FSA's review of the level of remuneration offered to members of its advisory committees. ([Chapter 8, para. 18](#))
- Defra currently pays the lion's share of SEAC running costs. This is inequitable and sits uncomfortably with the principle of a Committee and a Secretariat that are expected to serve each of the sponsoring Departments equally. ([Chapter 8, para. 26](#))
- There are shortcomings in respect of induction and training for new members. This is an area that is now being addressed, but there is still a way to go. It would also be sensible to look specifically at ways of providing ongoing support for lay members. ([Chapter 8, para. 19](#))

CHAPTER 1 – AN OVERVIEW

Establishment of SEAC

1. SEAC was first established in 1990. To this day it remains the primary source of expert scientific advice to the Government on matters relating to transmissible spongiform encephalopathies (TSEs). These are neurodegenerative disorders of both humans and animals, which include vCJD, BSE and scrapie.

Terms of reference

2. The Committee has a wide remit, covering public health, food safety and animal health issues. Its terms of reference are:
 - “To provide scientifically based advice to the Department for Environment, Food and Rural Affairs, the Department of Health, their counterparts in Northern Ireland and devolved administrations, and the Food Standards Agency on matters relating to spongiform encephalopathies, taking account of the remits of other bodies with related responsibilities.”
3. SEAC is a Non Departmental Public Body (NDPB), and a part of the public sector apparatus.

Membership

4. The Chairman of SEAC is Peter Smith CBE, Professor of Tropical Epidemiology at the London School of Hygiene and Tropical Medicine. SEAC currently has 13 members, including the Chairman. A full list of SEAC members – as at 31 December 2002 – can be found at Appendix C of this report.

SEAC meetings

5. The Committee meets about six times a year. The large part of every SEAC meeting now takes place in open session (from September 2002).

SEAC Sub-groups

6. Use of sub-groups allows SEAC to delegate the initial consideration of some highly specialised issues, which require a substantial input from experts not on the main Committee. Currently there is a standing CJD Epidemiology Subcommittee (which jointly reports to the four UK Chief Medical Officers), and an ad hoc sub-group looking at TSEs in sheep. There is also a joint working group between SEAC and the Advisory Committee on Dangerous Pathogens (ACDP).

Secretariat

7. The SEAC Secretariat is responsible for prioritising SEAC business and for ensuring that advice is requested in an appropriate manner. It facilitates the effective functioning of the Committee and the communication of SEAC's discussions and advice.
8. Until recently, SEAC was served by a tripartite Secretariat with staff drawn from Defra, DH and the FSA. The joint secretaries each had wider policy responsibilities on TSEs in their respective Departments. In September 2002 a new, unified Secretariat was created with a full-time, dedicated Secretary.
9. Part of the revised arrangements include a new SEAC Secretariat Steering Group. The composition of the Group includes senior officials from DH, Defra, the FSA and the devolved administrations, as well as SEAC's Chairman, its Secretary and an observer from the Office of Science and Technology (OST). The Group's remit is:
 - "To steer the relationship between SEAC, the dedicated cross-departmental Secretariat and sponsoring Departments so that the Committee is properly supported to give the necessary scientific advice to the Government."

Past reviews

10. SEAC was last reviewed in 1997. Developments on BSE and vCJD in 1996 had placed new demands and a much heavier workload on the Committee. That review looked primarily to try to ease SEAC's workload by ensuring that the Committee had all the support it needed, and the appropriate expertise to advise on the full range of issues on which the Government was seeking advice. The review made a number of

recommendations covering areas such as the Committee's terms of reference, membership, openness, the SEAC Secretariat, the functioning of the Committee, and the publication of Annual Reports. All the recommendations of the Review have been implemented.

Recent developments

11. The science of TSEs is complex and fast-moving. The scenery has also shifted in many other ways since SEAC was reviewed in 1997, so that there have been a number of reasons for looking again at the Committee now:
 - The establishment of the FSA and the creation of the devolved administrations in Scotland, Wales and Northern Ireland, to whom SEAC now also gives advice. This has had implications for the operation of the Committee and its Secretariat.
 - The BSE epidemic in cattle is in decline. Arguably, the main points that cause people concern are public health issues such as the safety of food, operations and surgical instruments and blood. Any implications for the structure, membership and operations of the Committee need to be clarified.
 - There has been a greatly enhanced European dimension, with many countries in the European Union that formerly thought they had no cases of BSE having discovered that they do. This has led to the development of an EU-wide regulatory framework for TSEs on the basis of risk assessment advice provided by the EU Scientific Steering Committee (SSC). The relationships between SEAC, the SSC and the scientific panels of the European Food Safety Authority (EFSA) need to be clarified.
 - There are several specialised areas where SEAC and other committees interact, for example on research, medicines and the occupational implications of exposure to TSEs. SEAC's relationships with other bodies which have overlapping interests also need to be clarified.
 - There continues to be significant public interest in the advice that SEAC gives to Ministers and the impact of this. SEAC has also committed itself to holding open meetings from September 2002.

These are important issues, which should receive careful consideration.

- The report of the BSE Inquiry (October 2000) identified a number of lessons to be learned from the Government's handling of SEAC. There has also been new central guidance on scientific advisory committees, and the FSA has published some further recommendations following a review of the advisory committees for which it is responsible (including SEAC). It is appropriate to consider how SEAC matches up to the standards required.
12. The fact of this review does not in any way imply that SEAC's performance or the use of the Committee by government has been unsatisfactory. Regular and challenging review of expert advisory committees and other NDPBs is very important. It provides an opportunity to reconsider systematically whether the function served by the NDPB is still required and, if it is, whether the existing organisational structure remains the best option for its delivery. It is also sensible to look at ways of improving the future performance and working practices of NDPBs.
 13. In SEAC's case, it is particularly useful to consider how the Committee has contributed to the delivery of government policy on TSEs. This is affected by the need for the Committee both to have – and to be seen to have – sufficient independence.

CHAPTER 2 – WHY HAVE SEAC?

Introduction

1. The BSE Inquiry looked closely at the operation and use made of SEAC in the period up to March 1996 and concluded that the Committee had “made a significant contribution to the protection of human and animal health”. The 1997 review of SEAC also concluded that there was “no immediate prospect of the need for SEAC lessening”.

SEAC’s track-record

2. One of the best ways of measuring SEAC’s continuing effectiveness is by looking at the extent to which the Committee’s advice has been the foundation of government policy on TSEs:
 - The Beef Bones Regulations 1997 were introduced following SEAC advice to Ministers in December 1997 on the risk of BSE infectivity in dorsal root ganglia and bone marrow of BSE-affected cattle.
 - In December 1997, the Committee provided advice to government on the risk of TSE transmission from the practice of intra-species recycling of waste in the pig and poultry industries. In the light of this advice, the Government introduced a number of measures including – by way of example – the Animal By-Products Order 1999, which banned the swill-feeding of pig slaughterhouse waste to pigs.
 - In July 1998, the Government took action to safeguard further the safety of the blood supply by introducing leucodepletion – the removal of the white blood cells from donated blood. This reflected specific advice from SEAC that leucodepletion would be a sensible and practical precautionary measure to take against the theoretical risk from vCJD because if infectivity were to be present in blood, it would most likely be in the white cells.
 - In November 1999, SEAC reviewed the Over Thirty Month Rule (OTM), which bans the sale for human consumption of meat from cattle aged over 30 months at slaughter. Taking account of the latest predictions of the BSE epidemic, the Committee agreed that

modifying the Rule to increase the age of animals permitted to be slaughtered for human consumption would be premature, as this might re-introduce an unacceptable level of risk. The Government accepted this advice. The Rule continues to operate and is now being re-examined by the FSA.

- Defra and the devolved administrations in Scotland and Wales are now taking forward a National Scrapie Plan (NSP) for Great Britain. The NSP implements a specific recommendation from SEAC for a long-term control and eradication programme for scrapie. The NSP will also reduce any risk of BSE in the national flock.
- From October 2000, new EU-wide controls on specified risk materials (SRM) were introduced. In order to comply with the Community rules, a relaxation in respect of thymus and intestine of cattle of six months old or under was introduced to the UK's existing controls. SEAC considered the Commission's proposals on SRM and agreed that the benefit of introducing community-wide legislation in this area "outweighed the slight increase in risk that may arise from any consequential change to the UK's existing controls". This is a good example of SEAC helping the Government to evaluate the science underpinning EU TSE policy – a role which the Committee may increasingly be asked to play in future.
- In 2000 the FSA undertook a review of the current BSE controls in relation to the food chain. During the review the FSA took scientific advice from SEAC, whose Chairman attended meetings of the FSA review team. The report of the review (published December 2000) recommended no immediate relaxation in the controls and, in some instances, proposed some tightening of them.

The need for SEAC

3. No-one we have consulted has identified any lack of public confidence in the professionalism or integrity of the Committee. There is in fact overwhelming support for SEAC to continue.
4. Our interviews also left us with the strong impression that there remains great value in the assistance provided to the Government by SEAC:
 - Many people made the point that there is still much scientific uncertainty about TSEs. Is BSE present in sheep? How many more

people will succumb to vCJD? These are just two of the important unanswered questions in this area. For this reason, public confidence in the animal and public health actions taken by government continues to be greatly enhanced by the knowledge that they draw on the formal advice of a high calibre body of professionals.

- If the BSE in cattle epidemic continues to decline as currently forecast, it should be possible to relax some of the main risk reduction measures over time. Any decision to withdraw from key public protection measures will need to be based on sound scientific advice. SEAC's involvement with the ongoing FSA review of the OTM Rule shows that this is already becoming an important part of the Committee's work.
 - TSE issues impact on a very wide range of areas. For example, food risks, human and veterinary medicines, fertilisers, cosmetics, science and research, waste disposal, the environment, occupational risks and animal feed. SEAC is well placed to take an overview, and to encourage the exploration of risks on the basis of a common understanding of the science.
 - The existence of a highly regarded committee of long standing offers the best way of retaining the contribution of leading scientists, and of providing them with the support they need to keep up-to-date with key developments in this fast-moving area of science.
5. *Over time, the Government's handling of the implications of TSEs has derived significant benefit from the expert advice of SEAC. There are still many unanswered questions about BSE, vCJD and other TSEs. In these circumstances, **we recommend** that SEAC should continue.*

Future prospects

6. There are nevertheless some significant ways in which the scenery is shifting. These may eventually point to a different approach:
- TSE controls in relation to animal feeding and human food are now addressed under EU law, and BSE is increasingly a Community-wide issue. The Scientific Steering Committee (SSC) advises the EU Commission on key scientific questions concerning TSEs,

much as SEAC advises the UK Government. The existence of a strong European framework has already reduced the scope for individual member states to adopt unilateral measures to deal with TSE risks.

- The BSE in cattle epidemic is in steep and continuing decline. Some people believe that the possible size of a vCJD epidemic may involve smaller numbers than was first thought (though it is not currently possible to be confident of this).
 - The question of endemic BSE in sheep remains unanswered, but there is still no evidence that this has happened.
7. Against this background, is it possible to suggest a date when a decision could be taken to announce that SEAC is no longer needed? We do not feel able to answer this question currently. While this exercise suggests that the Committee is clearly needed at present, the pace of change is such that the position should be kept under regular review. In three years time, there will be more evidence about: the incidence of BSE in cattle (and sheep if it is there); the incidence of vCJD; and the effectiveness of the evolving European risk assessment and risk management framework.
8. ***We recommend that the Government should undertake a further light-touch look at the Committee earlier than the conventional five years – in, say, 2006 – to see whether departments are still content with its current form in the light of the ongoing issues outlined above.***
9. In addition, we note that the new SEAC Secretariat Steering Group is well-placed to monitor the effectiveness of the Committee, its workload and the areas of advice that are likely to be required on an ongoing basis.

CHAPTER 3 – SEAC’s REMIT

Introduction

1. SEAC’s current terms of reference are very wide ranging: “... to provide scientifically based advice ... on matters relating to spongiform encephalopathies, taking account of the remits of other bodies with related responsibilities.” They do not exclude any TSE issue from the Committee’s consideration. Nor do they specify with much precision what the purpose of the Committee should be.

The role of SEAC

2. The history of SEAC’s activities shows that the Committee has mainly been used to provide advice to specific questions that the Government has referred to it. We have identified the following specific issues that need to be considered:
 - Some remaining doubts about the effectiveness with which responsibilities for risk assessment/risk management are handled.
 - A tendency for too much of SEAC’s time to be spent examining low-level or relatively minor matters at the expense of going in depth into fundamental scientific issues of TSEs.
 - This is linked to relatively weak arrangements in respect of any forward work planning. As a result, there is no real opportunity for SEAC members to propose items for consideration and some of the benefits of members’ expertise and experiences are lost.
 - Different views as to what SEAC’s role should be in respect of research.

Responsibilities for risk assessment/risk management

3. Careful thought has been given to the role of advisory committees in relation to risk management and policy in recent times, with separate individual recommendations from the BSE Inquiry, the Office of Science and Technology and the FSA.

4. The history of SEAC shows that there are fundamental problems associated with asking scientific committees to contribute to the taking of risk management or policy decisions. Once an expert committee, such as SEAC, has formally advised in favour of a particular policy option, the Government has little choice but to adopt it. This may present difficulties when there are matters, which are not questions of science, that need to be weighed in the balance before a final policy decision is taken – such as important economic or practical consequences of a particular course of action.
5. A reader of the BSE Inquiry report will find a lengthy list of examples where SEAC was asked: “not the scientific question ‘what does this mean?’, but the policy question ‘what should we do?’”¹ Our own review suggests that this situation has much improved. It is still the case, however, that SEAC is sometimes asked to advise on policy, recommending what action the Government should take.
6. Risk management questions place an unhelpful additional burden on the Committee, at the expense of its primary role: to provide clear and specific evaluations of risk. We do not wish to preclude SEAC from suggesting risk management options that the Committee feels are appropriate, so long as it discusses the pros and cons of each option and does not recommend which should be adopted. However, the Government should not rely on or expect SEAC to undertake such activities.

Refocusing SEAC’s activities

7. Many people consider that SEAC’s agendas are overcrowded and that the Committee is often asked to look at relatively minor issues – even to validate existing policy. We would question whether this is a sensible use of the Committee’s time. Certainly, government should only go to the Committee when its advice is really needed: we look to the Secretariat to act as effective gatekeepers in this respect.
8. Pressures on SEAC could be eased considerably if the Committee was used mainly to look at new science and the important unanswered questions, and to identify key risk areas that need to be addressed. These are more strategic issues that no one else is qualified to consider,

¹ *Report of the BSE Inquiry*, October 2000, Volume 11, para. 4.745

and can have a profound influence on the direction of government policy. Examples might include:

- The precise nature and mechanisms of infection.
- The likely scale of the vCJD epidemic.
- The mechanisms which gave rise to BSE.
- Additional possible routes of transmission of BSE and vCJD.
- Maternal risk factors.
- BSE in sheep.

9. Such an approach might best be pursued in conjunction with:

- A move to making greater use of sub-groups (an issue discussed in Chapter 5).
- More structured arrangements for forward work planning, with Departments and SEAC members regularly discussing the key issues that need to be addressed at future meetings. *We understand that the Secretariat is already working on a future programme of activities. **We recommend** that any plan should be published so that other parties have an opportunity to comment on SEAC's programme and to influence its scope.*
- It may also be possible to deal with some of the detailed questions which come to SEAC either through 'in house' expertise (on the basis of SEAC advice as to key general principles), or by reference to other advisory committees – such as the Advisory Committee on Animal Feedingstuffs (ACAF) – provided that the issues on which advice is required fall within their areas of expertise.² We draw attention to this area, so that it may receive further consideration by the SEAC Secretariat in conjunction with the Secretariats of other advisory committees.

² We note in particular that a separate advisory structure exists for considering the safety of human and veterinary medicinal products, so that it should not normally be necessary for SEAC to be involved in this area. For example, the Committee on Safety of Medicines (CSM) is responsible for advising the UK Licensing Authority to ensure that medicines meet appropriate standards of quality, efficacy and safety. The Veterinary Products Committee performs a similar function in respect of veterinary medicinal products.

10. It is plain, however, that appropriate priority must also be given to the inevitable urgent issues on which SEAC's advice is required.

Research

11. SEAC currently plays a limited but valuable role in helping to identify research that the Government should be commissioning in the TSE area – suggesting where work should be undertaken to answer questions where current scientific knowledge is lacking. SEAC has no specific responsibilities in respect of research, however, has no funds of its own and cannot directly commission any new work.
12. We have encountered a wide range of opinions about the Committee's research role. On one side of the argument is the fact that SEAC contains some of the leading scientists on TSEs, so that greater use should be made of members' collective knowledge in terms of identifying, prioritising and co-ordinating research in this area.
13. If this were done, however, there would be problems in that:
 - The TSE research programme is very large, and SEAC's main risk assessment role would suffer if high level research issues were to become a major part of the Committee's agenda.
 - There are potential conflicts of interest, with some SEAC members (or their parent bodies) also competing for limited research funds.
 - Other bodies already exist to co-ordinate research and to draw attention to particular research needs.
14. Our understanding is that co-ordination of TSE research is achieved through the TSE Joint Funders Co-ordination Group and the High Level Committee for TSE Research. The Funders Group aims to ensure a coherent research strategy, addressing high priority issues of national importance. The Group sponsors meetings and conferences to monitor progress and organises joint calls for proposals in key research areas. The High Level Committee maintains an overview of progress, ensuring that mechanisms are in place to implement the agreed strategy and that barriers to progress can be identified and overcome.

15. Against this background, ***we recommend that SEAC should not be given any additional responsibilities in relation to research.*** The important issues for SEAC are that:
- The Committee should be well-informed of ongoing TSE research and of emerging results, in order to maintain an appropriate awareness of the science base in the area in which they advise. In this context the Secretariat has an important role to play, making sure that such information is readily available.
 - There should be sufficient opportunity for members to undertake horizon scanning. A major issue in ensuring that new research can be initiated in good time is the early identification of any possible emerging risk.
 - We believe that SEAC must still be able to make specific requests for experiments where they feel that important scientific knowledge is lacking. Ultimately, however, it is for government to consider the relative priority of individual research proposals, in order to make the most appropriate use of limited resources.

Procedures for arriving at conclusions

16. One issue which emerged during the course of the review was to do with the way that SEAC arrives at its conclusions. SEAC normally aims to reach a consensus on individual issues. There is no formal 'voting' procedure and alternative views on a subject are not recorded in any great detail. Some people have suggested that the current SEAC approach leads to unclear conclusions on certain issues.
17. We feel that the above recommendations, which aim to give the Committee a better focus and more opportunity to engage with many of the key issues, may help to address this problem. The SEAC Secretariat may wish to consider, however, whether there needs to be a clearer process for the Committee to use in reaching its conclusions, and whether any significant diversity of opinion among the members is adequately recorded.

Conclusions

18. ***We recommend that SEAC should have more precise terms of reference which better focus the role of the Committee towards the***

tasks that it is required to perform. This will help to ensure that advice sought from SEAC is effectively targeted to its areas of expertise.

19. Suggested, revised terms of reference for the Committee would be:

- “To provide high quality and independent scientific advice on TSEs to the Department for Environment, Food and Rural Affairs, the Department of Health, their counterparts in Northern Ireland and devolved administrations, and the Food Standards Agency. In particular to:
 - (a). Deliver scientifically-based risk assessment advice following a specific request by sponsoring departments.
 - (b). Advise on important general principles or new scientific discoveries in connection with TSEs.
 - (c). Assist with the identification of those areas where there are any specific or emerging TSE risks.
 - (d). Propose the review of significant or newly emerging aspects of TSEs, where necessary creating ad hoc sub-groups to be chaired by a member of SEAC and including external experts.

The Committee shall take account of the remits of other bodies with related responsibilities, both at national and EU level.”

CHAPTER 4 – MEMBERSHIP

Present position

1. The membership of SEAC (as at 31 December 2002) is listed in Appendix C. It comprises a Chairman, a Deputy Chairman and eleven members with the following areas of expertise and experience:
 - Consumer affairs.
 - Epidemiology and population studies.
 - Genetics.
 - Haematology.
 - Pathology and neuropathology.
 - Public health medicine.
 - Veterinary science, both practical and academic.
2. The Committee advertised last year to fill two vacancies following the retirement of a leading UK prion scientist and a consultant with extensive knowledge of the meat industry.

Recruitment and selection

3. Over time, the appointment process for new SEAC members has satisfactorily followed “Nolan” rules (as operated by the Office of the Commissioners for Public Appointments). We note that preparations for the next round of SEAC appointments have begun. This will include consultation with relevant learned societies and professional bodies, helping to encourage suitably qualified people to apply.
4. This orderly approach is welcome. We believe, however, that there have been occasions on which delays have occurred in making new appointments. The current Chairman, in particular, spent two years in an acting capacity before receiving his substantive appointment in August 2001.

5. The most important issues are those of fairness to candidates and the effective operation of the Committee. It may be sensible, before embarking on any future process for the appointment of a new Chairman, for the SEAC Secretariat Steering Group to draw up an appropriate timetable and endeavour to make sure that it is kept to.

The composition of the Committee

6. Potentially, there are many areas of expertise relevant to SEAC's broad terms of reference. As we have heard during the review, a reasonably plausible case could be made for supplementing the composition of the Committee with any of the following:
 - General statistical or mathematical expertise in risk assessment (as distinct from the specialist epidemiological knowledge available from existing members).
 - Transfusion medicine – in view of continuing concerns about the theoretical risk of contamination of the UK blood supply with vCJD.
 - Food industry and enforcement. Some people have suggested that SEAC would benefit from a greater knowledge of the food industry. Arguably, SEAC's policy of openness means that there would now be less concern than in the past that such representation might damage public trust in the Committee. We believe, however, that the interests of the industry are too broad to be represented by any one member. And there are other ways of ensuring that such knowledge is available to SEAC when required – either on an ad hoc basis or from relevant experts in, say, the FSA.
 - Appointing extra lay members to represent consumers generally. The FSA's Report on the Review of Scientific Committees recommends that committees should have two non-specialist members, one of whom has a background in consumer affairs. It is important that SEAC's work, and its advice to government and the reasoning behind it, is presented in terms which are widely accessible – this is an area where lay members play a valuable role. However, SEAC already has more than one non-scientific member, so that it is reasonably well-served in this regard.
 - Overseas members. At present the professional base of two of the 13 SEAC members is outside Europe – in Australia and the USA.

Perhaps inevitably, given the extra time commitment required, problems have arisen in terms of regular attendance. In addition, such members are often invited to join the Committee precisely because they are very eminent scientists. The upshot of this is that they have many demands on their time, with further implications for their involvement with SEAC business. We understand that these members are now being re-appointed for twelve months only, instead of the usual three years. It is possible, as the number of experts in TSEs increases, that it will no longer be necessary to rely so heavily on experts from outside Europe as full members of the Committee. Indeed, there may be some advantage in adopting the practice recommended by the FSA for its advisory committees – i.e. using experts from outside Europe, when required, to assist with the consideration of specific topics³ and to participate in sub-groups. This approach may work best in conjunction with more rigorous forward work planning, as discussed in Chapter 3 of this report.

- It has been suggested that the four main TSE groups in the UK – the Institute of Animal Health, the Veterinary Laboratories Agency, the Prion Unit and the National CJD Surveillance Unit – should each be permanently represented on SEAC. We consider it desirable that such knowledge should continue to be available to the Committee in some form – either as full members, technical advisors or by inviting such experts to serve on SEAC sub-groups dealing with specific issues.
7. Anecdotally, we were told that the presence of too many of the leading experts in TSE science actually meant that the Committee’s business was sometimes made more difficult and protracted, rather than enhancing the quality of debate and any subsequent advice. If, as recommended elsewhere, SEAC was to make more use of expert sub-committees, it would be easier for detailed scientific issues to be addressed with greater rigor without congesting the main Committee. At any rate, we believe that it is still essential for reasons of public confidence in this new and sensitive area of science that the main Committee should continue to have a proper complement of leading TSE scientists at its heart.

³ IBID, para. 36.

8. *The appointment of eminent scientists from outside Europe can throw up practical difficulties. **We recommend** that, in future, it may be better to ask such experts to offer advice on an ad hoc basis or to participate in sub-groups.*

What size should SEAC be?

9. Although the current membership of 13 (15 if the vacancies are filled) is not excessively large for a committee of this importance and breadth of remit, a number of those we interviewed thought that SEAC might conduct its business more effectively with a smaller membership. At the time of the 1997 review, the Committee had eleven members including the Chairman.
10. We believe that expertise on SEAC can best be maintained (or even extended) by co-opting specialists from outside the main Committee on to sub-groups. Such an arrangement offers greater flexibility, making it easier for the Committee to call on expertise in relevant fields. **We recommend** that the sponsoring departments discuss with the SEAC Chairman whether a smaller membership can be achieved, and which categories of expertise are essential in terms of permanent representation.
11. In view of this, we do not believe that a further lay-member should be added to the Committee. We are not convinced that SEAC's position needs strengthening in this respect. To appoint an additional lay-member against a background of a Committee which is likely to reduce in size would dilute SEAC's scientific expertise to an unacceptable extent.

CHAPTER 5 – SUBGROUPS AND WORKING GROUPS

General issues

1. We believe that the use of specialist ad hoc sub-groups offers some important advantages:
 - There is much more time to deal with important scientific questions, thus reducing some of the pressures to try to understand, scrutinise and advise on highly complex issues at a single SEAC meeting when there are also numerous other issues to deal with.
 - It is possible to bring a wider range of expertise to bear, co-opting “visiting experts” (domestic and international) better to oxygenate the main Committee’s thinking.
2. If this approach is to be adopted successfully however:
 - The remit of individual sub-groups should be identified and adhered to as precisely as possible.
 - Sub-groups should be asked to operate to specific timetables, so that their activities can be properly fitted into the main Committee’s forward work programme.
 - There should be close ties with the main Committee throughout the period that an individual sub-group is operating. Sub-groups should normally be chaired by a member of the main Committee. They should be supported by the main SEAC Secretariat.
 - There may be cost implications and problems of effective administration if the sub-group process is over used. In addition, the sub-group process should not be used to such an extent that it affects the satisfactory functioning of the main Committee.

SEAC’s use of ad hoc sub-groups

3. In the last few years SEAC has established sub-groups to deal with issues in respect of the possible link between BSE and sheep. A recent example is that Professor Smith has chaired a group (including a

number of European experts) to look in depth at a specific piece of emerging research.

4. As outlined above, this can be a very satisfactory way of working. We were told, however, by a number of those we talked to that SEAC had developed a rather hierarchical relationship with its sub-groups. This had sometimes led to the advice of sub-groups being dissected at length at SEAC meetings, even though their work had been carried out by highly eminent scientists (arguably with greater knowledge and experience of the specific issues in hand). We do not deny that SEAC has the right to scrutinise or to challenge advice from its sub-groups, if appropriate. Provided, however, sub-groups are properly constituted, this should not usually be necessary.
5. ***We recommend that SEAC makes increased use of ad hoc working groups. This arrangement should be used both to work up specific pieces of risk assessment advice, and, if appropriate, to keep the Committee informed of developments in areas relevant to its work.***

CJD Epidemiology sub-group

6. Currently, SEAC has a standing sub-group on CJD epidemiology which reports also to the four UK Chief Medical Officers. It was set up in November 1997. Its current Chairman is Dr Noel Gill, a consultant epidemiologist at the Communicable Disease Surveillance Centre (CDSC). The group works reasonably informally and its composition includes members of SEAC (including Professor Smith who was the sub-group's first Chairman) and external experts who are co-opted as necessary. Dr Gill is not a member of SEAC but attends regularly to present sub-group reports etc. to the main Committee.
7. The terms of reference of the sub-group are:
 - “to assess the information about the epidemiology of vCJD and develop as far as possible advice on trends in the disease.”
8. We understand that the sub-group initially concentrated on issues related to human epidemiology. More recently it has also considered issues of animal epidemiology (although this wider scope has not been explicitly reflected in the subgroup's terms of reference).

9. The sub-group is serviced by DH who meet its costs and provide Secretariat support.
10. Some of the same territory is covered – insofar as human TSE epidemiology is concerned – by the National CJD Surveillance Unit which advises, and is funded by, DH. We have not attempted a detailed analysis of the potential for overlap and duplication here, as the Unit's activities are outside our remit. We draw attention to it so that it may receive further consideration.
11. The main arguments for retaining the sub-group are:
 - The inherent importance of its work. If vCJD became a more widespread problem, the pressure for effective surveillance of the disease and analysis of the factors which could be involved in its spread would be even more intense. Maintaining relevant expertise is still very important in this area, so that the Government has ready access to high quality advice.
 - The sub-group is one of the few forums where health and animal epidemiologists are able to meet regularly – e.g. to discuss cross-cutting issues.
 - The sub-group provides a reasonably effective bridge between SEAC and the detailed “hands on” work of units like the National CJD Surveillance Unit, the London School of Hygiene and Tropical Medicine and CDSC.
12. On the other hand, some people have identified a lack of focus in the business of the sub-group – possibly exacerbated by the group's unclear remit, which fails to specify precisely its intended role.
13. Further, it is debatable whether a standing subgroup on epidemiology is still needed or whether it would be more efficient for SEAC to set up ad hoc groups with specific remits – to address particular epidemiological questions and report back to the main Committee. While we do not think there is an obviously optimum solution to some of these organisational issues, it is clear to us that the present arrangements are not ideal.
14. ***We recommend that the use of ad hoc groups as an alternative to the current standing CJD Epidemiology sub-group should be considered. At the very least, the present sub-group should have a clearer remit,***

reflected in revised terms of reference – in these circumstances it would also be important to make sure that the membership included individuals with appropriate expertise, able to support effectively the sub-group's new role.

15. If the sub-group is to continue, it is also unclear why it needs to have a formal relationship with the four CMOs as well as SEAC. SEAC exists to provide advice to government, so that the CMOs are already major customers of the Committee's work. *Now that the CJD Epidemiology sub-group also considers issues in respect of animal epidemiology, the continuing direct link with the four CMOs looks increasingly anachronistic. **We recommend** that this should not continue.*
16. The fact that DH provides the sub-group's Secretariat made good sense when the focus was on human epidemiology, and before the new unified SEAC Secretariat was set up. However, **we recommend** that the *integrated SEAC Secretariat should now take responsibility for servicing the CJD Epidemiology sub-group as well as the main Committee. There would need to be an appropriate transfer of resources, but this arrangement should create some economies of scale.*

The ACDP/SEAC joint working group

17. SEAC maintains a joint working group with the Advisory Committee on Dangerous Pathogens (ACDP). The ACDP is a scientific advisory committee, appointed by DH Ministers and serviced by DH, which advises both DH and the Health and Safety Commission and Executive on occupational health and safety issues. The joint working group has the following terms of reference:
 - “To consider the risks from exposure to the agents of transmissible spongiform encephalopathies that may arise as a result of work activities, to develop guidance to minimise such risks and to provide advice as requested by the parent committees.”
18. Since 1999 the Chairman of the joint working group has been Professor Don Jeffries who has recently retired from long standing membership of the ACDP.⁴ Although, like Dr Gill, he is not a member of SEAC, we understand that he regularly attends SEAC meetings mainly to seek advice or approval from SEAC for the joint working group's work.

⁴ Professor Jeffries is also Deputy Chairman of the CJD Incidents Panel, which advises DH on the medical and ethical implications of cases of both vCJD and sporadic CJD.

19. Currently, both the Chairman and Deputy Chairman of SEAC are members of the joint working group. We are unclear as to whether this working group benefits from its formal relationship with SEAC, and in the past there have been problems as a result of the sort of hierarchical relationship described in paragraph 4 above. More importantly, the main business of the working group is in respect of risk management or policy issues – an area which is emphatically not the focus of SEAC’s work.
20. We believe that suitable links between SEAC and an ACDP working group on TSEs can be maintained by other means, without the necessity of a formal joint working group. Good links at Secretariat level and appropriate, permanent cross-membership should be sufficient to ensure close co-operation and consistency of approach. Where necessary the ACDP working group could formally seek SEAC’s views or advice.
21. In view of this, ***we recommend that SEAC should be uncoupled from the work of the ACDP working group on TSEs and that other ways of pursuing areas of interest to both committees are found.***

CHAPTER 6 – EUROPE

Introduction

1. The regulatory regime for BSE and scrapie is increasingly governed by European law (though this issue is less significant in respect of vCJD and other Department of Health matters). Measures operate on a Community-wide basis, and are proportional to the disease situation in an individual country. Risk management decisions are made by the EU Commission on the basis of advice from committees also operating at the EU level – invariably the Scientific Steering Committee (SSC). From 2003, the European Food Safety Authority (EFSA) and its scientific panels will increasingly become the primary source of expert risk assessment advice in the EU.
2. Against this background, little scope remains for independent regulatory action at UK level – except in respect of non-food human health issues.

Implications for SEAC

3. People have told us that:
 - Given the UK's particular national interest in respect of BSE and vCJD, it will still be necessary to maintain a domestic committee in this area – regardless of developments at EU level.
 - In the future, however, SEAC's advice may increasingly be used to feed UK perspectives into the wider EU risk assessment process, rather than directly supporting national policy measures.
 - It will also be important to avoid overlap and duplication. This might be a problem if the same issues are regularly considered by SEAC and by committees at EU level.
4. In view of this, ***we recommend that:***
 - *SEAC should be well informed of current and forthcoming business at the SSC or EFSA's scientific panels, with good links maintained at Secretariat level.*

- *The Secretariat should avoid issues appearing on SEAC's agenda if they are already being considered by EU level committees – unless there is a particular national viewpoint or it is plain that SEAC's involvement will otherwise add significant value. This is not a situation which has arisen very often, but it may happen more regularly in the future.*
5. If SEAC does reach different conclusions in respect of any issue which is also being addressed at EU level, this will need to be carefully handled by government. In a recent case, different conclusions were drawn by the SSC and the FSA (building on SEAC advice on risk assessment data) in relation to the theoretical BSE risk posed by sheep intestines. The FSA took the lead in arranging additional scientific discussion at Community level to give further consideration to the issues. This is an approach which could profitably be followed in future cases.
 6. Some people might be worried by the suggestion that the Government's ability to adopt unilateral measures in the TSE area is now reasonably limited. The Government does not believe, however, that there are any serious gaps in its powers to take proportionate emergency action against hazards to human or animal health in relation to animals and animal products and food⁵.

⁵ *Response to the Report of the BSE Inquiry*, September 2001, Chapter 7.

CHAPTER 7 – OPENNESS

Introduction

1. Since the last review of SEAC in 1997, various steps have been taken to make the Committee more open and transparent. Initially, minutes and/or summary reports of SEAC meetings were published, along with a detailed annual report. From September 2002, all SEAC meetings have included a significant open session. Insofar as they relate to items for the open session, agendas and Committee papers are now published in advance of each meeting.

Commentary

2. SEAC's move to open meetings has been to the general satisfaction of both internal and external stakeholders. We strongly believe that this approach should continue.
3. In conducting our review, however, we have identified a number of important issues to consider:
 - Is there is a need for some aspects of SEAC's business still to be discussed behind closed doors?
 - If so, how should these aspects be conducted?
 - Should the standards of openness adopted by the main Committee also apply to SEAC sub-groups?
 - Are there any issues relating to the Committee's relationship with the media which need to be clarified?
 - Is the Committee's advice being communicated in the best way possible?

Confidential SEAC business

4. While it is essential that SEAC should maintain a high degree of openness, we have encountered very few people who dispute that – from time to time – SEAC needs to be involved in the discussion of

confidential issues. In most cases, it is not the issue itself which is confidential, but the data which is being considered: this may involve pre-publication research findings (which have only been made available to SEAC on a confidential basis by the scientists doing the research), or information which is commercially sensitive.

5. *We understand that the SEAC Secretariat is currently drawing up guidance to Departments, setting out clear criteria for deciding whether it is appropriate for any individual issue to be regarded as confidential. We fully endorse this process. There should be a strong presumption in favour of openness, so that as much of SEAC's business as possible can be carried out in open session. **We recommend**, in particular, that the guidelines should themselves be published – all parties should know that there are clear, consistent and predictable rules which cover this important area.*

SEAC sub-groups

6. It is recommended elsewhere in this report that greater use should be made of SEAC sub-groups to assist with the consideration of some highly specialised issues. If this is done, it will be increasingly important to establish the right degree of openness for those bodies.
7. Many people would argue that the standards for SEAC sub-groups should be no different to those which apply to the main Committee. On the other hand:
 - The activities of SEAC sub-groups will often be focussed on the initial stages of TSE issues, where the scientific data is either absent or equivocal. One of the main reasons for establishing such groups is to facilitate frank discussions or otherwise to encourage blue sky thinking. This process may work best without the pressure added by a press or public presence.
 - There may be serious resource implications associated with holding all sub-group discussions in open session.
8. Having regard to these factors, we do not consider that sub-group meetings should take place in open session as a matter of routine (though consideration should certainly be given to operating in such a way if there is no real need for confidentiality). To balance this out, however, it will be very important for sub-groups to follow all other good

practice guidelines in respect of openness – publishing minutes in every case, and agendas and meeting papers wherever possible.

Relationships with the media

9. It has been suggested, during the course of our review, that the personal views of some members of SEAC have occasionally been reported in the media as those of the Committee.
10. Individually, SEAC members are experts in their fields and have every right to talk to the media on TSE-related issues. We would simply draw attention to the SEAC Code of Practice, which makes clear that:
 - *“Statements made to the media by members should be clearly identified as personal views where this is the case so that they are not interpreted as those of the Committee ... members should be careful in expressing views to ensure that they are not open to misinterpretation, no matter how unjustified, as casting doubt on the collective views of the Committee as a degree of collective responsibility is implicit in membership of the Committee.”*
11. We would further endorse the findings of the FSA’s Report on the Review of Scientific Committees, which recommends that committee chairs “should normally act as the committee’s spokesperson”⁶. Such an approach helps to ensure that SEAC’s advice can be presented with particular care – a highly important issue in a delicate area such as TSEs.
12. SEAC open meetings now provide a good opportunity for members of the public and the media to see a key scientific advisory committee in action. Arrangements have recently been made for the Committee to have its own press officer (from the Government News Network), working closely with the new SEAC Secretariat. We believe that this will help the Committee to deal effectively with press enquiries following SEAC meetings.

⁶ IBID, para. 78.

Communicating the Committee's advice

13. At the moment, most people seem to feel that SEAC's main conclusions are being clearly explained. Minutes of meetings are published, and there is a recently introduced system of SEAC statements, written in simple language, which are published when the Committee has addressed an issue that is likely to generate significant interest. This seems to us to be a useful practice.
14. The particular issues that we would like to highlight are:
- The scope which exists for improving the Committee's website. This is a resource that remains underdeveloped. Managed correctly, it could provide a very useful way for people to get access to key parts of the Committee's work and advice – including its future programme.
 - Non-specialist or lay members have an important role to play by helping to ensure that an expert committee's discussions and advice are presented in terms that the public can understand. This is relevant to SEAC, and should be further encouraged.
 - SEAC agendas are published but tend to be little more than a simple list of topics. We would agree with the FSA Review that agendas should be annotated, so that "there is sufficient background for the reader to understand why the item is being discussed and what sort of questions are being considered"⁷.
 - *According to the FSA Review, annual reports are an important way for committees to present their "opinions and advice ... in a more permanent, referenceable record"⁸. We endorse this view. In SEAC's case, the last annual report to be published was that which covered the period from 1 April 1999 to 31 March 2000. **We recommend** that this position should be addressed.*

What does government do with SEAC's advice?

15. Anecdotally, we have heard that whilst people are clear about the Committee's advice, it can be hard to establish what the Government has done about it. We believe that this is largely due to the time needed

⁷ IBID, para. 63.

⁸ IBID, para. 75.

by government for further reflection and consultation – key considerations for effective policy-making and implementation.

16. Nevertheless, we believe that this is a loop worth closing. There may be benefits for the public in being able to see more clearly to what extent government policy is underpinned by SEAC’s advice – perhaps for the Committee itself too, as a useful tool with which to review its own performance.
17. On the other hand, we do not wish to suggest that SEAC should be acting as a government watch-dog. That is not the Committee’s job. And we have already suggested that it may not be appropriate for the Government to accept SEAC’s advice on every occasion, because:
 - *“Scientific advice is only one element among the considerations which may need to be taken into account by decision makers.”⁹*
18. ***We recommend*** that the sponsoring Departments should take the initiative and find ways of ensuring that people can readily follow what has happened to key elements of SEAC’s advice, and what effect they have had on government policy. Departmental reports and websites and the 6-monthly BSE Progress Report to Parliament are amongst the possible options for achieving this.

⁹ The Office of Science and Technology, *Guidelines 2000 on Scientific Advice and Policy Making*.

CHAPTER 8 – THE SEAC SECRETARIAT AND THE FUNCTIONING OF THE COMMITTEE

Recent changes

1. In September 2002 the Government established a dedicated and unified Secretariat for SEAC, aimed at strengthening the support to the Committee. This replaced the previous arrangement where SEAC was served by secretaries from Defra, DH and the FSA. None of these individuals was dedicated full-time to SEAC and each had significant responsibilities for aspects of TSE policy within their home Departments. Defra provided most of the junior staff who served on the Secretariat.
2. The new Secretariat currently comprises eleven people. Both the SEAC Secretary and her deputy have strong scientific backgrounds. Most of the remaining staff are administrators. It is intended, gradually and within available resources, to increase the proportion of scientists within the Secretariat. In particular, this should enhance the Secretariat's ability to provide high quality papers for committee meetings.
3. The Secretary has been specifically recruited to the post. Her salary and that of her personal secretary are funded equally by the three sponsoring Departments. With the exception of an administrator at SEO level on loan from the FSA and 60% of the time of an SEO-level scientist funded by DH, Defra provides and pays for the remaining eight staff. Dedicated press officer support from the Government News Network is funded equally by the three sponsoring departments.
4. The activities of the new Secretariat are overseen by a SEAC Secretariat Steering Group, which is attended by senior officials from the sponsoring departments, and by the SEAC Chairman and Secretary.

Benefits of the new Secretariat arrangements

5. In addition to its core functions, it is hoped that the new, unified Secretariat will:
 - Be able to ensure that the business of each SEAC meeting is well-balanced and properly prioritised, focusing on the key scientific questions that need to be addressed.

- Have more time to push forward work planning, for example, to facilitate good management of SEAC business and allow interested parties to contribute to the process.
- Pay proper attention to the appropriate formulation of the questions the Committee is asked to address.
- Monitor follow-up actions arising from SEAC's activities.

Assessing the new arrangements

6. Clearly the new arrangements have not been in place long enough for us to form anything other than a superficial view of their effectiveness. However, the generality of the people we interviewed seem very supportive.
7. One issue which we have identified as important is that the Committee is no longer served by senior staff from within the sponsoring departments who are fully immersed in the policy issues that provide the background to specific scientific areas on which the advice of SEAC is sought. It is obviously important, therefore, that staff within the Secretariat maintain close links with relevant policy divisions within the sponsoring departments – the Report of the BSE Inquiry drew attention to the important role played by the SEAC Secretariat as a two-way channel of communication¹⁰.
8. In any event, ***we recommend that the sponsoring departments – via the SEAC Secretariat Steering Group – should keep the operation of the new Secretariat arrangements under close scrutiny, without infringing the Secretariat's day-to-day independence.***

The code of practice

9. A Code of Practice for SEAC members has been drawn up and published on the Committee's website. This addresses:
 - Communications with Ministers and the press.
 - Guidelines on the disclosure of Committee business before and after SEAC meetings. This section may need to be updated now

¹⁰ IBID, Volume 11, para. 4.753

that the Committee operates more openly, and full minutes of meetings are published.

- Handling of SEAC papers – including those which are confidential and not for wider disclosure.
 - Publication of material by SEAC members.
 - Declaring and registering any apparent conflicts of interest.
 - The responsibilities of members and the Secretariat for the efficient functioning of the Committee – usefully setting targets for the publication of SEAC minutes etc.
 - Remuneration of members and the reimbursement of expenses.
10. In general the content of the Code of Practice is consistent with “Nolan” principles and appropriate recommendations about the operation of scientific advisory committees in the BSE Inquiry report.

Conflicts of interest

11. Some SEAC members are actively involved in TSE research and in bidding for funds. However, as the BSE Inquiry report put it:
- *“We do not subscribe to the view that potential conflicts of interest should necessarily disqualify someone from membership of an expert committee. Often the involvement which creates the potential conflict of interest gives the committee member particularly valuable expertise. It is, however, essential that potentially conflicting interests are declared.”¹¹*
12. We have noted that advice to members on declaring and registering interests is set out in a Code of Practice, as outlined above. Members’ interests are also published in the Committee’s annual report.
13. Some people are worried, however, that potential conflicts of interest in respect of individual items of SEAC business do not always receive the rigorous consideration that they deserve. We have not ourselves seen any indication of this – let alone any occasions on which a lack of rigor

¹¹ Report of the BSE Inquiry, October 2000, Volume 11, para. 4.755

when considering a potential conflict of interest had adverse consequences. Nevertheless, there is now great emphasis on the need for all material interests to be declared.

14. In the case of SEAC, millions of pounds are being spent on TSE testing and genotyping across the EU and the Committee's views can be very influential in terms of their impact on the direction of future work. In view of this, ***we recommend that Committee members (including sub-group members and, where appropriate, technical advisers and other experts who assist the Committee in relation to specific issues), with the SEAC Secretariat, should give rigorous consideration to the handling of potential conflicts of interest, so that no one is able to suggest that members of SEAC have any hidden agenda. Our review suggests that the public has great faith in the Committee's integrity, and it is crucial that this should not be put at risk.***

Members' remuneration

15. At present, SEAC members who are not public servants are eligible to receive a fee of £155 per day for attending meetings – lesser amounts are also available for preparation and reading time, and travel and subsistence costs are reimbursed. These costs are shared equally by the three main sponsoring departments. In the case of the SEAC Chairman, the London School of Hygiene and Tropical Medicine is fully reimbursed for the proportion of Professor Smith's time which is spent on SEAC business.
16. A number of those we interviewed said that the amounts paid to individual members were much too low. Anecdotally, we were told of cases where people had been put off from applying to become members.
17. On one side of this particular argument is the long standing tradition that people give of their knowledge and expertise freely for the public good and, also serious, implications for the resourcing of expert committees generally. On the other hand, it is clearly not in the interests of government securing the best available advice if the remuneration on offer is so low that it deters worthwhile candidates from seeking appointment. Nor is it unreasonable that people who do take on the significant workload that goes with SEAC membership should be fairly paid.

18. ***We recommend that the SEAC Secretariat should further explore the appropriate level of remuneration of members in conjunction with the FSA. We understand that the FSA is currently reviewing this issue in relation to all the scientific committees that advise the Agency on food issues.***

Support for members

19. By and large, members of SEAC seem to feel that they are well supported by the Secretariat and that the quality of papers is reasonably good. We were told, however, that:
- Some meeting papers are still circulated rather late in the day. It is inevitable that urgent issues will arise at the eleventh hour, but this must be kept to a minimum if members of the Committee are to have sufficient time to prepare.
 - There is no significant programme of induction for new members, to help in bringing them up to speed with the Committee's activities and methods of working.
 - Any ongoing training needs of members are seldom formally considered.
 - In a highly specialised area such as TSEs, effective training and support may be a particular issue in respect of non-specialist members of the Committee.
20. We understand that the Secretariat is looking to take forward work in this area. We think that they are right to do so.

Appraisal

21. The FSA's Review of its advisory committees recommended that members should be regularly appraised and have an opportunity to provide feedback on their contributions. This is important, because:
- It allows members to identify any difficulties in terms of what is expected of them or the support they are receiving.
 - As a result, it helps to ensure that government is getting the best possible contribution from individual members.

22. We understand that the SEAC Secretariat is already taking this recommendation forward. We are disposed to think that members will be more willing to participate in an appraisal process if they are also being properly reimbursed for their time.

Meeting the costs of SEAC

23. The costs of SEAC are currently running at around £0.5 million per year. The money is mainly spent on:

- Paying for the SEAC Secretariat – around £280,000.
- The cost of holding SEAC meetings and of providing support to Committee members – £150,000.
- Reimbursing SEAC members – £70,000.

24. At present the arrangements for sharing SEAC costs are complex and somewhat ad hoc. The devolved administrations make no financial contribution, despite the fact that SEAC also reports to them direct. It has been suggested, however, that these Departments might host occasional SEAC meetings in their own parts of the UK as a form of payment in kind. There are good arguments for holding out of town meetings from time to time (including in England, outside of London), but this arrangement is in keeping with the general lack of clarity in respect of SEAC funding.

25. At present Defra pays a disproportionate share of the total cost of SEAC. In 2002-3, Defra will pay an estimated 75%, compared with around 15% from DH and less than 10% from the FSA. We do not consider that this is an equitable arrangement. In addition, we believe that there is a strong presentational argument for drawing the line in a different place – some people have said that the present arrangements are seen as detracting from the perceived independence of the Committee.

26. ***We recommend*** that the sponsoring departments should ensure that a fairer distribution of funding is achieved for 2003-4. The question of the devolved administrations' share should also be pursued.

APPENDIX A: LIST OF THOSE WHO WERE INTERVIEWED BY THE SEAC REVIEW TEAM

Organisation or role	Name
ACAF Secretariat	Keith Millar
CJD Support Network	Gillian Turner
Chief Veterinary Officer (CVO)	Jim Scudamore
Chief Scientific Adviser	Dave King
Chief Scientist, Defra	Howard Dalton
Ch. Scientist (Agriculture), Northern Ireland	George McIlroy
Assistant CVO, Scotland	Leslie Gardner
Communications Directorate, Defra	John Webb/Martyn Smith
Communications Directorate, DH	Eleanor Treharne-Jones
Communications Directorate, FSA	Neil Martinson
Consumers' Association	Sue Davies
Deputy CMO	Pat Troop
Deputy CMO, Scotland	Andrew Fraser
Director of R&D, DH	John Pattison
Director General of Research Councils	John Taylor
Environment Agency	Geoff Bateman/Peter Crook
European Commission	Carlo Berlingieri/Eric Poudalet
FSA Chairman	John Krebs
FSA Chief Executive	Geoffrey Podger
Human BSE Foundation	Frances Hall
Meat & Livestock Commission	Michael Attenborough
Medicines Control Agency	Ian Hudson
National Farmers Union	Ben Gill
Agriculture Minister	Elliot Morley
Public Health Minister	Hazel Blears
SEAC Chairman	Peter Smith
SEAC member	James Ironside
SEAC member	Roy Anderson
SEAC member	Chris Bostock
SEAC member	Grahame Bulfield
SEAC member	Deirdre Cunningham
SEAC member	Peter Jinman
SEAC member	Harriet Kimbell
SEAC member	Colin Masters
SEAC member	Ian McConnell
SEAC Epidemiology Sub-Group Chairman	Noel Gill

SEAC/ACDP Working Group Chairman
SEAC Secretary
SEAC Secretariat
Former SEAC Secretary
Former SEAC Secretary
Former SEAC Secretary
Former SEAC Secretary
Former SEAC Secretary
SEAC Secretariat Steering Group
Sheep TSEs, Defra
TSE Director, Defra
UK Agricultural Supply Trade Association
Veterinary Advisor, Defra
Veterinary Laboratories Agency

Don Jeffries
Catherine Boyle
Ruth Pugh
Mandy Bailey
David Carruthers
Alan Harvey
Rowena Jecock
Ailsa Wight
Debby Reynolds
Noel Cleary
Peter Nash
Jim Reed
Peter Soul
Danny Matthews/John
Wilesmith

**APPENDIX B: LIST OF THOSE WHO CONTRIBUTED WRITTEN
COMMENTS TO THE REVIEW**

Organisation or role

Association of British Neurologists
ACDP/SEAC Joint Working Group Chairman
British Association of Otorhinolaryngologists,
Head & Neck Surgeons
Concerned Parents About BSE (CPAB)
Country Land & Business Association (CLA)
Faculty of Dental Surgery
National Blood Service
Royal College of Ophthalmologists
Royal College of Physicians

Name

D Miller
Don Jeffries
Alan Johnson

Kevin Manning
Beverly Barber
J Lowry
Martin Gorham
A Tullo
Ian Gilmore

APPENDIX C: CURRENT MEMBERS OF SEAC

Peter Smith (Chair)

Professor of Tropical Epidemiology at the London School of Hygiene and Tropical Medicine. Professor Smith has been a member of SEAC since 1996 and was appointed Deputy Chair in August 1999 from which date he served as acting Chair until appointed to his current position as Chair in August 2001. He serves on a number of other TSE committees and sub-committees and on international committees relating to intervention studies against some of the major tropical diseases.

James Ironside (Deputy Chair)

Professor of Clinical Neuropathology in the University of Edinburgh and Honorary Consultant Neuropathologist in the Lothian University Teaching Hospitals Trust. He is Director of the National Creutzfeldt-Jakob Disease Surveillance Unit based at the Western General Hospital in Edinburgh. Also a member of the joint Advisory Committee on Dangerous Pathogens (ACDP/SEAC) Working Group that provides advice on the safe working with TSEs in experimental and clinical settings, and the CJD Incidents Panel. Professor Ironside joined SEAC in June 1999 and was appointed to the position of Deputy Chair in May 2002.

Adriano Aguzzi

Associate Dean for Research at the University of Zurich Medical School and acting head of the Institute of Neuropathology at the Department of Pathology, University Hospital Zurich. Professor Aguzzi has been a SEAC member since February 1998.

Roy Anderson

Professor of Infectious Disease Epidemiology and Head of the Department of Infectious Disease Epidemiology at Imperial College Faculty of Medicine, University of London. Professor Anderson has been a member of SEAC since January 1998.

Christopher Bostock

Recently retired as Director of Research at the Institute for Animal Health (IAH). He has been a member since February 1998.

Robin Carrell

Professor of Haematology at Cambridge University and since 1998 has led the Structural Medicine Division of the Department of Haematology at the Cambridge Institute of Medical Research. He has been a member since September 2001.

Deirdre Cunningham

Public Health and Medical Director of the SouthEast London Strategic Health Authority. In addition to being a member of SEAC she is Chair of the Standing Medical Advisory Committee.

Peter Jinman

A member of Royal College of Veterinary Surgeons and senior partner of Jinman and Partners Veterinary Practice in Herefordshire, dealing with farm, equine and companion animals. He is President of the British Veterinary Association and a member of the BBC's Rural Affairs Advisory Committee. He has been a SEAC member since May 2000.

Harriet Kimbell

Associate Professor at the Guildford College of Law; specialising in consumer law; civil and commercial litigation and legal ethics. She is a member of the Council of Consumers' Association. She acts as representative of the public interest on SEAC, and has been a member since February 1998.

Colin Masters

Professor and head of the Department of Pathology at the University of Melbourne. He has been a SEAC member since November 1999.

Ian McConnell

Professor of Veterinary Science and Director of Research at the University of Cambridge Veterinary School. He has been a member of SEAC since September 1999.

Jiri Safar

Associate Adjunct Professor at Department of Neurology at University of California in San Francisco, and a member of the World Health Organisation (WHO) Advisory Board for Prion Diseases. He has been a SEAC member since November 1999.

Graham Bulfield

Vice-Principal and Head of the new College of Science and Engineering at the University of Edinburgh. He has been a member since April 2002.