



Department
of Energy &
Climate Change

Triennial Review Report 2015: Committee on Radioactive Waste Management (CoRWM)

Reviewing the function, form and governance of CoRWM

December 2015

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Executive summary

Aims of the review

1. Triennial reviews are a Cabinet Office mandated process for reviewing the function of Non-Departmental Public Bodies (NDPBs), the appropriateness of each body's delivery mechanisms and governance arrangements. Reviews should take place every three years for each NDPB, unless an exemption is agreed by the Cabinet Office.
2. The aims of the CoRWM triennial review are :
 - To provide a robust challenge of the continuing need for individual NDPBs – both their functions and their form; and
 - Where it is agreed that a body remain as an NDPB, to review:
 - its capacity for delivering more effectively and efficiently, including identifying potential for efficiency savings and its ability to contribute to economic growth, and;
 - the control and governance arrangements in place to ensure that the public body and the sponsoring department are complying with recognised principles of good corporate governance. This should also include an assessment of the body's performance.

The outcomes

Stage 1

3. CoRWM's function is to provide independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of higher activity radioactive wastes. The review team considered their function and concluded that having independent, expert advice on this important and complex issue continues to play an important role in Government's programme to deliver geological disposal, together with robust interim storage, as the long-term management solution for most of the UK's higher-activity wastes.
4. The review team examined a range of delivery models for this function. Although the function could in theory be transferred to the private or voluntary sectors or to a number of other NDPBs, the potential to do so in practice was limited by constraints relating to independence, expertise and capacity. None of these potential alternatives presented any clear benefits and each carried additional risk and short-term costs. The review team assessed the function against the Government's Three Tests to determine whether it

should continue to be delivered by a NDPB and concluded that it passed each test. In addition, the review team found that CoRWM appears to be operating effectively in its current form and there was nothing to suggest that there are issues that would require the current delivery model to change. The review team concluded that the continued existence of CoRWM as an advisory NDPB ensures the continuity of the scrutiny and advice function, and supports trust in an independent voice being able to scrutinise UK radioactive waste management.

Stage 2

5. The review team found that overall CoRWM acted in compliance with the Cabinet Office principles of good corporate governance. The review team made a number of recommendations to ensure that CoRWM operates in the most effective and efficient manner and these were also informed by evidence provided by key stakeholders in the consultation. These were to revise the Terms of Reference, members' Terms and Conditions and Code of Practice to clarify the Committee's role in relation to other existing bodies with different remits and allow increased flexibility for the Chair to adapt working patterns to focus future work programmes and get the most benefit from available funding. This work was carried out in consultation with the CoRWM Chair and Devolved Administration officials. The revised documents can be found at Annexes C-E.

About CoRWM - summary

6. CoRWM is an advisory NDPB, with a remit to provide independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of higher activity radioactive wastes. Its primary task is to provide independent scrutiny on the Government's and the Nuclear Decommissioning Authority's (NDA) proposals, plans and programmes to deliver geological disposal, together with robust interim storage, as the long-term management solution for most of the UK's higher-activity wastes.
7. The Triennial Review of CoRWM was announced on 27 January 2015.

Introduction

8. This document sets out the findings of the 2015 Triennial Review of the Committee on Radioactive Waste Management (CoRWM). It describes the purpose of Triennial Reviews, the process adopted for this review and presents findings based on feedback from stakeholders. The report, based on the evidence, makes a recommendation on the future of CoRWM and suggests ways in which the operations and governance of the Committee could be improved.

The Triennial Review

Aims of the Review

9. It is Government policy that Non-Departmental Public Bodies (NDPB) should only be set up, or remain in existence, where the model can be clearly evidenced as the most appropriate and cost-effective way of delivering the function in question.
10. In April 2011, Cabinet Office announced that all NDPBs still in existence following the 2010 public bodies reform, have to undergo a substantive review at least once every three years. The first year of these reviews was 2011-12. These triennial reviews would have two purposes:
 - To provide a robust challenge of the continuing need for individual NDPBs – both their functions and their form; and
 - Where it is agreed that a body remain as an NDPB, to review:
 - its capacity for delivering more effectively and efficiently, including identifying potential for efficiency savings and its ability to contribute to economic growth, and;
 - the control and governance arrangements in place to ensure that the public body and the sponsoring department are complying with recognised principles of good corporate governance. This should also include an assessment of the body's performance.
11. All triennial reviews are carried out in line with Cabinet Office guidance "Guidance on Reviews of Non Departmental Public Bodies", 2014¹. This guidance states that reviews should be conducted in line with the following principles:

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332147/Triennial_Reviews_Guidance.pdf

- **Challenge:** Reviews must be challenging. They should take a first principles approach to whether the function of a body is still needed, and if it is what the best form for delivery of that function is. Reviews should not just seek to evidence the status quo. They should be robust and rigorous and provide evidence for all recommendations. They must consider issues of efficiency, including the potential for efficiency savings, and make relevant recommendations. They should consider the performance of the body, and whether it could provide better value for money, including in terms of the body's contribution to economic growth. A description of how the review will be structured to meet this aim should be set out clearly in the Terms of Reference, which will be agreed between the Department and Cabinet Office.
- **Proportionality:** Reviews must not be overly bureaucratic and should be appropriate for the size and nature of the NDPB being reviewed. Where appropriate, reviews of similar bodies should be combined or clustered to ensure the maximum benefit in terms of streamlining the review process, identifying synergies across departments and NDPBs, and considering efficiency.
- **Contextual:** Reviews should not be undertaken in silos, but should wherever possible be integrated with other departmental policy initiatives, efficiency reviews, landscape reviews, and seek to look across departmental boundaries to cluster reviews of bodies to further enable informed discussions about potential efficiencies. Departments should consider the potential for integration when building their Triennial Review timetable, and Cabinet Office will assist departments in doing this. More guidance on clustering reviews is given in the annexes to this document.
- **Pace:** Reviews must be completed quickly to minimise the disruption to the NDPB's business and reduce uncertainty about its future. Reviews should normally take no more than six months. Timetables, including start and completion dates, for individual reviews will be agreed with Cabinet Office at the beginning of each review.
- **Inclusivity:** Reviews must be open and inclusive. The NDPB being reviewed must be engaged and consulted at both an Executive and a Non-Executive level. Users and stakeholders must have the opportunity to comment and contribute. Parliament must be informed about the commencement and conclusions of reviews. Departmental Select Committees must be given the opportunity to input.
- **Transparency:** All reviews must be announced formally, both to Parliament and to the public. All review reports must be published once clearance has been given by the Minister for the Cabinet Office. The results of reviews must be announced to Parliament.

About CoRWM

12. CoRWM is an advisory NDPB, with a remit to provide independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of higher activity radioactive wastes. Its primary task is to provide independent scrutiny on the Government's and the Nuclear Decommissioning Authority's proposals, plans and programmes to deliver geological disposal, together with robust interim storage, as the long-term management solution for most of the UK's higher-activity wastes.
13. CoRWM was jointly created by UK Government and the Devolved Administrations – the sponsor Departments. CoRWM was first established in 2003 (referred to as 'CoRWM1' in this report) to consult on and review options for the long-term disposal of radioactive waste. After CoRWM reported in 2006, the Government accepted that disposal in a deep geological repository, along with a robust interim storage strategy, was the way forward for the long-term management of radioactive waste. It was reconstituted in 2007 (CoRWM 2), with modified Terms of Reference and expertise, to provide independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of radioactive waste, including storage and disposal. It reports to Ministers from the UK Department of Energy and Climate Change (DECC), the Scottish Government, the Welsh Government and Department of the Environment of Northern Ireland. Sponsor Ministers jointly make appointments to the Committee and agree its annual work programme, and the budget is set and paid by DECC.
14. CoRWM has no employees and comprises a Chair and 11 members who are paid on a per diem basis. The Chair has a time commitment of approximately one and a half days per week and members have a maximum time commitment of one day per week. The Committee holds plenary meetings in public at various locations around the UK. The CoRWM Secretariat, comprising two full time staff, are within DECC. In 2014/15, CoRWM had a budget of £293k.
15. CoRWM members have a wide range of expertise, including radiochemistry, nuclear safety and regulation, town planning, surveying, local government, metallurgy, engineering, hydrogeology, legal, environmental management, environmental law and geosciences.
16. CoRWM underwent its first Triennial Review in 2012, which concluded that CoRWM should continue as an advisory NDPB providing scrutiny of and advice to Government on issues relating to the management of radioactive waste in the UK. It was concluded that CoRWM offers a range of expertise and scrutiny, independent of Government and the nuclear industry, and that it was trusted by stakeholders and the wider public alike.

Radioactive Waste Management

17. In July 2006, CoRWM1 recommended that geological disposal, coupled with safe and secure interim storage, was the best available approach for the long-term management of the UK's legacy of higher activity radioactive wastes. CoRWM1's original task was to make recommendations that not only provided for safety and security, but which would

do so in a way that would be acceptable on environmental and societal grounds, and at a cost that was not disproportionate. CoRWM1 stated that the Government's aim should be to progress disposal as soon as practicable, consistent with developing and maintaining public confidence.

18. Government accepted the recommendations and in 2007 reconstituted CoRWM1 (referred to as 'CoRWM' throughout the rest of this report), with modified Terms of Reference and expertise, to provide independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of radioactive waste, including storage and disposal. In 2008 Government published its Managing Radioactive Waste Safely (MRWS) White Paper²³. The siting process set out in this White Paper operated for five years. A number of communities engaged with the process, and participated in its early stages. However, by February 2013, there were no longer any communities actively involved in this siting process and the UK Government therefore decided to review the process. This included a Call for Evidence and formal public consultation which led in July 2014 to the publication of a renewed process for siting a Geological Disposal Facility (GDF).
19. The Implementing Geological Disposal White Paper⁴ (2014) outlined an approach based on working with interested communities, beginning with two years of initial actions overseen by Government and intended to address issues raised by the public and stakeholders. This White Paper updates (and replaces in England and Northern Ireland) the 2008 MRWS White Paper which was published by the UK Government and the devolved administrations of Wales and Northern Ireland. Much of the work that CoRWM scrutinises arises from the Government's GDF Programme.
20. There have been other changes in the radioactive waste management landscape since the 2012 Triennial Review of CoRWM. During a consultation period of six weeks beginning on 27 January 2015, a number of stakeholders cited the roles of the Energy and Climate Change Select Committee, the Shareholder Executive, the Nuclear Decommissioning Authority, Learned Societies and the Office for Nuclear Regulation (ONR) in scrutiny of policy implementation, and potentially overlapping with CoRWM's work programme. There have also been other mechanisms set up to review and advise on specific aspects of the initial actions set out in the White Paper; namely the

² Managing Radioactive Waste Safely: A Framework for Implementing Geological Disposal. June 2008
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228903/7386.pdf

³ The Scottish Government did not endorse the policy of geological disposal and did not issue the 2008 White Paper. The then Welsh Assembly Government did issue the White Paper but reserved its position on the policy of geological disposal, neither supporting nor opposing the policy. WAG supported the related policies i.e. the voluntarist siting policy, safe and secure interim storage and further research and development.

⁴ Implementing Geological Disposal: A Framework for the long-term management of higher activity radioactive waste. July 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332890/GDF_White_Paper_FINAL.pdf

establishment of an Independent Review Panel⁵ to review the national geological screening exercise being undertaken by Radioactive Waste Management Limited (RWM), and the convening of a Community Representation Working Group to inform the development of an approach to community representation in the site selection process.

Devolved Administration Positions

21. Radioactive waste management is a devolved policy issue. Therefore, the Welsh Government, Northern Ireland Executive and Scottish Government each have responsibility for this issue in respect of their areas. Their respective positions are set out below.

Welsh Government

22. The Welsh Government is committed to securing the long-term safety of radioactive waste, and to the implementation of a disposal framework appropriate to the needs of Wales. In the 2008 White Paper the then Welsh Assembly Government reserved its position on the policy of geological disposal (see footnote 2).
23. Following a consultation in 2015, the Welsh Government issued a policy statement⁶ adopting geological disposal as the long term management route for higher activity radioactive waste (HAW). The statement makes clear that the Welsh Government considers that geological disposal can only be delivered in Wales on a voluntary basis following discussions with a willing potential host community or communities.
24. The Welsh Government will continue to play an active part in the GDF programme to promote the interests of the people of Wales. Between May and August 2015 the Welsh Government consulted on arrangements for engaging with potential volunteer host communities in Wales which might wish to engage in discussions about hosting a GDF⁷.

Northern Ireland Executive

25. The Northern Ireland Executive has responsibility for ensuring that any proposed GDF will not have an adverse impact upon the environment, health or safety of Northern Ireland. Northern Ireland continues to support the implementation of geological disposal for the UK's HAW, recognising that it is in the best interests of Northern Ireland that these wastes are managed in the safest and most secure manner.

⁵ The Independent Review Panel (IRP) was established by the Geological Society, on behalf of DECC, to test whether the national geological screening guidance is geologically and technically sound. They fulfil a more specialised technical function, and therefore do not overlap with CoRWM's remit.

⁶

<http://gov.wales/topics/environmentcountryside/epq/chemicalsradioactivity/radioactivity/radioactivewastemanagement/?lang=en>

⁷ <http://gov.wales/consultations/environmentandcountryside/geological-disposal-of-higher-activity-radioactive-waste-community-engagement-and-implementation-processes/>

Scottish Government

26. The Scottish Government is not a sponsor of the GDF programme but does remain committed to dealing responsibly with radioactive waste arising in Scotland. In 2011, the Scottish Government published Scotland's Higher Activity Waste Policy⁸. Scottish Government policy is that the long-term management of HAW should be in near-surface facilities, as near to the sites where the waste is produced as possible. While the Scottish Government does not support deep geological disposal, it continues, along with the UK Government and other Devolved Administrations, to support the CoRWM recommendations for a robust programme of interim storage and an on-going programme of research and development.

The Geological Disposal Facility (GDF) Programme

27. The UK has accumulated a substantial legacy of radioactive waste as a result of nuclear programmes (both civil and defence) since the 1940's and the use of radioactive materials in industry, medicine and research. Further waste will be created over the next century or so as existing nuclear facilities are decommissioned and the planned new build programme (up to 16GW by 2030) will generate waste, all of which needs to be managed safely and securely for the long-term.

28. Interim storage of the waste is an effective method of managing waste in the short to medium-term, but it is not a permanent solution. The UK Government considers that future generations should not be burdened with the problem of managing the ongoing risks and costs associated with surface storage of wastes being generated now.

29. The primary objective of the GDF programme is to site and construct a permanent GDF as the safe, secure and environmentally responsible solution to the long-term management of higher-activity radioactive waste in the UK, excluding Scotland.

30. Geological disposal involves isolating radioactive waste deep inside a suitable rock formation to ensure that no harmful quantities of radioactivity ever reach the surface environment. To achieve this, waste will be placed in an engineered underground containment facility – a GDF. The GDF will be designed so that natural barriers (geology) and man-made barriers (e.g. the waste container) work together to minimise the release of radioactivity over the long timescales required to allow the radioactivity to decay naturally.

31. Realising the programme's objectives will have major benefits. It will relieve future generations of the burden of responsibility for actively managing the costs and the safety and security risks associated with the UK's legacy waste. It will provide a permanent disposal solution; and reduce current risks associated with surface-level storage (such as vulnerability to environmental impacts, societal and climate change). Flowing from these are a number of 'spin-off' benefits, including for the NDA in enabling it to decommission and clear nuclear sites, for the Government and energy developers in taking forward the

⁸ <http://www.scotland.gov.uk/Publications/2011/01/20114928/2>

nuclear new build programme, and for local communities who will benefit from the long-term skilled job creation and associated economic benefits of hosting a GDF.

32. CoRWM is just one of a number of organisations either directly involved or taking an interest in radioactive waste management and geological disposal in the UK. The UK Government is responsible for the policy. Radioactive Waste Management Limited (RWM), a wholly owned subsidiary of the Nuclear Decommissioning Authority (NDA), is Government's delivery body and is responsible for planning and delivering geological disposal and will provide the nuclear safety, geological and engineering input. Independent regulators such as the Office for Nuclear Regulation will ensure robust, independent regulation in relation to statutory responsibilities for ensuring that national and international operational, safety and security standards are met.

33. There are also a number of environmental regulators that are responsible for environmental regulation of the nuclear sector within their respective geographical jurisdictions. The Environment Agency (EA) is responsible for the enforcement of environmental protection legislation in England, regulating radioactive and non-radioactive discharges and disposals to air, water (both surface and groundwater) and land, including disposal by transfer to another site. This responsibility sits with Natural Resources Wales (NRW) in respect of Wales, and the Northern Ireland Environment Agency in respect of Northern Ireland. The Scottish Environment Protection Agency (SEPA) is responsible for regulating the keeping and use of radioactive substances and the accumulation and disposal of radioactive wastes in Scotland.

The Review: Stage One

Process

34. The current Triennial Review of CoRWM was announced in the UK Parliament by the Parliamentary Under Secretary of State for Energy and Climate Change on 27 January 2015. The Minister also wrote to the respective Chairs of the Energy and Climate Change Select Committee and the House of Lords Science and Technology Select Committee, bringing the review to their attention.
35. DECC has taken a 'light-touch' approach to the review to reflect CoRWM's small size, in terms of membership and budget, and the Cabinet Office principles for Triennial Reviews set out above, particularly proportionality and value for money.
36. The review team comprised officials from DECC and the Devolved Administrations and included independent representation from within DECC, to ensure robust challenge.
37. The Terms of Reference for the review can be found at Annex A.

Evidence and Stakeholder Engagement

38. The review team undertook a proportionate engagement of key stakeholders who have dealings with CoRWM by inviting them to submit responses to five questions (reproduced in the table below) during a consultation period of six weeks beginning on 27 January 2015.
39. The questions were also published on the DECC website⁹ so that any individual or organisation could respond if interested. The consultation closed on 10th March 2015.
40. 22 responses were received from the following organisations; charity (1), non-governmental organisations (NGO's) (2), learned societies (4), private companies (2), government organisations (5), NDPB's (2), membership organisations (1), independent body (1), trade association (1) and individuals (2), as well as a response from CoRWM (which was included in the summary statistics for sake of completeness, but not in the rest of the review, in the interest of maintaining impartiality). A list of respondents is at Annex B. As the table below indicates, the majority view of respondents is that the key functions performed by CoRWM continue to be necessary and appropriate and these functions are best delivered by a NDPB.

⁹ <https://www.gov.uk/government/consultations/committee-on-radioactive-waste-management-corwm-triennial-review-2015%20>

Stakeholder Questions and Summary Statistics

1. Do the key functions performed by CoRWM continue to be necessary and appropriate for the successful management of higher activity radioactive wastes?

Summary statistics

- 17 agreed.
- 4 disagreed that the functions needed to be performed by CoRWM.
- One did not state an opinion.

Of those who disagreed, their key concerns were overlap of CoRWM's work with other scrutiny and advisory bodies, including the statutory role of the independent regulators.

2. Do the key functions performed by CoRWM continue to be necessary for the successful implementation of the Geological Disposal Facility Programme in particular?

In respect of questions 1 and 2 you might wish to consider issues such as: is independent scrutiny and advice, over and above that already provided by the independent safety, security and environmental regulators, necessary for the successful long-term management of higher activity radioactive wastes and the delivery of geological disposal? Is stakeholder engagement and transparency of information important?

Summary statistics

- 16 agreed.
- 4 disagreed that the functions needed to be performed by CoRWM.
- 2 did not state an opinion.

Of those who disagreed, their concerns were about overlap of work with the independent safety, security and environmental regulators, as well as the recently established Independent Review Panel and Community Representation Working Group.

3. If you consider that CoRWM's functions remain valid, are these functions best delivered by a Non-Departmental Public Body (NDPB)? Please consider the following alternative options in giving your answer:

- Abolish the function
- Move out of Central Government (e.g. to voluntary or private sector)
- Bring in house (e.g. into the Department of Energy and Climate Change)
- Merge with another body
- Delivery by a new Executive Agency
- Continued delivery by an NDPB

Summary statistics

- 14 agreed.
- 4 disagreed that the functions needed to be performed by CoRWM.
- 4 did not state an opinion.

4. What do you see as the benefits and risks of delivering the functions of CoRWM in these alternative ways? In particular, do you view any of these methods of delivery as beneficial, and why?

Key messages

- Thirteen respondents provided answers to this question.
- The importance of independent scrutiny for radioactive waste management and geological disposal was highlighted.
- The importance of independence, openness and transparency for the functions was emphasised, therefore bringing the functions in house or moving out of central government was seen as inappropriate (by 6 respondents).
- One respondent identified a benefit of an NDPB is that it operates at arm's length from government.
- One respondent suggested that there could be potential for savings from merging with another body, however no suggestions were made, and they had concerns that this option would dilute the remit and reduce focus.
- The risks identified with changing the delivery of functions were losing independence and objectivity.
- Two respondents felt that there was a risk associated with revising or removing CoRWM's role, in that Government would be seen as reducing the independent scrutiny of radioactive waste management and geological disposal. Therefore setting out clearly the wider framework and alternative mechanisms for independent advice and scrutiny of radioactive waste management would be essential.

5. If you consider that an advisory NDPB is the right delivery mechanism for the functions of CoRWM, what improvements could be made to support the effective and efficient delivery of CoRWM's remit?

You might wish to consider issues such as: does CoRWM do a good job – does it offer value for money? Is CoRWM politically impartial? Do you trust CoRWM as a source of independent advice and authoritative information? Has CoRWM the necessary skills and experience to fulfil its remit?

Key messages

Sixteen respondents provided answers to this question.

Respondents suggested a number of improvements including:

- Three respondents noted that membership should reflect the changing situation with the GDF programme; currently geological, social, ethics and stakeholder engagement skills are high priorities.
- One respondent suggested that membership could be improved by having experts with no other employment or allegiances.
- Six respondents recommended that CoRWM have an independent website and two recommended the timely publication of materials.
- Three respondents noted that the Terms of Reference need to be updated to define its strategic roles and responsibilities, in order to provide clarity and avoid duplication of work with other scrutiny and advisory bodies.

- One respondent noted that the remit needs to focus on providing scrutiny of specific work programmes, rather than speculative or open-ended questions.
- One respondent recommended that CoRWM consider whether there is sufficient demand for its ‘open session’ meetings; an alternative way of achieving the objective of transparency would be timely publication of minutes of meetings.

Functions of the body

41. This section considers the functions and objectives of CoRWM and whether they are still required. It then considers whether CoRWM’s status as an advisory NDPB is the best model for the delivery of its functions.
42. CoRWM is an advisory NDPB, with a remit to provide independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of HAW. Its primary task is to provide independent scrutiny on the Government’s and the Nuclear Decommissioning Authority’s proposals, plans and programmes to deliver geological disposal, together with robust interim storage, as the long-term management solution for most of the UK’s higher-activity wastes.

Is the function still required?

43. The review team drew on stakeholder views when considering whether CoRWM’s function, described above, is still required by Government.
44. The previous Triennial Review of CoRWM¹⁰ (2012) noted that a key part of the work to implement geological disposal is a visible, independent, trusted voice to provide scrutiny and advice to Government. This assertion was supported once again in this review, with 17 stakeholders supporting the key functions performed by CoRWM, with one stakeholder noting:

‘The fact that CoRWM is an independent source of advice and that it works transparently is an essential contribution to delivering public confidence in the GDF programme, and through that to delivering public engagement with it.’
45. Respondents also cited trust, reassurance to stakeholders, transparency and the need for evidence based advice as important factors for retaining CoRWM’s functions.
46. A number of stakeholders cited an advantage of CoRWM in acting as a single source of authoritative and independent advice as well as playing a key role in filtering and making sense of the myriad views of other organisations, with one stakeholder noting:

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225401/CoRWM_triennial_review_2012.pdf

‘There is no body other than CoRWM that takes an overall impartial view of the whole higher activity waste arena in the UK.’

47. There was emphasis on the importance of continuation of the scrutiny role, for example, one stakeholder said:

‘It is important that there is continuity of scrutiny to ensure Government and the delivery body develop a framework for the new GDF siting process that is effective and addresses the concerns of communities and local government raised in the MRWS review.’

48. A number of stakeholders expressed concern that if CoRWM were to be abolished at this stage in the GDF Programme, there would be a perception of weakened independence of advice and this would reduce the likelihood of success of the programme.

49. The importance of having an independent scrutiny and advice function is recognised by other countries. Most countries with a radioactive waste management programme have both nuclear regulators, and a body fulfilling a role similar to that of CoRWM, including Switzerland, Sweden, France, USA and Canada. There is a variety of approaches where expert opinions differ and communities, the developer or Governments wish to obtain a definitive opinion. Stakeholders pointed to international experience in demonstrating the importance of the UK having an independent body in providing advice and scrutiny, across a wide range of issues above and beyond the statutory roles of the independent regulators:

‘Similarly, experience overseas has demonstrated the important role an independent body can play in helping to ensure this full range of issues is considered in an open and transparent manner that allows progress to be made’.

50. The review team concluded that there is continued support for independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of HAW. This is in line with the findings of the 2012 Triennial Review of CoRWM, where there was also strong stakeholder support for these functions. It also aligns with the findings of the Cabinet Office Public Bodies Review in 2010¹¹ and the House of Lords Select Committee on Science and Technology’s inquiry into CoRWM¹², both of which supported the existence of an independent and effective scrutiny body in playing a role in maintaining public trust and confidence in the Government’s strategy for radioactive waste disposal.

Delivery models

51. This section of the report provides a comparative analysis of the potential delivery structures for the functions provided by CoRWM. In considering the full range of

¹¹ <https://www.gov.uk/government/publications/public-bodies-reform-reports>

¹² House of Lords Science and Technology Committee. Radioactive Waste Management: a further update. March 2010 <http://www.publications.parliament.uk/pa/ld200910/ldselect/ldsctech/95/95.pdf>

organisational structures indicated by the Cabinet Office guidance, it was possible to dismiss several concepts fairly quickly due to their immediate and obvious drawbacks. Each option is considered in turn below.

Abolish the functions provided by CoRWM

52. This would see the functions of CoRWM abolished. For the reasons set out in the previous section, the review team believes that CoRWM's functions remain relevant and are therefore still required. Consequently, the review team felt that this was an option that could be quickly dismissed.

Move out of central government

53. The review team considered whether the functions of CoRWM could be delivered by others such as local government, the voluntary sector or the private sector. In this assessment the review team focused primarily on whether these alternative delivery models could provide the expertise and independence which are considered the key benefits of the current model.

Local government

54. CoRWM provides scrutiny and advice to Government on a wide range of issues related to the management of radioactive waste in the UK, as Government has responsibility for making decisions on such issues; therefore it would not be practical to deliver the functions through local government. The GDF Programme is national in scope, and as such is more appropriately scrutinised by a national body rather than local government. Consequently the review team felt that moving CoRWM's functions to local government was not a credible option.

Private or voluntary sectors

55. The review team's view was that it would be possible in theory for entities in the private or voluntary sectors to assemble the necessary expertise to scrutinise the management of radioactive waste in the UK, and therefore undertake CoRWM's functions. However, the team's assessment was that ensuring the advice received by UK and Devolved Administration Ministers was, and was seen to be, independent and free from the influence of sectoral and other interests, would be difficult.

56. The evidence from the stakeholder consultation emphasised the importance of the functions being delivered in an independent, open and transparent manner, and this may not be compatible with delivery by other sectors. As was pointed out in the first CoRWM Triennial Review report, and which remains valid - if the private sector were to be paid to provide the advice there could be a concern amongst stakeholders and the wider public as to whether the advice was truly independent, given the ethos of the private sector is to make a profit. One stakeholder commented:

'A private sector organisation funded partly or wholly by the 'market' would not be perceived to be independent'.

57. The review team concurred that having an organisation that had potential motivation for commercial gain would lead to a conflict of interest in delivering the Committee's functions.
58. If the third sector were to take on the role there would need to be reassurance that the Committee would be sufficiently resourced and funded and that activities such as fundraising would not distract from the core work of the Committee.
59. The review team's view was that these challenges could affect the ability and willingness of private or voluntary sector organisations to provide independent advice with the required rigour, accuracy and to deadline.
60. Moreover, the review team also felt it was unlikely that the private or voluntary sectors could offer much in the way of cost savings and indeed it was likely that this option would be more costly than the current model.
61. Some stakeholders took the view that even as an NDPB, CoRWM cannot be considered truly independent as members are appointed by Government and are therefore perceived to be ultimately answerable to Government. However, as an advisory NDPB there are safeguards in place in respect of a public appointments process¹³ which serves to ensure the good conduct of CoRWM members and the independence of the advice they offer.
62. The review team concluded that although CoRWM's functions could in theory be undertaken by the private or voluntary sectors, it found no evidence to support either of these options having any advantages over the current arrangements. Indeed, it felt that the issues around independence and the likely loss of public trust were major disincentives leading to a decision not to transfer the functions to either of these sectors, or as discussed above, to local authorities.

Bringing the functions in-house

63. This delivery model would mean the functions currently performed by CoRWM would be brought into DECC.
64. There was a consensus from the consultation responses that the functions must not be brought 'in house' to DECC, due to the importance of the functions being delivered with independence and impartiality. The functions of CoRWM must be delivered at arm's length from Ministers in order to ensure the functions are delivered independently. Bringing the functions 'in house' would undermine this independence.

65. Even if the issue of independence were to be set aside, there are practical difficulties associated with bringing the function 'in house'. DECC does not have the required skills or expertise at the high level needed to perform the function 'in house' whereas the members of CoRWM are highly skilled and experienced in a wide range of areas necessary for the robust scrutiny and assessment of the GDF programme.
66. For the reasons cited above, the review team did not feel that moving CoRWM's functions in-house had any benefits that merited further consideration.

Merge with another body

67. This option involved looking at other areas of government that deliver a similar or complimentary function to CoRWM.
68. One respondent noted that there may be potential for savings from merging CoRWM with another body, however no suggestions of suitable bodies were made. One stakeholder expressed concern that 'this option (a merger) would dilute its remit and reduce focus'. There was also concern that CoRWM's functions are too specialised to merge with another body.
69. The criteria used by the review team to assess whether a body could undertake CoRWM's functions were: expertise, independence and capacity. The team looked at those arm's length bodies most likely to offer strong links with CoRWM, most of which work on nuclear or nuclear power related issues. The review team looked at the following bodies:
70. **Nuclear Liabilities Financing Assurance Board (NLFAB)** is a small advisory NDPB sponsored by the DECC. It provides independent scrutiny and advice on the financing arrangements for the Funded Decommissioning Programme (FDP), which prospective operators of new nuclear power stations must submit to DECC. The Board advises the DECC Secretary of State on the financial arrangements that operators submit for approval and on the regular review and ongoing scrutiny of funding.
71. Like CoRWM, NLFAB is an advisory NDPB with a similar structure and level of independence. However, it has a much narrower financial remit, very different to CoRWM's remit, with a small membership appointed to fulfil that remit and a full work programme. The NLFAB Terms of Reference would need to be revised which would require approval by sponsor Departments (which in addition to DECC includes Devolved Administrations).
72. The review team felt that whilst in theory, the functions of CoRWM and NLFAB could be merged into a single body, this would require significant changes to the remit and membership to ensure that the resulting body had the expertise and capacity required to fulfil both functions, with no obvious scope for savings.
73. **Nuclear Liabilities Fund (NLF)** is a public corporation created to provide arrangements for funding certain long-term costs of decommissioning some nuclear power stations.

NLF has the benefit of independence as well as an expert membership. However, NLF and CoRWM have different purposes and functions. NLF's purpose gives it similarities to a pension fund rather than an independent advisory body. NLF is not an advisory NPDB, it is a Scottish Public Trust set up with a specific role and purpose. The body is also very small, with just five director trustees and a full Work Programme which raises questions about its capacity to take on further responsibilities outside its immediate remit. Given the differences between NLF and CoRWM, the review team felt that merging the two bodies would require significant changes to the remit and membership to ensure that the resulting body had the expertise and capacity required to fulfil both functions, with no obvious scope for savings.

74. **Civil Nuclear Police Authority (CNPA)** is an executive NDPB, with a remit to ensure the effectiveness of the Civil Nuclear Constabulary (CNC), taking account of the strategic priorities set by DECC. The CNC is responsible for defending and protecting those civil nuclear sites to which it is deployed with a view to denying unauthorised access to nuclear material and, if necessary, recovering control of any nuclear material which may have been lost to unauthorised persons; and to ensure the safe and secure movement of nuclear materials within the UK and internationally. The review team quickly discounted a merger with the CNPA on the grounds that the remits of the bodies are just too different, and the focus of CNPA should not be diluted.
75. **Nuclear Decommissioning Authority (NDA)** is an executive NDPB created to deliver the decommissioning and clean-up of the UK's civil nuclear legacy in a safe and cost-effective manner, and where possible to accelerate programmes of work that reduce hazard. The NDA employs around 230 people and its board has a mix of executive and non-executive directors. However, as CoRWM scrutinises and challenges the NDA's work, it would not be appropriate for CoRWM and the NDA to merge.
76. **Office for Nuclear Regulation (ONR)** is a public corporation and is responsible for civil nuclear safety and security regulation across the UK. ONR employs around 450 staff and is governed by a Board of executive and non-executive directors. ONR has the benefit of independence, however its primary functions are safety, security and regulation, therefore its remit would need to be extended in order to fulfil CoRWM's functions. The issues covered by CoRWM are much wider and include UK Government and Devolved Administration radioactive waste policy, unlike the role of ONR, which is purely involved in regulation of nuclear sites. In addition, ONR reports only to UK Government, as nuclear safety/security is not a devolved matter. Therefore, it would not be appropriate for ONR to carry out CoRWM's functions.
77. **Environment Agency (EA)** is a NDPB sponsored by the Department for Environment, Food and Rural Affairs (Defra) with around 10,600 employees. It is responsible for the enforcement of environmental protection legislation in England, regulating radioactive and non-radioactive discharges and disposals to air, water (both surface and groundwater) and land, including disposal by transfer to another site. Therefore its remit would need to be extended in order to fulfil CoRWM's functions. The same argument applies when considering the merger of CoRWM with the environmental regulators in

Wales, Northern Ireland and Scotland. These are Natural Resources Wales, the Northern Ireland Environment Agency and the Scottish Environment Protection Agency.

78. In conclusion, the review team felt that NLFAB and possibly NLF had the *potential* to undertake CoRWM's functions subject to the appropriate arrangements being made (such as Terms of Reference being extended). However, there was no clear rationale for transferring the functions to another arm's length body, as the same resource and expertise that currently exists within CoRWM would have to be retained and transferred across. The review team did not come across any evidence that pointed to efficiency savings resulting from merging CoRWM with another body. Rather, some stakeholders were concerned that such a merger could result in CoRWM's focus becoming diluted. Further, a transfer would incur costs and resource without bringing about provable benefits and may even result in dis-benefits; without a clear reason for taking such action.

Delivery via a less formal structure

79. The review team considered whether a less formal structure could be used to deliver CoRWM's functions, for example a stakeholder advisory group. However, having this service provided by representatives from industry (who are responsible for radioactive waste) could give a conflict of interest, as their advice to Government could not be regarded as truly independent. In order to maintain trust and credibility from the public and stakeholders, it is essential that independence is maintained in delivering CoRWM's function.

Delivery via a new Executive Agency

80. The review team did not feel that this was a credible option. The functions of CoRWM are advisory in nature, rather than executive. Unlike an Executive Agency, the only service that CoRWM delivers is scrutiny and advice. CoRWM's function coupled with its small size and budget does not merit the creation of an executive framework to manage its administration.

Continued delivery by an NDPB

81. This option would see CoRWM continuing to perform its scrutiny and advice functions as an advisory NDPB. As an NDPB, CoRWM provides advice that is independent of Government, the nuclear industry and regulators – features valued by those stakeholders that expressed a view. The review team believes that it is this independence and lack of bias which underpins CoRWM's credibility in providing advice to UK and Devolved Administration Ministers. It is this independence and transparency which gives CoRWM influence and authority and which engenders trust from stakeholder and the wider public alike.

Conclusion

82. The review team considers that the continued existence of CoRWM as an advisory NDPB ensures the continuity of the scrutiny and advice function, and supports trust in an independent voice being able to scrutinise UK radioactive waste management.

The Three Tests

83. The Cabinet Office procedure for Triennial Reviews requires that when an NDPB is considered as the preferred delivery vehicle, there must be an assessment of whether the body passes at least one of the following Three Tests:

- Is this a technical function (which needs external expertise to deliver)?
- Is this a function which needs to be, and be seen to be, delivered with absolute political impartiality (such as certain regulatory or funding functions)?
- Is this a function which needs to be delivered independently of Ministers to establish facts and/or figures with integrity?

Is the body needed to perform a technical function?

84. Yes. Although independent technical advice on individual technical issues can be provided by the Energy and Climate Change Select Committee, the Shareholder Executive, the Nuclear Decommissioning Authority, Learned Societies, the Office for Nuclear Regulation and the Environment Agency in scrutiny of policy implementation, as well as from the newly convened Independent Review Panel and Community Representation Working Group, CoRWM can provide a wider range of advice encompassing the entire higher activity radioactive waste landscape in the UK. For example, they provide advice on public engagement and ethics concerning the very long-term management of radioactive waste, and an unbiased, non-political view of UK and overseas progress to allow learning from experience.

Does the existing body need to be politically impartial?

85. Yes. CoRWM's credibility and authority are in large part derived from the fact that it is independent and impartial and is perceived to be so. Such credibility would be critically undermined if CoRWM was seen to have any form of political bias.

86. Furthermore, given geological disposal is a long term programme (2-3 decades until estimated first waste emplacement, followed by over 100 years of facility operation), it is important to ensure continuity of advice and expertise that is independent of short-term political changes. CoRWM plays an important role in maintaining continuity of the radioactive waste management process across political changes in local and national Government, and therefore increases the chances of success in addressing this long-term problem.

Does the existing body need to act independently to establish facts?

87. Yes. This is CoRWM's principal reason for existence. There is a clear need for independent scrutiny and advice of the GDF Programme and CoRWM plays a key role in

acting as a single source of authoritative and independent advice as well as playing a key role in filtering and making sense of the myriad views of other organisations. It is the independence, openness and transparency of CoRWM that is key to inspiring public confidence in the GDF Programme, as this has been absent in previous failed attempts to manage radioactive waste.

Conclusions of Stage One

88. In light of the evidence, the review team is satisfied that the functions of providing independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of HAW are still necessary, and are a key part of delivering the GDF Programme. Having considered a number of ways that the function can be delivered the review team is also satisfied the NDPB model remains the best way of delivering the function as this preserves the independence that is crucial in maintaining trust in the GDF Programme from stakeholders and the public. However, based on the evidence, there may be scope for changes to CoRWM's form to ensure it is operating in the most effective manner. This will be examined in stage two of the review.

The Review: Stage Two

89. Stage one concluded that the functions of providing independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of higher activity radioactive wastes are still necessary, and the advisory NDPB model remains the best way of delivering this function.
90. Stage two of the review assesses CoRWM's capacity for delivering more effectively and efficiently, including identifying potential for efficiency savings and its ability to contribute to economic growth, and the control and governance arrangements in place to ensure that CoRWM and the sponsoring department are complying with the recognised principles of good corporate governance.
91. The 'Comply or Explain' approach was used to assess corporate governance, in line with the Cabinet Office guidance¹⁴. These principles of good corporate governance are arranged as questions structured around six key areas covering: accountability; the role of the lead sponsor department; role of the chair; role of members; communications; and conduct and behaviour. These questions were considered by CoRWM and sponsors, resulting in the following evaluation on how well CoRWM and DECC comply with the principles.
92. The following key documents were used by the review team to appraise the governance arrangements:

Cabinet Office Guidance on Making and Managing Public Appointments:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/411262/10032015_Departmental_Guidance_2015_PDF.pdf

CoRWM's Terms of Reference:

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management/about/terms-of-reference>

CoRWM's Code of Practice

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management/about/recruitment>

Accountability

Principle

The Minister is ultimately accountable to Parliament and the public for the overall performance, and continued existence, of the public body.

- 1. Do the Minister and sponsoring department(s) exercise appropriate scrutiny and oversight of CoRWM, including oversight of any public monies spent by, or on behalf of, CoRWM?**

Yes. Sponsors hold regular meetings with CoRWM every 8 weeks. CoRWM's work programme is agreed with sponsors each year, and is published on the CoRWM website: <https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management>

Progress reports are produced prior to each plenary meeting and these can be used to check that work is being carried out to the agreed schedule. CoRWM sends sponsors (and then publishes on its website) quarterly budget reports for information. There are also routine discussions/interactions with DECC about CoRWM finances/budgetary issues.

- 2. Are appointments to CoRWM made in line with any statutory requirements and, where appropriate, with the Code of Practice issued by the Commissioner for Public Appointments?**

There are no statutory requirements in relation to appointments to CoRWM. However appointments are made in line with the Code of Practice issued by the Commissioner for Public Appointments as stated in CoRWM's Terms of Reference (ToR) at paragraph 16:

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management/about/terms-of-reference>

- 3. Does the Minister normally appoint the Chair and all members of CoRWM and is the Minister able to remove individuals whose performance or conduct is unsatisfactory?**

DECC and Devolved Administration Ministers are jointly responsible for appointing the Chair and all members of CoRWM as stated in CoRWM's ToR in paragraph 12. Paragraph 13 states that sponsoring Ministers retain the right to terminate appointments at any time in light of individual members' performance.

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management/about/terms-of-reference>

- 4. Does the Minister meet the Chair on a regular basis?**

The Chair meets Ministers on appointment, and then at least annually, as stated in paragraph 6 of the ToR. The Chair also meets Scottish, Welsh and Northern Ireland Ministers as required.

5. Is there a requirement to inform Parliament and the public of the work of CoRWM through publication of an annual report (or equivalent publication)?

Paragraph 4 of the Committee's ToR state that: 'CoRWM will have a collective responsibility for submitting an annual written report to sponsor Ministers, by 30 June of each year.'

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management/about/terms-of-reference>

CoRWM's Annual Report is made available to parliament and placed in the libraries of the house in July each year. It is also published on the CoRWM webpage. The eleventh annual report (July 2015) can be found here:

<https://www.gov.uk/government/publications/committee-on-radioactive-waste-management-corwm-eleventh-annual-report-2014-to-2015>

6. Is CoRWM compliant with Data Protection legislation?

CoRWM's Secretariat is run by DECC and data is held in DECC's data and information management systems. CoRWM is therefore compliant with the Data Protection legislation in the same way that DECC is, as its lead sponsoring department.

7. Is CoRWM subject to the Public Records Acts 1958 and 1967?

As above, CoRWM is subject to the Public Records Acts 1958 and 1967, the same as its lead sponsor department, DECC.

Role of DECC as lead sponsor Department

Principles

The departmental board ensures that there are appropriate governance arrangements in place with the public body.

There is a sponsor team within the department that provides appropriate oversight and scrutiny of, and support and assistance to, the public body.

8. Does the Departmental Board's regular agenda include scrutiny of the performance of CoRWM?

No. CoRWM is a small advisory NDPB with an annual budget of no more than £500k. The DECC Board can scrutinise the performance of CoRWM if they feel it is necessary or appropriate but it is never likely to be a regular agenda item. Scrutiny of CoRWM's performance is managed by the DECC sponsor team – detailed under question 13.

9. Is there a document which sets out clearly the ToR of CoRWM and are the ToR accessible and understood by DECC and by all board members?

Yes – the Committee's ToR are published on the CoRWM webpage:

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management/about/terms-of-reference>

The ToR are understood by members and they regularly refer to them in the course of business.

10. Are the ToR regularly reviewed and updated?

Yes. The ToR are reviewed prior to each appointment process and when business needs and/or departmental responsibilities change. They were last reviewed in 2015.

As part of this Triennial Review, the review team recommended that the ToR are updated, in collaboration with the CoRWM Chair and the Devolved Administrations, to address points raised in the review, including by consultation respondents.

A number of key stakeholders expressed concern about the potential for overlap of CoRWM's role with that of the statutory independent safety, security and environmental regulators. Sponsors and CoRWM recognised this issue, and worked together to revise the ToR to more explicitly differentiate the Committee's remit from that of the statutory regulators, thus mitigating the risk of misunderstanding of responsibilities and inefficient overlap of work in future.

The review also raised issues around the need to maintain a clear focus on evidence based advice, and delivery of agreed work programmes, to ensure that CoRWM can continue to deliver robust, meaningful advice and scrutiny to UK Government, within a range of possible future budgets. Sponsors and CoRWM recognised this issue, and worked together to revise the language in the ToR to ensure CoRWM continues to deliver robust, evidence-based outputs and value for money.

The key changes to the ToR were:

- further clarity around the meaning of the term 'scrutiny';
- further clarity on the role of CoRWM i.e. to avoid duplication of the roles already fulfilled by the statutory independent safety, security and environmental regulators;
- reduction in the maximum number of Committee members from fourteen to eleven (plus the Chair), in order to secure efficiency savings

The revised ToR can be found at Annex C.

11. Is there a dedicated sponsor team within DECC with a clearly defined role?

DECC is the lead sponsor for CoRWM and members of the GDF Programme team within DECC act as lead sponsor officials. The GDF team liaises with designated sponsor officials within each of the Devolved Administrations to co-ordinate sponsorship at official and ministerial level. The responsibilities of all DECC sponsor teams are clearly set out on the NDPB pages of the DECC Intranet and responsibilities are also reflected in the objectives of staff fulfilling the sponsor function.

12. Is there regular and ongoing dialogue between DECC and CoRWM?

Yes. The CoRWM Secretariat is made up of core DECC civil servants who liaise frequently with the DECC sponsor team with whom they share offices. There are regular progress meetings between CoRWM and sponsors every 8 weeks and CoRWM sub-group meetings, for example those covering each of the current DECC “Initial Actions” from Implementing Geological Disposal – National Geological Screening, National Land-use Planning and Working with Communities.

13. Is there an annual evaluation of the performance of CoRWM and of the Chair?

As recommended in the 2012 Triennial Review of CoRWM, the DECC sponsor team carries out an annual evaluation of the Chair’s performance. The Chair, in turn, carries out an evaluation of the members each year. Scrutiny of CoRWM’s performance is managed by the DECC sponsor team.

Role of the Chair

Principle

The Chair is responsible for leadership of the board and for ensuring its overall effectiveness.

14. Is CoRWM led by a non-executive Chair?

Yes - CoRWM is an advisory body only and has no executive functions.

15. Is there a formal, rigorous and transparent process for the appointment of the Chair which is compliant with the Code of Practice issued by the Commissioner for Public Appointments?

The appointment process for the CoRWM Chair has been designed to be compliant with the Code of Practice issued by the Office of the Commissioner for Public Appointments (OCPA). An Independent Public Appointments Assessor has always been allocated from an early stage and involved in the whole process to ensure and validate OCPA compliance.

<http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/02/Order-in-Council-April-2012.pdf>

16. Does the Chair have a clearly defined role in the appointment of CoRWM members?

Where possible the Chair (or Chair-designate if a new Chair is about to be appointed) is a member of the Selection Panel for CoRWM members. This role is defined in the current Chair’s letter of appointment thus: ‘Partake in the appointment process of Committee members. This will include attending application sift panel meetings and candidate interviews’.

17. Does the Chair annually evaluate the performance of individual committee members?

As recommended in the 2012 Triennial Review of CoRWM, the Chair carries out an annual evaluation of the performance of each member.

18. Are the duties, role and responsibilities, terms of office and remuneration of the Chair set out clearly and formally defined in writing?

Duties, roles, responsibilities, and terms of office of the Chair are set out in CoRWM's ToR, Code of Practice and Terms and Conditions.

Total fees for the financial year for all members are recorded in the CoRWM Annual Report. Individual remuneration rates have been reported in the CoRWM Annual Report since 2011/12.

19. Are the terms and conditions in line with Cabinet Office guidance and with any statutory requirements?

The Terms and Conditions are in line with the Cabinet Office guidance on Making and Managing Public Appointments.

Role of CoRWM Members

Principle

Board members should provide independent, expert advice.

20. Is there a formal, rigorous and transparent process for the appointment of CoRWM members which is compliant with the Code of Practice issued by the Commissioner for Public Appointments?

Yes – see the answer to question 15. The same appointments process that is applied to appoint the CoRWM Chair is used to appoint CoRWM members.

21. Are members properly independent of the Department and of any vested interest (unless serving in an ex-officio or representative capacity)?

Yes. Paragraphs 20 and 21 of the CoRWM Code of Practice set out the provisions relating to any conflicts of interest. Candidates for appointment to the Committee are invited to record any potential conflicts of interest that could impinge on the independence of the candidate and these are explored as required should the candidate reach the interview stage of the appointment process.

22. Are members drawn from a wide range of diverse backgrounds?

In line with the OCPA Code, the appointment process for CoRWM members seeks to draw applicants from a wide range of diverse backgrounds. The scrutiny of the Independent Public Appointment Assessors ensures that the role specification, selection

criteria and advertising do not include barriers to deter groups of applicants. Monitoring data for the process is collected and provided to OCPA when requested.

CoRWM member's biographies are published on the CoRWM webpage:
<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management>

23. Does CoRWM as a whole have an appropriate balance of skills, experience, independence and knowledge?

The skill set of CoRWM is kept under review. Prior to each appointment round, sponsors review the skills required to ensure CoRWM can continue to deliver its functions, in collaboration with Devolved Administrations and the CoRWM Chair.

24. Are the duties, role and responsibilities, terms of office and remuneration of members set out clearly and formally defined in writing?

Duties, roles, responsibilities, and terms of office of the Chair and members are set out in CoRWM's ToR, Code of Practice and Terms and Conditions.

Total fees for the financial year for all members are recorded in the CoRWM Annual Report. Individual remuneration rates have been reported in the CoRWM Annual Report since 2011/12.

25. Are the terms and conditions in line with Cabinet Office guidance and with any statutory requirements?

The Terms and Conditions are in line with the Cabinet Office guidance on Making and Managing Public Appointments.

In line with budgetary constraints throughout DECC, CoRWM is likely to be expected to operate within a reduced budget in 2015/16 and beyond. Sponsors and CoRWM held discussions as to how CoRWM could continue to operate effectively and efficiently within possibly increased budgetary constraints. Further consideration around efficiency savings are detailed on page 36.

One option discussed was to have fewer Committee members working the same number of days. This option was partially discounted, as it was deemed important to have more than one member with some ability in most of the required skill sets, so as to retain a level of internal challenge within the membership and avoid seeing one individual's views carrying too much weight on any given subject.

Sponsors and CoRWM agreed that the Committee could continue to operate successfully with a reduction in members, from fourteen to eleven, with scope to reduce the number of working days, thus reducing the total cost of members' fees without an unacceptable impact on the skills set and diversity of the committee.

In light of this, the review team recommended revising the CoRWM members' terms and conditions, to include the following changes:

- introduction of greater flexibility around number of days worked per year, within a stated maximum, in order to allow Work Programmes to be more tightly focussed if necessary. This will give the Chair flexibility in managing the Committee's budget.
- a caveat around the outcome of the Spending Review.

This is to ensure that CoRWM operates within budgetary constraints, and can continue to provide an effective service in priority areas against any foreseeable financial settlement.

The revised Terms and Conditions for CoRWM members can be found at Annex D.

26. Do members allocate sufficient time to CoRWM to discharge their responsibilities effectively?

Yes. Sponsors are content that all objectives and deliverables in CoRWM's annual work programmes to date have been met and delivered. The proposed changes to Terms and Conditions will allow members' time allocation to be set according to available budget and work areas prioritised effectively.

27. Is there a proper induction process for new members led by the Chair?

With the Chair's input, new members are sent an induction pack including CoRWM's main documents and guidance notes. The current Committee received a copy of the original Committee's document archive including a report on lessons learned to date. The Chair and Secretariat have carried out an induction process for members joining in the period 2008-2015.

28. Are there regular reviews by the Chair of individual members' training and development needs?

As recommended in the 2012 CoRWM Triennial Review, the Chair reviews individual members' training and development needs as part of the annual appraisal process.

29. Do all members ensure that high standards of corporate governance are observed at all times - including ensuring that CoRWM operates in an open, accountable and responsive way¹⁵?

CoRWM's ToR and Code of Practice set out how members should conduct themselves. In addition, CoRWM has a set of key guiding principles that set out how the Committee conducts itself and how it engages with the public and stakeholders.

Furthermore, CoRWM has a suite of documents setting out guidance on a number of issues including a quality control process for its documents, payment of fees, hospitality,

¹⁵ http://www.civilservice.gov.uk/wp-content/uploads/2011/09/code-of-conduct_tcm6-38901.pdf

liability and performance appraisal, travel and subsistence and registering declarations of interest.

The Committee reviews its own effectiveness each year and identifies areas for improvement for discussion with the sponsor departments.

In addition, it discusses its ways of working from time to time, usually at open plenary meetings.

Communications

Principle

The Public Body should be open, transparent, accountable and responsive.

30. Does CoRWM operate in line with the statutory requirements and spirit of the Freedom of Information Act 2000?

CoRWM's information is held in DECC Information Management systems and CoRWM abides by the Freedom of Information (FOI) Act 2000 in the same way that DECC does.

CoRWM has a Publication Scheme and Transparency Policy that is fully compliant with the FOI Act 2000 and it operates with a presumption that its documents will be published.

31. Does CoRWM make an explicit commitment to openness in all its activities?

Yes. Paragraph 18 of CoRWM's ToR explicitly states that CoRWM shall undertake its work in an open and consultative manner. The Publication Scheme and Transparency Policy referred to above restates CoRWM's policy of openness and transparency in respect of all the information it holds.

All substantive decisions are made in public. Only early drafts of documents (not fit for public viewing) and confidential/restricted issues are discussed in closed meetings.

32. Where appropriate, has it established clear and effective channels of communication with key stakeholders?

Yes. CoRWM's website has been used to keep stakeholders and the public informed of progress on the Work Programme. Since moving to the new gov.uk platform, it has not been updated as frequently. However, it is in the process of undergoing an update and is intended to be a useful source of information to stakeholders and the public again. CoRWM meets key stakeholders such as the Nuclear Decommissioning Authority, Radioactive Waste Management Ltd and nuclear safety and environmental regulators several times each year, on various topics within the Committee's remit. CoRWM members attend the DECC Non-Governmental Organisation forum as observers.

33. Does it engage and consult with the public on issues of real public interest or concern, including for example, holding open meetings or annual public meetings?

Yes. CoRWM holds open plenary meetings several times each year. Each year it also consults stakeholders on its proposed Work Programme. The Committee also consults widely with stakeholders on its reports to Government, particularly on its recommendations.

34. Are the results of reviews or inquiries published?

Yes. CoRWM publishes its reports to Government, Position Papers, and discussion and information papers that can be viewed on their webpage.

https://www.gov.uk/government/publications?keywords=&publication_filter_option=all&topics%5B%5D=all&departments%5B%5D=committee-on-radioactive-waste-management&world_locations%5B%5D=all&direction=before&date=2013-09-01

35. Does CoRWM proactively publish agendas and minutes of its meetings?

Yes. CoRWM publishes its plenary meeting agendas on the CoRWM web page and also has copies available at meetings. Minutes of all plenary meetings are published on the web page unless they are confidential or restricted.

36. Are there robust and effective systems in place to ensure that CoRWM is not, and is not perceived to be, engaging in political lobbying?

Yes. During pre-election periods, and in common with all DECC NDPBs, CoRWM is issued with Cabinet Office guidance on how to avoid political impact in its operations and is expected to comply. Similarly, CoRWM receives and is expected to adhere to Cabinet Office guidance regarding attendance at Party Conferences (see response to question 37 below).

37. Are there restrictions on members attending Party Conferences in a professional capacity?

Yes. As an NDPB, CoRWM must abide by Cabinet Office rules on attendance at Party Conferences¹⁶. As the rules make clear, it should be exceptional for board members or staff of NDPBs to attend Party Conferences in an official capacity. Any requests to attend must be approved by both the sponsoring Department and the Cabinet Office. If members attend in a private capacity then they should comply with what is set out in their Codes of Conduct on political activity which should comply with paragraphs 3.11- 3.14 of Cabinet Office's Code of Conduct¹⁷.

¹⁶ *Rules on Lobbying for Non Departmental Public Bodies*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/62130/ndpbs-lobbying.pdf

¹⁷ "Code of Conduct for Board Members of Public Bodies", Cabinet Office, 2011
<http://www.bl.uk/aboutus/governance/blboard/BoardCodeofPractice2011.pdf>

Conduct and Behaviour

Principle

Board members should work to the highest personal and professional standards. They should promote the values of the public body and of good governance through their conduct and behaviour.

38. Is there a Code of Conduct setting out the standards of personal and professional behaviour expected of all members and which follows the Cabinet Office Code?

Yes. CoRWM's Code of Practice is based on the Cabinet Office guidance for NDPBs, but also includes other provisions relevant to the remit and work of CoRWM. CoRWM's ToR and Code of Practice are also compatible with the guidance set out in the Principles of Scientific Advice to Government¹⁸, and the Code of Conduct for Scientific Advisory Bodies¹⁹.

As part of this Triennial Review, the review team recommended that CoRWM's Code of Practice was revised to address points raised in the review, including by consultation respondents. The key changes were:

- CoRWM members being required to clarify the capacity in which they are speaking at events;
- when CoRWM members are acting as observers at meetings, they will refrain from participating in discussion and contributing views, unless invited to; and
- CoRWM members will ensure factual accuracy of meeting notes, wherever possible checking with meeting participants, before circulating to the rest of the Committee.

The revised Code of Practice can be found at Annex E.

39. Are all members aware of the Code and is the Code part of the Terms and Conditions of appointment?

The CoRWM Secretariat has confirmed that all members are aware of the Code of Practice.

All applicants for CoRWM are asked at interview if they are willing to sign up to CoRWM's ToR, Code of Practice and the 'Seven Principles of Public Life' produced by the Committee on Standards in Public Life²⁰.

Any subsequent offer of appointment explicitly states that acceptance requires members to sign up to the ToR, Code of Practice and the Seven Principles of Public Life.

¹⁸ <https://www.gov.uk/government/publications/scientific-advice-to-government-principles/principles-of-scientific-advice-to-government>

¹⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278498/11-1382-code-of-practice-scientific-advisory-committees.pdf

²⁰ <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

40. Are there clear rules and procedures in place for managing conflicts of interest?

Yes. Paragraphs 20 and 21 of the CoRWM Code of Practice set out the provisions relating to any conflicts of interest. Any potential conflicts of interest are recorded in plenary meeting minutes and are published.

41. Is there a publicly available Register of Interests for CoRWM members which is regularly updated?

Yes. The latest version of the Register of Interests from June 2014 is available at: <https://www.gov.uk/government/publications/register-of-members-interests--3>

42. Are there clear and published rules in place governing the claiming of expenses?

Yes. CoRWM follows the same rules and guidance used by DECC staff.

43. Are effective systems in place to ensure compliance with these rules?

Yes. All claims for expenses are submitted to the Secretariat which carefully checks each claim to ensure it is correct before signing it off. The claim form is then processed by DECC's Shared Services Directorate where further checks are made before the claim is paid.

44. Are there clear rules and guidelines in place on political activity for members?

During pre-election periods, as a DECC NDPB, CoRWM is issued with Cabinet Office guidance on how to avoid political impact in its operations and with which it is expected to comply. Similarly, CoRWM receives and is expected to adhere to Cabinet Office guidance in respect of attendance at Party Conferences.

45. Are there effective systems in place to ensure compliance with any restrictions?

Yes. Regular Cabinet Office guidance to arm's length bodies is circulated to CoRWM members by the Secretariat on receipt of the material from DECC sponsors or the Cabinet Office.

46. Are there rules in place for members and senior staff on the acceptance of appointments or employment after resignation or retirement?

There is a Code of Practice that must be followed while CoRWM members are in post. CoRWM members are not within the remit of the Advisory Committee on Business Appointments (ACOBA). The Code of Practice has been revised to ensure that in consideration of future business appointments, Committee Members consider the rules in place around conflict of interests that are followed while serving on the Committee, for a period of one year after resignation or retirement.

Further efficiency considerations

93. CoRWM have made year on year efficiency savings since the last Triennial Review in 2012. The budget and out-turn figures for 2012-2015 are detailed in the table below.

CoRWM budget 2012-2015		
	Budget (£k)	Out-turn (£k)
2012-13	450	347
2013-14	375	268
2014-15	293	269

94. The figures show that the Committee's budget has been progressively reduced during this period. To date efficiency savings have been achieved through ongoing scrutiny of the Committee and ensuring that the advice and scrutiny provided is targeted to the most appropriate work areas. Ongoing efficiency savings are also realised by:

- Property: There are no property or conference costs for the Committee as regular meetings are hosted in DECC facilities in Whitehall.
- Workforce: the Secretariat to the Committee (1FTE) is provided by existing employees at DECC, therefore there is no additional staff cost.
- Other potential areas of efficiency, such as shared services, procurement of common goods and services, Cabinet Office spending controls, major projects, commercial relationships, technology infrastructure and construction are not applicable to CoRWM due to the small size of the committee (Chair plus eleven members) and small budget (approximately £200k²¹ in 2015/16).

95. There is now little room for further efficiency gains, without a reduction in the functions performed.

²¹ This figure is subject to the outcome of the Spending Review 2015, and represents a significant reduction in CoRWM's budget from 2014/15.

Conclusion

96. It was the conclusion of this Triennial Review that CoRWM should continue as an advisory NDPB, providing independent scrutiny and advice to UK Government and Devolved Administration Ministers on the long-term management of higher activity radioactive wastes. The review team found that the NDPB model allows the delivery of this function independently of Government, which is crucial in maintaining public trust in the GDF Programme and other radioactive waste management programmes.
97. The review team also found that CoRWM was compliant with the Cabinet Office principles of good corporate governance, and the recommendations from the 2012 Triennial Review of CoRWM had been fulfilled (That the sponsors ensure that the frequency of the appraisal of the CoRWM Chair is increased to annually, and; that the Chair as part of the appraisal process for CoRWM members undertakes a review of individual members' training and development needs – at least annually).
98. The review team made a number of recommendations around revising the ToR, members' Terms and Conditions and Code of Practice to ensure that CoRWM operates in the most effective and efficient manner. These recommendations were also informed by evidence provided by key stakeholders in the consultation. Sponsors and CoRWM recognised the need to make these changes, and worked together to find an acceptable solution.
99. The ToR were revised to address points raised in the review, including by consultation respondents, to provide further clarity around the meaning of the term 'scrutiny', further clarity on the role of CoRWM, to avoid duplication of the role already fulfilled by the statutory independent safety, security and environmental regulators and a reduction in the maximum number of Committee members, from fourteen to eleven. All of these changes will ensure that CoRWM continues to operate effectively and efficiently, and provide value for money. The revised version can be found at Annex E.
100. The member's Terms and Conditions were revised to include greater flexibility around number of days worked per year, within a stated maximum, in order to allow Work Programmes to be more tightly focussed if necessary, and a caveat around the outcome of the Spending Review. This is to ensure that CoRWM operates within budgetary constraints, and can continue to provide an effective service in priority areas against any foreseeable financial settlement. The revised version can be found at Annex D.
101. The Code of Practice was revised to address points raised in the review, including by consultation respondents. The revised version can be found at Annex E.

Annex A – Triennial Review Terms of Reference

TRIENNIAL REVIEW OF THE COMMITTEE ON RADIOACTIVE WASTE MANAGEMENT (CoRWM) 2015: TERMS OF REFERENCE

Objective

To conduct the second Triennial Review of the Committee on Radioactive Waste Management (CoRWM).

Purpose

The purpose of the Triennial Review is to:

- To provide a robust challenge of the continuing need for CoRWM – both its functions and form; and
- If it is agreed that CoRWM should remain as an NDPB, to review:
 - its capacity for delivering more effectively and efficiently, including identifying potential for efficiency savings and its ability to contribute to economic growth, and;
 - the control and governance arrangements in place to ensure that CoRWM and the sponsoring department are complying with recognised principles of good corporate governance. This will also include an assessment of CoRWM's performance.

Background

CoRWM was established in 2003 and reconstituted in 2007. It comprises 12 members and its remit is to provide independent scrutiny and advice to UK Government and Devolved Administration Ministers (the 'sponsor Ministers') on the long-term management of higher activity radioactive wastes. Its primary task is to provide independent scrutiny on the Government's and the Nuclear Decommissioning Authority's proposals, plans and programmes to deliver geological disposal, together with robust interim storage, as the long-term management solution for most of the UK's higher-activity wastes.

As an advisory NDPB, CoRWM does not have any staff. DECC provides CoRWM with resources – both Secretariat staff and financial – to enable it to carry out its agreed programme of work. The CoRWM budget for the 2014/15 financial year is £293k which is primarily used to fund members' fees and T&S expenses.

The first Triennial Review of CoRWM in 2012 concluded that CoRWM should continue as an advisory Non-Departmental Public Body.

Review approach and methodology

The launch of the review will be announced in Parliament through a Written Ministerial Statement. The review will draw on existing published sources of evidence (such as previous reviews) supported by the views of consultees. Key stakeholders will be consulted and invited to respond to a set of questions. In the interests of openness and transparency, the same questions will also be placed on the DECC website in order to generate a wider public response. All the responses to the consultation will be analysed by the Review team (led by the independent reviewer) and considered alongside all the other evidence.

The review will be held in two stages:

- **Stage 1** - this will identify and examine the key functions of CoRWM, assess whether they are still required and if so identify the most effective delivery model. Given the size of the Committee it is not deemed proportionate to undertake a formal cost-benefit analysis of the different delivery models. However, in both Stages 1 and 2 the review will seek to identify the potential for efficiency savings in respect of CoRWM's performance and its constitution.
- **Stage 2** – if Stage 1 concludes that the functions performed by CoRWM remain relevant and that those functions are best delivered by CoRWM, then Stage 2 will assess its capacity for delivering more effectively and efficiently, including identifying potential for efficiency savings and its ability to contribute to economic growth; and the control and governance arrangements in place to ensure that CoRWM and the sponsoring department are complying with recognised principles of good corporate governance. This will also include an assessment of CoRWM's performance.

The review will be conducted in accordance with the published Cabinet Office guidance which can be found on the GOV.UK website: <https://www.gov.uk/government/publications/triennial-reviews-guidance-and-schedule>. The review is expected to take no more than three months²². The review will be undertaken by a small team comprising a lead reviewer (independent of the body and the sponsorship function) a representative from the Devolved Administrations and a representative from the DECC Geological Disposal Team.

In line with the proportionate approach, a formal Challenge Group will not be constituted. Oversight and challenge will be provided by the independent lead reviewer.

Emerging findings will be shared with the Chair of CoRWM who will also have the opportunity to check the factual accuracy of the review report at draft stage.

Following DECC and Cabinet Office ministerial agreement to publish, the results of the review will be announced in Parliament and the report published.

²² This Triennial Reviews has exceeded three months, as changes needed to be agreed with the NDPB in order to improve their efficiency and effectiveness.

Annex B – List of respondents to the consultation

Anonymous respondent
British Geological Survey
Committee on Radioactive Waste Management
Councillor for Annandale North Ward, Dumfries and Galloway, Scotland
Cumbria Association of Local Councils
Cumbria Trust
Dounreay Stakeholder Group
EDF Energy
Horizon Nuclear Power
Individuals x2
National Nuclear Laboratory
Nuclear Decommissioning Authority
Nuclear Free Local Authorities
Nuclear Industry Association
Nuclear Legacy Advisory Forum
Parents Concerned about Hinkley
The British Academy
The Geological Society
The Royal Society
Radioactive Waste Management
Royal Academy of Engineering

Annex C – Revised CoRWM Terms of Reference

REVISED TERMS OF REFERENCE FOR THE COMMITTEE ON RADIOACTIVE WASTE MANAGEMENT

Purpose

1. The purpose of the Committee on Radioactive Waste Management (CoRWM) is to provide independent advice, based on informed scrutiny of the available evidence, to UK Government and Devolved Administration Ministers (hereafter called ‘sponsor Ministers’) on the long-term management of radioactive waste, arising from civil and where relevant defence nuclear programmes, including storage and disposal.
2. CoRWM will provide strategic oversight of radioactive waste management in the UK, in such a way that does not duplicate the role already fulfilled by the statutory independent safety, security and environmental regulators.

Objectives

3. The primary objectives of CoRWM are:
 - a) provide independent evidence based advice to sponsor Ministers on the Government’s and Nuclear Decommissioning Authority’s (NDA) and Radioactive Waste Management Ltd’s (RWM) proposals, plans and programmes to deliver geological disposal (excluding Scotland), together with robust interim storage, for the UK’s higher activity wastes as set out in the work programme agreed annually between CoRWM and sponsor Ministers; and
 - b) to provide independent, evidence based advice on other radioactive waste management issues as requested by sponsor Ministers, including advice requested by Scottish Government in relation to its policy for higher activity radioactive waste.

In fulfilling its remit to provide independent and evidence based advice, CoRWM is expected to maintain an independent overview of issues relevant to the delivery of government’s radioactive waste management programmes. It should bring to the attention of sponsor Ministers issues that it considers to be either: a) positive and worthy of note or b) concerns that, in the Committee’s opinion need to be addressed.

Responsibilities

4. CoRWM will have a collective responsibility for:

- recognising the policy framework within which it will operate, including the roles and responsibilities of Government, the NDA, RWM and the various statutory independent regulators in relation to CoRWM's own advisory role;
 - delivering its evidence-based advice to sponsor Ministers in accordance with agreed work programmes. It will be for sponsor Ministers, with appropriate reference to their respective Parliaments and Assemblies, to take decisions on the evidence based advice they receive and to give directions to the NDA/RWM as necessary on any subsequent changes that they deem to be required in the delivery of radioactive waste management programmes;
 - delivering the work programme within the agreed budget, although the Chair may request sponsor Ministers for an adjustment to this budget should this be considered necessary; and
 - submitting an annual written report to sponsor Ministers, by 30 June of each year. The report will include CoRWM's progress with the agreed work programme, advice deriving from it and costs incurred. It will be made available in the libraries of the UK and Scottish Parliaments, the National Assembly for Wales and the Northern Ireland Assembly.
5. The Chair, supported by one or more CoRWM members when appropriate, will generally meet every two months with sponsor officials to report progress on the work programme and to discuss advice being provided at official level.
 6. The Chair will meet sponsor Ministers on appointment, and then at least annually along with other members as appropriate. The Chair may also be required to present the position of CoRWM to Parliamentary or Assembly committees and representatives as appropriate.

Deliverables

7. CoRWM's deliverables will be set out each year in a proposed three-year rolling work programme.
8. The work programme will be submitted to sponsor Ministers by 31 March each year for discussion and agreement. Any in-year changes will be the subject of agreement by CoRWM and sponsor Ministers.
9. The work programme will include details of specific areas of work, reports which the Committee intends to produce, the proposed role of sub-groups and any other activities or events, including proposals for stakeholder engagement.
10. In delivering its annual work programme, and where there is a common interest, the Committee should liaise as appropriate with regulators and any other relevant bodies that advise Government and the regulators.

11. With the agreement of CoRWM's sponsor Ministers, other parts of Government, the NDA/RWM and the regulators may request independent advice from CoRWM. Relevant Parliamentary / Assembly Committees may also propose work to sponsoring Ministers, for consideration in the work programme. Any additional work would need to be funded by the requesting party.

Membership

12. The Committee is jointly appointed by sponsor Ministers and appointments will be made following the Code of Practice for Ministerial Appointments to Public Office published by the Commissioner for Public Appointments.
13. Appointments will usually be for four years and sponsor Ministers retain the right to terminate appointments at any time in light of individual members' performance, changes in CoRWM's work requirements, or completion of the work required of CoRWM.
14. CoRWM shall consist of a Chair and up to eleven members, one of whom will be appointed by sponsor Ministers as Deputy Chair on the recommendation of the Chair. Members will not be mandated representatives of organisational or sectoral interests.
15. The skills and expertise which will need to be available to the Committee will vary depending on the programme of work. Sponsor Ministers may review the membership of the Committee, and the skills and expertise required.
16. CoRWM is set up by, and answerable to sponsor Ministers and is funded by the taxpayer. It must therefore comply with the Cabinet Office guide for Departments <https://www.gov.uk/government/publications/public-bodies-information-and-guidance>
17. These and other relevant procedural requirements will be set out in CoRWM's Code of Practice which members will agree to, prior to appointment.

Sub-groups

18. Members of CoRWM itself may not have all the skills and expertise necessary to advise Government. The Committee will need to decide how best to secure access to other appropriate sources of expert input during the course of its work. It will have the option of setting up expert sub-groups containing both CoRWM members and other appropriate co-opted persons. The engagement of consultants will be dependent on sufficient funds being available to CoRWM and the necessary business cases being approved by sponsors as appropriate and, if required, Cabinet Office.
19. A member of CoRWM will chair any sub-group of this nature and ensure its effective operation, as well as provide a clear line of responsibility and accountability to the main Committee. It will be for the main Committee to assess and decide upon the advice it receives from such sub-groups. CoRWM may also utilise other appropriate means of

securing expert input, such as sponsored meetings and seminars. The Chair will ensure that sub-group work and all other activities are closely integrated.

Engagement and transparency

20. CoRWM shall undertake its work in an open and consultative manner in order to secure the confidence of stakeholders in the advice it provides. It will engage with stakeholders and it will publish advice (and the underpinning evidence) in a way that is meaningful to the non-expert. It will comply, as will sponsoring departments, with '*The Government Chief Scientific Advisor's guidelines on the Use of Scientific and Engineering Advice in Policy Making*²³', as well as other relevant Government advice and guidelines. Government will respond to all substantive advice. Published advice and reports will be made available in respective Parliaments and Assemblies, as will any Government response.
21. To secure stakeholder confidence in its activities and advice, CoRWM's work will be characterised by:
- a published reporting and transparency policy;
 - relevant stakeholder engagement as required;
 - clear communications including the use of plain language, publishing its advice (and the underpinning evidence) in a way that is meaningful to the non-expert;
 - making information accessible through its website;
 - encouraging people to ask questions or make their views known and considering their concerns;
 - providing opportunities for people to challenge information, for example by making clear the sources of information and points of view on which the Committee's advice is based

Review

22. CoRWM will be subject to Triennial Review in accordance with Cabinet Office requirements and under a timetable agreed between DECC and the Cabinet Office.

²³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/293037/10-669-gcsa-guidelines-scientific-engineering-advice-policy-making.pdf

Annex D – Revised CoRWM members terms and conditions

Being a member of the Committee on Radioactive Waste Management

Role and responsibilities

Members work, under the Chair's supervision, to the programme agreed with sponsor Ministers. Members have a collective responsibility to ensure the achievement of CoRWM's objectives and delivery of its work programme to agreed timescales. Individual members may be appointed by the Chair to undertake specific roles, for example, leading or participating in sub-groups, drafting papers or representing CoRWM in meetings with the public, organisations who are contributing to the Committee's work, or the media.

Terms and conditions of appointment

Period of appointment

The appointment is initially for 4 years, but further terms may be offered, subject to satisfactory performance assessment and Ministerial approval and in line with the guidance set out in the Commissioner for Public Appointment's Code of Practice for Ministerial Appointments to Public Bodies.

Standards

In accepting a position on the Committee, members will be signing up to CoRWM's Terms of Reference, the Committee's Code of Practice and the Seven Principles of Public Life.

Time input

It is expected that members will spend a maximum of 52 days per year on CoRWM business. This time commitment includes preparing for meetings and travel, some of which may be required in the evening or at weekends. A higher input may be necessary in the initial period of appointment.

Remuneration

£300 per day for a maximum of 52 days per year²⁴. All reasonable travel and subsistence costs incurred during the course of the work will be fully reimbursed.

²⁴ The number of days allocated per year for members are subject to review following the outcome of Spending Reviews.

Location

CoRWM members are based all over the UK and are committed to flexible working. Members generally work remotely and make regular use of video and teleconferencing. Committee meetings and work may be conducted at various locations around the UK and there may also be some limited overseas travel.

CoRWM is currently supported by a small secretariat which is located in the Department of Energy and Climate Change, Area 2D, 3 Whitehall Place, SW1A 2 AW.

Termination

The appointee may resign at any time by notice in writing to the sponsor Ministers. Ministers may jointly agree to terminate the appointment in light of performance, a significant change in the nature of the work or a decision that the Committee, in its current form, is no longer required.

Annex E – Revised CoRWM members Code of Practice

CoRWM Code of Practice

Introduction

1. The Committee (CoRWM) must build and retain public respect by the way in which it works. Each Member shares this responsibility and must agree, before being appointed, to abide by this Code. The Code is based on the Cabinet Office guidance for non-departmental public bodies²⁵, but also includes other provisions relevant to the remit and work of CoRWM. The Code is based on the Cabinet Office guidance for non-departmental public bodies, but also includes other provisions relevant to the remit and work of CoRWM. The Code is also compatible with the guidance set out in the Principles of Scientific Advice to Government²⁶, and the Code of Conduct for Scientific Advisory Bodies²⁷.

Public Service Values

2. Members of this advisory non-departmental public body must at all times:
 - observe the highest standards of impartiality, integrity and objectivity in relation to the recommendations they produce and the management of this public body;
 - be accountable to the sponsoring Ministers and their departments²⁸ for its activities and for the standard of advice and recommendations it produces; and
 - in accordance with Government policy on openness, comply fully with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
3. The Ministers of the sponsoring departments are answerable to their Parliament or Assembly for the policies and performance of this body, including the policy framework within which it operates.

Standards in Public Life

4. All Members must:

²⁵ <http://www.bl.uk/aboutus/governance/blboard/BoardCodeofPractice2011.pdf>

²⁶ <https://www.gov.uk/government/publications/scientific-advice-to-government-principles/principles-of-scientific-advice-to-government>

²⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278498/11-1382-code-of-practice-scientific-advisory-committees.pdf

²⁸ The sponsoring departments are the Departments of Energy and Climate Change, Department of the Environment in Northern Ireland, the Scottish Government, and the Welsh Government.

- follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life;
- comply with this code and ensure they understand their duties, rights and responsibilities and that they are familiar with the function and role of this body and any relevant statements of Government (UK government and the Devolved Administrations) policy; and
- not misuse information gained in the course of their public service for personal gain or political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations.

Responsibility of Individual Members

5. Members are appointed to CoRWM in a personal capacity thereby bringing to the Committee's deliberations their particular knowledge, skills and experience. They are not appointed to the Committee to represent the interests of organisations by whom they are employed or with whom they may be associated but, rather, to consider all views and evaluate them in an objective manner in contributing to the Committee's work.
6. Members have collective responsibility for the operation of this body. They must:
 - engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including guidance issued by the sponsor departments or the responsible Ministers;
 - ensure that the Freedom of Information legislation (including prompt responses to public requests for information) is adhered to; and agree an Annual Report;
 - respond appropriately to complaints, if necessary with reference to the sponsor departments; and
 - ensure that the Committee does not exceed its functions.
7. The Secretary of CoRWM should be advised of any forthcoming publication by a CoRWM Member relating to radioactive waste management, and its publication date, which refers to a member as being a member of CoRWM. A copy of that publication should be provided to the Secretary on publication.
8. Individual Committee members can normally be removed from office by Ministers if they fail to perform the duties required of them in line with the standards expected in public office, including failure to adhere to this Code of Conduct.
9. When CoRWM members are acting as observers at meetings, they will refrain from participating in discussion and contributing views, unless invited to.
10. CoRWM members will ensure factual accuracy of meeting notes, wherever possible checking with meeting participants, before circulating to the rest of the Committee.

Communicating, and Commenting on, the Work of CoRWM

11. Only the CoRWM Chair and Deputy Chair, or in their absence the CoRWM Secretary, is authorised to write, or speak on behalf of the Committee. Members of CoRWM may be authorised by the Chair or Deputy Chair to write or speak on behalf of CoRWM on specific occasions. CoRWM members must clarify their capacity when speaking at events i.e. whether they are representing their own views, or those of the Committee.
12. Any Members seeking to comment on the work of the Committee and its views beyond the details which are contained in its published material should seek the Chair or the Deputy Chair's permission to do so. Members should acknowledge the need to act collectively in making information and views available to the public and Ministers. In addition, Members should recognise that their membership of CoRWM conveys a special privilege; hence any public statement should be sensitive to the context within which it will be interpreted, given particularly the need to maintain the integrity and credibility of the policy formulation process involved.
13. Communications between the Committee and Ministers will generally be through the Chair except where in the absence of the Chair or Deputy Chair, the Committee has agreed that individual members should act on its behalf. Nevertheless, any Member has the right of access to Ministers on any matter which he or she believes raises important issues relating to his or her duties as a CoRWM Member. In such cases the agreement of the Chair and the rest of the Committee should normally be sought.
14. Committee papers will be identified as "Official" (e.g. for discussion before being released to the public and other stakeholders) or "Public". Members who wish to show non-Members any information contained in "Restricted" documents, must obtain the prior consent of the Chair or the Deputy Chair. The use of a "Official Sensitive" marking shall be primarily to ensure that interim working papers and drafts are not misrepresented as being the final collective views of the Committee.

Decision-Making Within CoRWM

15. CoRWM should wherever possible reach decisions by consensus and the text of reports or publications should reflect such consensus.
16. In those circumstances where consensus cannot be achieved and, despite the best efforts of the Committee, substantial numbers of Members hold alternative views, the relevant text of any report or publication should reflect the differences in, and relative weight of, opinion within the Committee. In declaring an interest, a Member may decide to disassociate himself from a particular text and this would be recorded in the text. This would be the proper course of action if the Member held views which differed from the overwhelming majority of the Committee.

17. Members do not have an absolute right to submit a minority report for inclusion within a CoRWM report or publication. The text of the CoRWM report or publication should adequately reflect any significant differences in opinion. Nevertheless, if a Member or small group of Members still wish to include a minority report this would only be acceded to by a majority vote at a properly constituted meeting, or by postal ballot. On the understanding that such procedures are followed, Members should not take personal initiatives to disassociate themselves publicly from CoRWM's reports or publications.
18. In circumstances where a difference of view exists, sponsoring Ministers retain the right to request the Chair for his or her personal perception of the predominant Committee view.

The Role of the Chair

19. The Chair has particular responsibility for providing effective leadership on the issues above. In addition, the Chair is responsible for:
 - ensuring that the Committee meets at appropriate intervals, and that the minutes of meetings and any reports to Ministers accurately record the decisions taken and, where appropriate, the views of individual members;
 - ensuring that reports of the Committee's work and its outcome are openly and accurately published;
 - representing the views of the Committee to the general public; and
 - ensuring new Committee Members are briefed on appointment, carrying out annual assessments of members' performance and providing an assessment of their performance, on request, at any stage of the Committee's work or for appointment to the board of some other public body.

Handling Conflicts of Interests

20. The purpose of these provisions is to avoid any danger of Members being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. All Committee Members should therefore declare any personal or business interest which may, or may be perceived (by a reasonable member of the public) to, influence their judgement. This should include, as a minimum, personal direct and indirect pecuniary interests, and should normally also include, such interests of close family members and of people living in the same household²⁹. The register of interests should be kept up-to-date and be open to the public. A declaration of any interest should also be made at any Committee meeting if it relates specifically to a particular issue under consideration, for recording in the minutes (whether or not a Committee members also withdraws from the meeting).

²⁹ Indirect pecuniary interests arise from connections with bodies which have a direct pecuniary interest or from being a business partner of, or being employed by, a person with such an interest. Non-pecuniary interests include those arising from membership of clubs or other organisations. Close family members include personal partners, parents, children (adult and minor), brothers, sisters, and the personal partners

21. Committee Members should not participate in the discussion or determination of matters in which they have an interest, and should normally withdraw from the meeting (even if held in public) if:
- their interest is direct and pecuniary; or
 - their interest is covered in specific guidance issued by this body or the sponsor departments which required them not to participate and/or to withdraw from the meeting.
22. In consideration of future business appointments, Committee Members should consider the rules in place around conflicts of interests that are followed while serving on the Committee. Committee Members should consider the need for making the Department aware of potential future business appointments, where conflicts of interest could arise, for a period of one year after resignation or retirement.

Personal Liability of Panel Members

23. Legal proceedings by a third party against individual Committee members of advisory bodies are extremely exceptional. A Committee member may be personally liable, for example, if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or breaches a duty of confidence under common law or if he or she misuses information gained through their position.
24. If legal proceedings are brought against members by a third party DECC will meet any civil liability which is incurred in the exercise of member functions unless the member concerned has acted recklessly and provided the member has acted honestly and in good faith.

Raising Concerns

25. If you have a concern about a possible breach of this Code, or a concern that the staff of the body are being asked to act in contravention of their own code of conduct, then you have a responsibility to raise that internally with other board members or the chair of the body.
26. There may be rare occasions involving very serious or urgent concerns where you feel it would not be appropriate to raise the issue internally in the body (either with the chair or any nominated official in the body). If it is not possible to raise the issue internally, you should raise it with the Permanent Secretary of the parent/sponsor department or, in the most extreme cases, with the Minister responsible for the body.

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