



Cabinet Office

# Functional Review of Bodies Providing Expert Advice to Government

A review by the Cabinet Office Public Bodies Reform team



March 2017

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# 1. About this review

## Background

**1.1** Of the 463 public bodies operational in 2016, nearly one third of all classified public bodies, some 141, were ‘Non-Departmental Bodies with Advisory Functions’ (aNDPBs). Departments have traditionally set up aNDPBs to provide them with independent expert advice, guidance and scrutiny. Most aNDPBs are very small bodies, typically comprising a committee of independent experts led by a chair and supported by a small secretariat (provided by their host department). Members are appointed as individuals, not as representatives of the academic, business or other organisations for whom they often work.

**1.2** Departments now have a more flexible set of structures within the departmental boundary through which to provide similar functions to those provided by aNDPBs. During the last parliament some departments had moved to reconstitute some of their advisory bodies as Expert Committees. Expert Committees and aNDPBs are functionally similar, but Expert Committees are not arm’s length bodies, instead they are committees of independent experts operating from within the department (although Expert Committees need not operate within the same building as the rest of the department).

## Aims and objectives

**1.3** The mission of the Public Bodies Reform team in the Cabinet Office in this Parliament is to drive the collective delivery of a simplified, customer-centric and cost-effective system for the arm’s length provision of public services<sup>1</sup>. Current Cabinet office guidance states that new public bodies should only be created if there is a clear and pressing requirement, a clear need for the state to provide the function or service through a public body, and no viable alternative – effectively establishing new public bodies as a last resort. Existing bodies are subject to ongoing review, which considers first whether the function of the body is still required and, if it is, the most appropriate form for that body.

**1.4** We undertook this review to identify how departments could apply the indicators embedded within the April 2016 ‘Classification of public bodies: guidance for departments’, and the principles of the Cabinet Office’s ‘Partnerships between departments and arm’s length bodies: Code of Good Practice’<sup>2</sup> in a practical way, to:

1 Source: Public Bodies 2016, <https://www.gov.uk/government/publications/public-bodies-2016>

2 <https://www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice>

- establish a framework that optimises the creation, provision, dissemination and use of independent expert advice within the walls of government; by
- identifying appropriate classification and operation of advisory bodies in government, drawing on lessons from aNDPBs and departmental Expert Committees; and
- making practical recommendations on the management, organisation and impact of expert advice and the bodies that provide it.

The key outcome we are seeking to achieve through implementation of this review is a sustainably leaner, more transparent and effective landscape of expert advisory bodies. To support this we have produced:

- this report, which sets out our overall findings on the functions and classification framework for independent advisory bodies; and
- a high-level good practice toolkit for departments which supports them in: maintaining independence between advisors and government, setting high standards of transparency, and improving the effectiveness and demonstrating the value of advice.

## Approach

**1.5** The review was undertaken collaboratively with departments and advisory bodies. We are grateful to everyone who participated – the findings of this report are based fundamentally on the insights they provided. We did not undertake detailed reviews of each of the advisory bodies; this is departments' role and they continue to lead this process through Tailored and ad-hoc reviews, working with the Cabinet Office and the bodies themselves. We focused on identifying the core functions and groupings of bodies within the landscape to draw out insights that apply, generally, to all advisory bodies. The immediate outputs of this review, including this report, are not the end of the process. We will continue to work with departments as they implement our recommendations and as they reconstitute some of their aNPDBs as Expert Committees, where it is appropriate to do so.

**1.6** We pursued 3 key lines of enquiry:

- **purpose and form:** assess the models for provision of advice across different departmental sectors and requirements;
- **governance and independence:** identify best practice governance of expert advisory bodies, asking how best to preserve independence and what the key indicators of real and perceived independence are; and
- **impact:** identify efficient and proportionate approaches to measuring, reporting and valuing impact.

**1.7** In asking these questions, we were mindful that most advisory bodies are small, have no staff, and essentially comprise the chair and members of a committee, supported by a small secretariat. Any processes and governance arrangements need to be proportionate and allow the chair and the members of the committee to focus on providing high quality, independent expert advice, not administration.

## Scope

**1.8** This review focused on bodies providing fully independent expert advice. Consequently, we focused on aNDPBS and Expert Committees. We did not include stakeholder or other working groups where members may be appointed as representatives of organisations. Our primary focus was on the 141 public bodies classified as aNDPBs as at March 2016. However, we also examined the role of, and engaged with, Expert Committees and consulted wider stakeholders (including other NDPBs with a significant advisory role, and the Government Office of Science). We did not examine consultancy or professional services provided to government. We did not examine the provision of advice to ministers from within the Civil Service.

**1.9** We took a collaborative, principles-based approach, drawing on existing best practice and formal guidance. Throughout, we sought to understand what is important to departments as customers and users of expert advice, and to the bodies that provide that advice.

**1.10** When findings and recommendations apply to both aNDPBs and Expert Committees, we use the term “body” to refer to both collectively (unless specifically indicated otherwise).

## 2. Conclusions and recommendations

### The benefits of independent expert advice

**2.1 Independent expert advice plays a vital role in the business of government and in public life.** We found overwhelmingly strong support for the role of individual bodies and for the input they provide. They play important roles in health, justice, employment, science and a range of other policy areas across government. Independent expert advice provides government with a unique outside perspective from business, academia and the judiciary, often for a relatively low absolute cost. Many bodies operate on a voluntary basis. Exact data on spend are not available, partly because aNDPBs do not produce separate accounts, unlike many other types of arm's length bodies. Spend data for Expert Committees are not collected centrally. (Paragraphs 3.31-3.37)

**2.2 The scale of value added by advisory bodies is hard to measure.** Given the size and role of many advisory bodies, in-depth evaluation of their impact would be technically challenging. Larger aNDPBs, however, are capable of tracking their financial and other impacts and some, such as the Sentencing Council for England and Wales, have processes in place to do this. Bodies could be clearer, however, on identifying how their work adds value. We found that annual reports produced by bodies tended to focus on summarising activity, rather than reflecting on how effective bodies had been in fulfilling their remit. It would benefit bodies and public accountability to see more routine reflection on the body's performance, based on stakeholder feedback in bodies' own annual reports. (Paragraphs 4.28-4.29)

### The landscape of public bodies

**2.3 Too much of the landscape of advisory bodies is hidden from public view.** While there is good information on aNDPBs, it is not clear how many Expert Committees are operational. These bodies are not subject to Cabinet Office data commissions, so there is no central list. There are at least 72 scientific advisory committees (SACs), of which up to 46 are Expert Committees. Most departments do not list their Expert Committees in their annual reports, although many choose to list aNDPBs. This lack of clarity over the landscape and department-level assurance undermines transparency and reduces departments' ability to get the most value from their advisory bodies. It also reinforces an impression among some chairs and members of bodies that Expert Committees are in some way 'less important' than aNDPBs and creates concerns about reclassification. In reality, it can and should be the case that function determines form. (Paragraphs 4.3-4.8)

## Operation and management of independent advisory bodies in government

**2.4 Independence is key to delivering the value that departments derive from their advisory bodies.** Independence is a hard concept to define. In this context it can best be described from the body's point of view as the ability to develop and deliver expert advice, which is a function of both behaviours and actions, supported by robust process. Some of the key factors are:

- **a clear purpose for the advice and a remit for the body:** a clear remit for the body providing advice is one of the most important indicators of both effectiveness and independence. It provides a sense of purpose and distinguishes the body's role from any other part of the wider system. It also provides protection against any requests to provide advice that is beyond the body's competence and provides a clear agreed reference point for any review of the body's role or performance;
- **mutual independence:** the body should be free to formulate and provide its advice without undue influence from any outside party. It should be able to expect that its advice is considered actively for the purpose intended. Equally, however, chairs recognised the importance of respecting the rights of ministers and others to make decisions;
- **strong governance and high standards of personal conduct:** one of the key principles underpinning both aNDPBs and Expert Committees is that members are appointed as individuals. This distinguishes them from other types of body, such as stakeholder groups, where members might be appointed as representatives of the organisations for whom they work. It is therefore quite likely that these individuals have other outside interests, so processes to manage any undue influence and maintain actual and perceived independence are important. Like all public office holders, they are expected to abide by the seven principles of public life: selflessness; objectivity; integrity; accountability; openness; honesty; and leadership; and
- **openness and transparency:** transparency underpins many of the benefits of independent expert advice. To promote greater confidence in decision-making, the public and others, including Parliament, need to know how expert advice has been commissioned, how it has been developed, and how it has been used. (Paragraphs 4.9-4.39)

**2.5 Departments and bodies could do more to demonstrate that they are meeting good practice standards.** Departments could do more to identify the full costs of running their bodies and making this information public (paragraph 3.12). Generally speaking, it is already good practice for bodies to provide links on their websites to their terms of reference, work programme, register of members' interests, agendas, minutes (where published) and annual report for the most recent financial year. These should be up to date. However, our review of aNDPBs' websites showed that these fundamentals of assurance and transparency are not always readily available, or accessible. For example:

- registers of interests: around half of the bodies did not publish an easily accessible register of interests, and small number published registers of interest that were out of date;
- minutes: just under half did not publish easily accessible minutes;
- expenses: a high proportion did not publish details of members' expenses; and
- annual reports: around a third had published an annual report for the most recent financial year (at the time of the review).

We also reviewed a sample of Expert Committees websites, with similar results. (Paragraphs 4.37-4.39)

**2.6 There is scope to improve the ‘feedback loop’ between advice provision and decision-making.** Feedback is crucial to the ongoing production of high quality advice. The department should feed back to the body on how its advice was used and, in cases where advice was not implemented, explain why. At present this is inconsistent. Some bodies have no method for ascertaining why their advice was not implemented, some have formal protocols established whereby the department has a set period of time to respond to the body, and some have formal abilities to highlight the fact that advice has not been taken. A formal protocol and rigid timescales may not be appropriate for some bodies, but there should usually be an agreement between the body and the department of at least an informal process. (Paragraphs 4.30-4.32)

### Classification of independent advisory bodies

**2.7 The Expert Committee model is appropriate for many advisory bodies now and in the future, if good practice behaviours and processes are in place.** The principles and processes outlined above underpin independence and transparency. They can form the base of the formal constitution in both aNDPBs and Expert Committees and guide the relationship between advisory bodies and government. We found no evidence that the designation of a body as an aNDPB or Expert Committee per se presented a barrier to bodies acting independently and having an impact in practice. There was a strong consensus amongst chairs and departments consulted in this review that a change in classification would not prevent (and had not prevented) them from acting independently. It follows that where independence is strongly embedded and backed up by robust processes, governance and conduct, there will often be no functional need for the body to be an aNDPB. The Expert Committee model also provides departments with greater flexibility to meet their needs (for example, to set up groups with durations shorter than 3 years). (Paragraphs 5.3-5.11)

**2.8 There remains a case, however for departments to maintain some bodies as aNDPBs, while their function is still required.** This should usually only be the case, however, for bodies where:

- the potential additional ‘symbolic’ independence afforded by NDPB status is actually necessary. This is likely to be the case where the body is, in effect, exercising strong independent scrutiny over specific decisions taken by the department and where it is likely that this scrutiny may be relied on by third parties, such as Parliament; and
- for larger bodies where the formal governance requirements associated with NDPB status are more appropriate (paragraphs 5.3-5.11).

### Conclusion and next steps

**2.9** Government’s independent advisory bodies are generally held in very high regard. Their unique outside perspective and ability to formulate advice free from undue influence is highly valued both within and outside government.

**2.10** Maintaining these bodies’ independence is key to the credibility and usefulness of their advice. This independence, however, cannot be guaranteed by an administrative classification. Independence needs to be embedded within the DNA of the body– its membership, its procedures, and governance – and enacted in practice. For this to work effectively, good practice needs to be the norm across the whole advisory landscape.

**2.11** Where it is possible to safeguard independence sufficiently through practice and process, the Expert Committee model is likely to be an appropriate format for delivering independent expert advice. Given this, and in line with government policy that NDPBs should only be created as a last resort, it is our conclusion that Expert Committee should be the default classification for new

bodies providing independent expert advice. Departments will, however, be able to seek (or retain) aNDPB status for their bodies where this is necessary and beneficial, based on the function the body fulfils.

## Recommendations

**2.12** To improve the effectiveness, transparency and public awareness of the role of independent expert advice in the business of government, departments should:

- a) Assess whether their aNDPBs more appropriately fulfil the criteria for Expert Committees and agree actions with the Cabinet Office Public Bodies Reform team including a timeline for agreed changes.
- b) Departments should consider the extent to which both aNDPBs and Expert Committees contribute to their governance when compiling their annual reports and accounts. Where the work of aNDPBs and Expert Committees warrants, departments should consider including them in their annual reports and accounts. Accounting Officer System Statements, which departments will be required to produce alongside their annual reports and accounts, will expect departments to publish details of their advisory bodies.
- c) Within three months of this review, departments should respond to the Cabinet Office to indicate how they will provide proportionate assurance over their independent advisory bodies as a whole. This should be developed in consultation with the bodies in question and should set out who in the department will maintain a current overview of all relevant bodies. It should also set out the escalation routes through which committee chairs can raise concerns and issues, should they arise.
- d) Within three months of this review, departments should rectify incomplete and out-of-date information on the websites of aNDPBs and Expert Committees. In particular, annual reports for the most recent year should be available as soon possible. Registers of members' interests should always be up to date.
- e) Develop and implement a high-level working protocol which sets out how they will work with their advisory bodies, building on existing good practice examples and the key indicators of good practice set out in this review. This should be proportionate and build on any processes and practices that departments already have in place.

Advisory bodies, led by chairs and with the support of their secretariats should:

- f) Proactively identify and implement any improvements that could be made to their working practices and documentation, based on this report and the related indicators of good practice. In particular, if they do not do so already, they should explore how they can be more transparent in publishing their advice and the deliberations that led to it. Where it is necessary for there to be any exceptions to a general presumption of openness and transparency they should make this clear on their website.
- g) Consider how best to gather proportionate feedback from the people and organisations that use their advice as part of their processes for reviewing their performance each year.

**2.13** We will continue to work with departments as they implement our recommendations and as they reconstitute some of their aNDPBs as Expert Committees, where it is appropriate to do so. Our methodology is described in more detail in Appendix 1.

## 3. The advisory bodies landscape

### Public and Arm's Length Bodies

**3.1** A 'public body' is a formally established organisation that is (normally at least in part) publicly funded to deliver a public or government service, though not as a ministerial department. Advisory Non Departmental Bodies fall under this category and operate 'at arm's length' from the government.

**3.2** In 2014, in recognition of the fact that a simpler public bodies landscape would promote transparency and accountability, the coalition government commissioned a review of the classification system for public bodies. The 'Report on the Outcome of the Classification Review'<sup>3</sup> recognised that "although there are advisory bodies which will continue to require aNDBP status, there are a large number that would be more suitably constituted as Expert Committees".

**3.3** The 2010-15 Public Bodies Reform programme reduced significantly the number of ALBs. In 2016 the Cabinet Office produced 'Classification of public bodies: guidance for departments' in order to facilitate further change and to help clarify and simplify the public bodies landscape. At March 2016, there were, however, 463 public bodies and this landscape was not well-understood. Much of the landscape has evolved over a long period of time, with no systematic approach to the overall design or delivery of services. Some 141 of the 463 bodies are aNDPBs (this number counts as separate bodies the 44 Advisory Committees on Justices of the Peace, the 13 Veterans Advisory and Pensions Committees, and the nine Regional Advisory Committees of the Forestry Commission).

### The purpose of independent expert advice

**3.4** Advice in government is provided through multiple channels, and neither 'independence' nor 'expertise' are the sole preserve of advisory bodies. Advisory bodies do, however, fulfil a unique role in public life as they are aligned to, but independent from, their host departments. They provide a relatively stable, dependable way to access a wide range of knowledge, skills and experience that it would not be possible or practicable to retain within the department. The government typically seeks independent expert advice to ensure that policy and other decisions are made with input from experts in the field.

**3.5** These bodies typically comprise leading experts and interested parties in the particular field (academics, industry specialists, etc.) who often provide their advice free of charge.

<sup>3</sup> <https://www.gov.uk/government/publications/classification-review-of-public-bodies-outcome-report>

## Types of body providing advice

**3.6** There are several types of body working in government to provide this type of advice:

**NDPBs with Advisory Functions:** these bodies consist of external (non civil service) experts who operate in a personal capacity to form boards or committees to advise ministers on particular policy areas. They are often supported by a secretariat from the host department, which also provides funding. They provide independent specialist advice to departments. They are independent of, but established by, the department and do not usually have separate legal personality.

**Expert Committees:** these committees are often (but not always) non-statutory groups, providing independent expert advice on key issues from within the department boundary. Like many of the NDPBs with an advisory function, Expert Committees comprise external (non civil service) specialists that form committees to advise ministers on particular policy areas. However, they are not NDPBs.

**Working Groups:** These groups are part of government departments. They are not independent advisory entities such as aNDPBs or Expert Committees (both of which are operationally independent in terms of the advice they gather, analyse and present).

As set out above Part 2, this review focused on bodies providing independent, expert advice. Consequently, we focused on aNDPBs and Expert Committees. Figure 1 below sets out the key features of these two types of body.

**Figure 1: Key features of aNDPBs and Expert Committees**

NDPB with advisory function	Expert Committee
Oversight/Accountability	Oversight/Accountability
The department usually sets the strategic framework, advice is impartial with the minister accountable to Parliament.	The department usually sets strategic framework, advice is impartial with minister accountable to Parliament.
Sources of Income	Sources of Income
Included in host department estimate.	Included in host department estimate.
Setup & Position in Government:	Setup & Position in Government:
Independent but established by a department, usually without separate legal personality. May be statutory. May be sponsored indirectly by a department, through an agency.	Independent of, but established by and seated within departments, usually without separate legal personality. Not normally statutory. May be sponsored indirectly by a department, through an agency.
Duration	Duration
An aNDPB must be active for at least three years.	There is no set time limit for Expert Committees – allowing for shorter or longer terms to meet departments' needs.
Review	Review
As an NDPB, subject to the Tailored review process.	Not subject to Tailored review process but recommended that departments still conduct proportionate review, as appropriate.

NDPB with advisory function	Expert Committee
<p>Appointments</p> <p>Minister usually appoints members. Members are appointed as individuals. Office of the Commissioner for Public Appointments (OCPA) principles apply.</p>	<p>Appointments</p> <p>Flexibility for minister or department officials to appoint members (and chair if there is one). Members are appointed as individuals. Details to be agreed with CO Public Appointments Team on a case by case basis – where reclassifying from an existing NDPB with advisory function.</p>
<p>Staffing</p> <p>Committee of independent specialists (supported by department civil servants as a secretariat).</p>	<p>Staffing</p> <p>Committee of independent specialists (supported by department civil servants as a secretariat).</p>
<p>Accounting</p> <p>Do not produce their own accounts – any income or expenditure forms part of the department's accounts.</p>	<p>Accounting</p> <p>Do not produce their own accounts – any income or expenditure included in department accounts.</p>
<p>Purpose</p> <p>Provide the government with independent specialist advice (and also services) not available within government</p>	<p>Purpose</p> <p>Provide the government with independent specialist advice (and also services) not available within government</p>
<p>Number</p> <p>There are currently 141 aNDPBs across multiple Departments (Public Bodies 2016)</p>	<p>Number</p> <p>There is no central list of Expert Committees and so the total number is unknown. Some government departments maintain a list of their own Expert Committees (for example, the Department of Health provides a list of all the bodies it has responsibility for in its annual report)</p>

## NDPBs with advisory functions

### ANDPBs by department

**3.7** The aNDPBs currently operational are spread out across multiple departments. The largest numbers can be found within the Ministry of Justice (55 aNDPBs) and the Ministry of Defence (21 aNDPBs). The department with the largest number, the Ministry of Justice, hosts 44 Advisory Committees on Justices of the Peace, each of which is counted as a separate aNDPB. Within the Ministry of Defence there are 13 Veterans Advisory and Pensions Committees, each counted as a separate aNDPB. We expect to see consolidation in the overall numbers of these bodies as a natural product of departmental transformation and efficiency programmes. Figure 2 shows the number of aNDPBs by department in March 2016.

Figure 2: ANDPBs by department<sup>4</sup>

## Size

**3.8** The size of aNDPBs varies greatly and different measures can be used to ascertain ‘size’. The operating model normally employed by aNDPBs is that of a committee of members (led by a chair), supported by a secretariat provided by the host department.

### Number of secretariat staff employed

**3.9** For those bodies that responded to our survey, the average size of secretariat was three people (however this is likely to be an inflated view of secretariat size as in many cases these resources dedicated only a small fraction of their time to secretariat work and performed other work in the department, or performed secretariat work for multiple bodies). A minority of larger bodies have a recognisable staff, such as the Law Commission which has 52 members of staff.

**3.10** Some aNDPBs share their secretariat with other bodies. For example, the Office of Manpower Economics provides the secretariat for the eight pay review bodies, enabling them to share resources across the bodies.

### Number of members

**3.11** The average number of members is 11<sup>5</sup>. Some committees have a standing panel, whilst others are set up to allow them to draw upon members to respond to specific tasks. For example, the Independent Agricultural Appeals Panel (IAAP) has 36 members, of which three are drawn at any one time.

<sup>4</sup> In this diagram Defra and the Forestry Commission are represented separately. However, together they form the Defra Group with 13 aNDPBs

<sup>5</sup> Source: Public Bodies 2016, <https://www.gov.uk/government/publications/public-bodies-2016>

## Subcommittees

**3.12** 38% of respondents to our survey said their committee operated subcommittees. The number of subcommittees in our survey ranged from 0 – 14 (Advisory Committee on Clinical Excellence)<sup>6</sup>, though the number of subcommittees standing at any one time will be dependent upon the specific task and work load.

**3.13** Many aNDPBs bring in specific experts when required or set up subcommittees to look at particular areas of work.

## Spend and government funding

**3.14** The total annual government funding for the 141 aNDPBs amounts to less than £16 million per annum. However the spread of funding is not even. We identified three broad groupings.

- Those with large budgets, which in practical terms begin to resemble organisations in their own right. There are four aNDPBs which received £1 million or above of government funding in 2015/16. These are the Independent Commission for Aid Impact, the Law Commission of England and Wales, the Sentencing Council for England and Wales, and the Boundary Commission for England.
- Medium-sized bodies. There are six bodies that have funding between £300,000 and £1 million. These are the Regulatory Policy Committee, the Low Pay Commission, the Migration Advisory Committee, the Social Mobility Commission, the Committee on Standards in Public Life, and the Social Security Advisory Committee. These bodies are highly active and provide advice on particularly high profile areas such as migration and regulatory policy.
- The majority of bodies operate with government funding of less than £100,000 per annum. Those with very small budgets operate on a “committees plus secretariat” basis and rely entirely on support from their host department<sup>7</sup>.

**3.15** Some chairs of bodies, particularly larger bodies, are paid on a salaried basis. Public Bodies 2016 provides further information on chairs’ salaries. Many chairs and members are paid on a per meeting/day basis. Many chairs and members see offering their expertise on these committees as a public duty. In ‘Public Bodies 2016’<sup>8</sup>, 87 bodies reported that their chairs received no remuneration.

**3.16** Published Triennial and Tailored Reviews reflect the sense that one of the success factors of government’s advisory bodies is the fact that they are able to attract high quality individuals, often at what departments consider to be relatively low costs compared to the rate the individuals engaged, or their equivalents, would be able to charge on a commercial basis.

<sup>6</sup> A list of survey respondents can be found in Appendix 1

<sup>7</sup> Source: Public Bodies 2016, <https://www.gov.uk/government/publications/public-bodies-2016>

<sup>8</sup> Source: Public Bodies 2016, <https://www.gov.uk/government/publications/public-bodies-2016>

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### Example: Comments on value for money from triennial reviews

“The current model offers excellent value for money. The Master of the Rolls chairs the ACNRA as one of his statutory duties and members are unpaid. Despite this lack of remuneration, the ACNRA has an eminent membership of wide experience and great expertise” – **triennial review of the Advisory Committee on National Records and Archives**

“The Buildings Regulations Advisory Committee must be one of the best value £10ks in public life. As a paid-for external consultancy it would be at least ten times that, and it is run at less cost than one additional professional grade civil servant” – **comment from stakeholder reproduced in triennial review of the Building Regulations Advisory Council**

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**3.17** Nevertheless, there are factors which departments need to consider when making comparisons on cost grounds. Departments need to make sure that they consider the wider staff costs associated with running the body, particularly secretariat staff, when comparing alternative delivery models. Even a relatively small committee working on a voluntary basis still requires a secretariat. This may be a greater cost than the committee itself. The average secretariat size based on our survey of bodies was three members of staff though most smaller bodies had two. This implies salary costs of around £70,000 per year. These costs would need to be taken into account when comparing the cost of delivery through an NDPB (or an Expert Committee) when compared to contracting for advice on a commercial basis. Further, because secretariat staff often combine their role supporting the committee with other duties, and claims for expenses may be entered onto a wider departmental system, departments can find disaggregating full cost data challenging. Although the funding for advisory bodies is often small in the context of departmental budgets, or in comparison to other arm’s length bodies, all bodies and their host departments need to be able to give a full account of their use of public funds.

### Sources of funding

**3.18** Most aNPDBs are funded directly by their host department. However, some aNPDBs have other sources of income. The Commission on Human Medicines has no direct income but is funded from medicine licensing fees charged by the Medicines and Healthcare products Regulatory Agency (MHRA). Income generation is rare, but the British Pharmacopoeia Commission generates revenue through sales of the British Pharmacopoeia and chemical reference standards (giving an income of £3,481,000, with an expenditure of £2,767,000<sup>9</sup>). Some bodies have charitable status. The Theatres Trust received gross income in excess of £500,000 through theatre rent and other sources in 2015/16 and over £800,000 via its charitable wing. This type of activity is unusual for an aNPDB.

9 Source: MHRA Annual Reports and Accounts 2015/16, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539679/MHRA\\_annual\\_report\\_and\\_accounts\\_2015\\_to\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539679/MHRA_annual_report_and_accounts_2015_to_2016.pdf)

### Case study: the British Pharmacopoeia Commission (aNDPB)

The British Pharmacopoeia Commission is responsible for:

- preparing new editions of the British Pharmacopoeia (BP) and British Pharmacopoeia (Veterinary) (BP (Vet));
- the selection and publication of British Approved Names (BAN);
- providing clear policies and technical advice for the BP;
- providing advice to the United Kingdom delegation to the European Pharmacopoeia Commission; and
- appointing members to expert advisory groups, panels of experts and working parties.

The commission is supported by a secretariat provided by the Medicines and Healthcare products Regulatory Agency. The secretariat is assigned an annual budget as a subset of the Inspection, Enforcement and Standards Division and can bid for additional funds for particular projects.

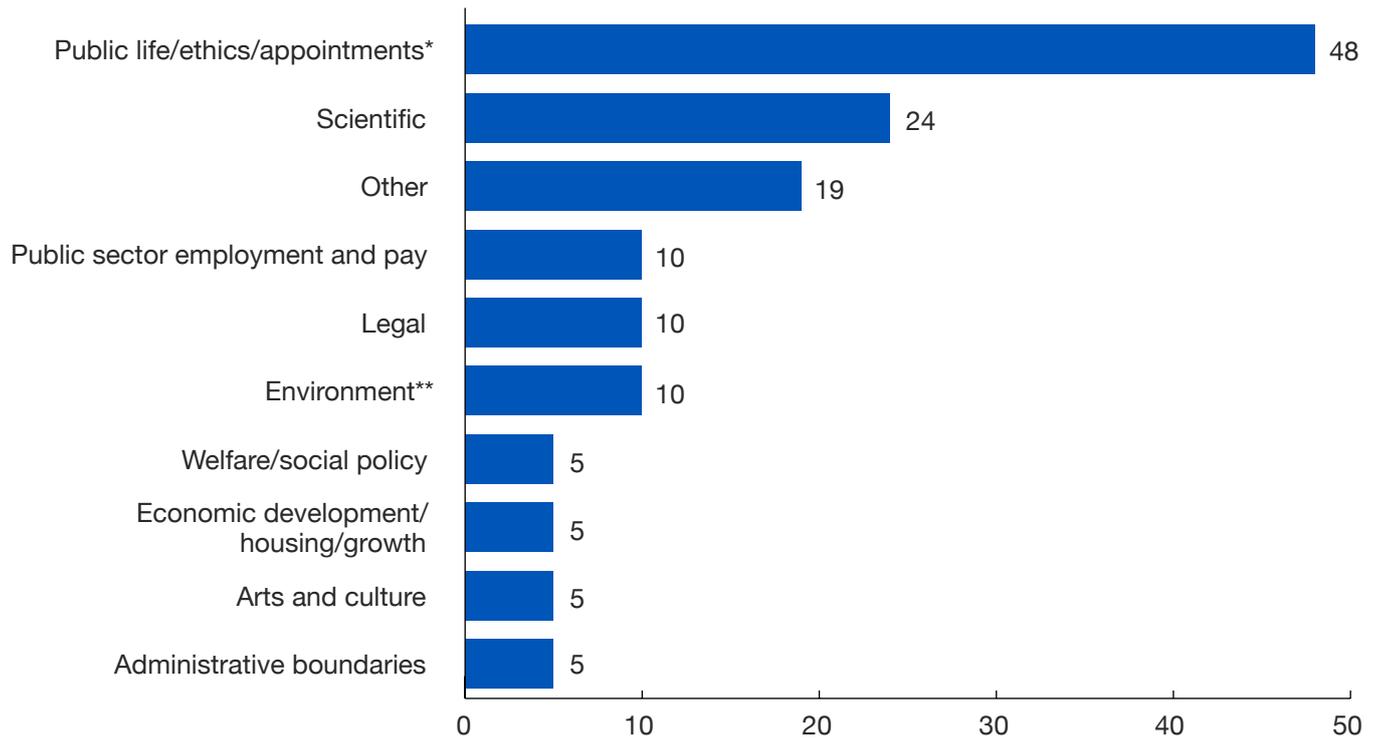
The British Pharmacopoeia does not receive government funding but generates its own revenue through sales of the British Pharmacopoeia.

### Roles fulfilled by aNDPBs

**3.19** NDPBs with advisory functions cover an array of subject areas. Many have a very specialist remit and purpose, reporting in to a specific minister, department, or agency, such as the Independent Agricultural Appeals Panel. Others have a more cross-cutting role and provide advice and scrutiny that is relevant to, and affects a much broader range of government departments, such as the Regulatory Policy Committee or the Committee on Standards in Public life.

**3.20** In reality, some bodies' roles mean that they would fall in to more than one category, so this should be seen as a broad indication. The largest group, 'public life, ethics and appointments', is dominated by the 44 Advisory Committees on Justices of the Peace. However this group also includes other bodies that consider standards in public life and/or public appointments, such as the Committee on Standards in Public Life, and the Advisory Committee on Business Appointments.

Figure 3: Number of aNDPBs by advice area



\* (includes 44 Advisory Committees on Justices of the Peace)

\*\* (includes 9 regional committees of the Forestry Commission)

NB any category with fewer than 5 instances is included in "other"

## Types of activity and advice

**3.21** Although these 141 bodies are all labelled aNDPBs, the extent to which they perform purely advisory roles varies. The spread of activities is, at least partially, a product of history. Each body was set up individually to fulfil a particular purpose.

The 141 bodies perform a wide range of activities, not limited to:

- **general advice provision:** bodies provide both written and verbal advice to their host department and to wider stakeholders on a specific policy area. The areas within which the body is expected to provide advice are set out in its terms of reference. Some bodies are able to set their own agenda, pro-actively identifying areas in which to provide advice, others are much more reactive and are limited to responding to departmental requests for advice;
- **pay review:** these bodies are responsible for making recommendations on pay within some areas of the public sector, such as doctors and dentists;
- **rules and procedures:** these bodies are concerned with creating and monitoring the rules governing certain systems related to government, particularly the legal system. For example, the primary function of the Sentencing Council for England and Wales is to issue guidelines on sentencing which the courts must follow unless it is in the interests of justice not to do so;

- **review and assurance:** some bodies act as a formal or informal ‘referee’, providing independent scrutiny or challenge to decisions the government has made or is about to make. These bodies often fulfil this role to a greater or lesser degree alongside more general advisory roles. For example, the Industrial Development Advisory Board (IDAB) provides robust, independent, business advice to ministers on large business investment decisions.
- **scrutiny and appeals:** some aNDPBs do not, strictly speaking, provide advice. Some instead act as an appeals body. For example, the Independent Agricultural Appeals Panel (IAAP) considers appeals against decisions of the Rural Payments Agency and makes recommendations to ministers;
- **boundary commissions:** there are boundary commissions for England and Wales, Scotland, and Northern Ireland. These bodies are responsible for reviewing the boundaries of parliamentary constituencies in their respective geographical areas; and
- **hybrids and others:** there are a number of bodies classed as aNDPBs that do not neatly fall in a category as they perform services for the government rather than, strictly speaking, providing advice (for example, the Commission on Human Medicines which considers applications for marketing authorisations for medicines, and the British Pharmacopoeia which publishes the official standards for UK pharmaceutical substances and medicinal products).

## Provision of advice

**3.22** The way in which advice is formulated and provided by aNDPBs also varies substantially, depending on the body’s remit, the balance between planned and reactive work, and the frequency with which events occur that trigger the need for advice.

**3.23 Frequency of advice:** some produce specific advice on a regular basis (for example, the pay review bodies generally produce annual reports stating their proposals for pay that year). Others produce advice/provide their services on a more ad hoc basis, as required (such as the Technical Advisory Board, which produces advice when issues are referred to the board and if no issues are referred then no advice is produced).

**3.24 Frequency of meetings:** the frequency with which the body meets reflects the regularity with which advice is produced. Thus, some meet very frequently whilst others may not meet for many years (for example, the Advisory Committee on Conscientious Objectors only convenes in order to advise on cases of conscientious objectors who object to further service but have been turned down, and thus the committee can go through many years of inactivity).

**3.25 Statutory basis:** around half of aNDPBs are established in statute to some extent and a number, whilst not being explicitly established in statute, are established under more general ‘enabling’ legislation, which grants the secretary of state (or department) the power to establish advisory committees as he or she sees fit, but does not specify the creation of any particular body.

**3.26 Publicity of advice:** many bodies produce formal reports which are publicly available on their website. Many also provide verbal advice which may be recorded in meeting minutes or in annual reports and be made publicly available. However, some advice may be sensitive in nature and thus not made publicly available (for example, the Defence Nuclear Safety Committee does not publish its advice because of security considerations nor does the Industrial Development Advisory Board due to its commercially sensitive nature).

## Departmental Expert Committees

**3.27** In recognition of the fact that “a simpler public bodies landscape would promote transparency and accountability”<sup>10</sup>, the coalition government commissioned a review of the classification system for public bodies. The ‘Report on the Outcome of the Classification Review’ recognised that “although there are advisory bodies which will continue to require aNDBP status, there are a large number that would be more suitably constituted as Expert Committees”. In 2016 the Cabinet Office produced the ‘Classification of public bodies: guidance for departments’ in order to facilitate this change.

**3.28** Expert Committees are usually, but not always, non-statutory groups, providing independent expert advice on key issues from within the department. Like many of the NDPBs that possess an advisory function, Expert Committees comprise of external (non civil service) specialists that form committees to advise ministers on particular policy areas. However, unlike NDPBs they are not Arm’s Length Bodies. They are funded from within a department budget, administered from within the department, and are not subject to the same levels of review or scrutiny that ALBs require. It is important to note however that Expert Committees and the advice they provide are still operationally independent. If there is operational control exercised over advisers, the Expert Committee format is unlikely to be appropriate. In such instances departments might instead consider establishing an internal department advisory team, taskforce or office, or engaging external consultants on a specific contract.

**3.29** Given the diverse characteristics of aNDPBs seen above, it is unsurprising that there is some blurring of the lines in distinction between which bodies are currently classified as aNDPBs and which as Expert Committees. Of the groupings of aNDPBs above, existing Expert Committees tend to resemble the smaller, more general advice provision types. We consider that aNDPBs of this type are likely to be the most suitable type of body to function effectively as Expert Committees. Part 5 of this report covers this issue in more detail.

**3.30** The Government Office of Science maintains a list of Scientific Advisory Committees (SACs) across government. There are 72 SACs, 25 of which are aNDPBs, one is an executive NDPB, and 46 are departmental expert committees. The Department of Health has the largest number of SACs with 18. Whether a SAC is classified as an aNDPB or Expert Committee seems, in some cases, to be a product of history. For example, the Department of Health and Food Standards Agency host the Committee on Mutagenicity, the Committee on Toxicity, and the Committee on Carcinogenicity. All three are Scientific Advisory Committees, they work closely together and share a joint annual report. However, the Committee on Toxicity and the Committee on Mutagenicity are aNDBPs, whilst the Committee on Carcinogenicity is an Expert Committee. This difference in administrative classification has not made a difference to the way the committees operate in practice.

## The value of advisory bodies

**3.31** Given the wide range of types of body, subject matter coverage and type of activity, the value added by individual advisory bodies is often hard to capture analytically. There are however some broad categories of benefit.

<sup>10</sup> Report on the Outcome of the Classification Review of Public Bodies, 2016, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/519583/Report-on-the-Outcome-of-the-Classification-Review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/519583/Report-on-the-Outcome-of-the-Classification-Review.pdf)

### Accelerating reform and enhancing policy outcomes:

**3.32** Some bodies, make proposals that, if implemented, impact directly on policy or operational practice. Where this is the case, it may be appropriate to treat recommendations in a similar way to policy or regulatory proposals. For example, the Law Commission for England produces impact assessments that provide estimates of the net costs or benefits of its proposals to reform the law.

**3.33** However, it would be difficult to apply a one-size-fits-all approach, or define a single set of success measures that would apply to all bodies equally well, and attempting to do so could, in some cases, create perverse incentives. For example, some bodies make recommendations that can, if implemented, result in cost savings to the Exchequer. Others might make recommendations that, if implemented, might increase safety or deliver wider benefits to society but require increased expenditure by one or more departments.

### More informed and confident decision-making:

**3.34** Many bodies provide advice and analyse evidence on the safety, medical or environmental consequences of using particular substances, or chemicals in particular contexts. Ministers often need to make decisions on whether to grant permissions, or licences to companies or individuals in the light of that evidence. Promoting more informed decision making is one of the key benefits of independent expert advice. This is not to say that ministers are, or should be, bound by the advice they receive. The separation between advice and decision-making is, itself, an expression of independence. However, access to a genuinely independent and informed recommendation, based on objective analysis and applied expertise, enhances the information and data set available and allows for a more informed decision.

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#### Example: the input of aNDPBs to decision making

“Expert advice on the suitability of the proposals is key to enabling the Secretary of State to make an informed decision on the prudence of the Funded Decommissioning Programme (FDP) and whether or not to accept it, with or without modifications” – **Triennial review of the Nuclear Liabilities Financing Assurance Board**

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**3.35** The confidence that ministers and others have expressed in expert advisory bodies is due in part to the quality of the individual chairs and members. It is not only the quality of the individuals appointed, however, that allows them to add value. Bodies’ roles are often very specific, meaning the expertise is brought to bear within a specific decision-making context or process, meaning that in these cases there is a clear channel for the advice to be heard, and considered. The clarity of the body’s remit, and the department’s willingness to consider it actively, are both important in helping departments get value from the expertise on offer. We discuss this further in Part 4.

### Increased accountability and trust in government:

**3.36** Expert advice can promote confidence not only in the decision, but in the way the decision is made. Where bodies provide a scrutiny role, for example, they can promote greater accountability both directly, and by providing information to Parliament and others to use in order to hold the department to account.

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### Example: stakeholders' views on the Social Security Advisory Committee (aNDPB)

“There is [...] a great deal of support from external stakeholders, including parliamentarians, who value SSAC’s provision of robust and independent challenge.” – **Triennial review of the Social Security Advisory Committee**

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**3.37** This aspect of value relies, however, on the role of independent expert advice being visible. This means it is important that there is good information about advisory bodies’ existence, their role and what is done with their advice. We discuss what departments can do to improve this transparency further in Part 4, below. There are two ways in which bodies themselves can improve the way they capture and report on their effectiveness in fulfilling their roles:

- **Recommendation tracking:** monitoring the uptake of recommendations is one way for a body to measure its impact. This is not to say that the number or percentage of recommendations accepted is a direct measure of success. For example, a scientific advisory body will make recommendations based on the best available scientific evidence. However, the department may, or may not, choose to implement the recommendation immediately because of budgetary or other considerations. In this case the body may well have been effective in fulfilling its remit, and the decision-making process has been enhanced by the additional expertise and scrutiny available to the department. However, understanding which recommendations have and have not been implemented, and why, is an important way in which the body, as well as Parliament and the public, can understand how the body is undertaking its role, and how the relationship between the department and the advisory body is working; and
- **‘Customer’ feedback:** we found that customer feedback gathered for reviews, particularly the triennial and tailored reviews, is a good source of insight into how the body is viewed by the people and organisations that use, or are affected by, its advice. Many advisory bodies operate in relatively specialist fields, however, and it should be possible for many to identify the main audiences for their advice, such as the department, academics and research organisations, or key industry bodies. We would encourage bodies, particularly secretariats and chairs, to seek proportionate and regular feedback from parties that use or could use their work. They could also report the key points of the feedback they receive in their annual reports.

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### Example: tracking recommendations at the Sentencing Council for England and Wales (aNDPB)

The Sentencing Council for England and Wales promotes greater consistency in sentencing, whilst maintaining the independence of the judiciary. The council produces guidelines on sentencing for the judiciary and criminal justice professionals and aims to increase public understanding of sentencing.

The Sentencing Council has a statutory duty to monitor the operation and effect of its sentencing guidelines and to draw conclusions from this information. It published its first such assessment in October 2015, which included a study of the type and severity of sentences in the year before and after the guideline came into effect, an assessment of the potential resource effects of the guideline, and interviews and group discussions with sentencers, prosecution and defence lawyers.

The study indicated that while some changes in sentencing trends had been in line with the impact anticipated, others had not. Consequently, the council committed to reviewing the guidelines again as part of its 2015-2018 work plan.

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### Case Study: the Scientific Advisory Committee on Nutrition (Expert Committee)

The Scientific Advisory Committee on Nutrition (SACN) is a departmental Expert Committee of the Department of Health and advises on:

- nutrient content of individual foods, and on diet as a whole including the definition of a balanced diet, and the nutritional status of people;
- nutritional status of people in the UK and how it may be monitored;
- nutritional issues which affect wider public health policy issues including conditions where nutritional status is one of a number of risk factors (such as cardiovascular disease, cancer, osteoporosis and/or obesity)
- nutrition of vulnerable groups (such as infants and the elderly) and health inequality issues; and
- research requirements for the above.

SACN is supported in its work by a secretariat provided by Public Health England. The secretariat has scientific expertise that enables them to provide members with comprehensive background information and briefing papers to inform the decision making processes of the committee.

In 2010 SACN was reclassified as a departmental Expert Committee (it had previously been classified as an aNDPB). Although there were initial concerns expressed by members (particularly around ability to influence) these concerns did not come to pass. SACN has, for example, played a highly influential role in advising the government on its current position on sugar intake through its publication of its report “Carbohydrates and Health” 2015.

## 4. Managing expert advisory bodies

**4.1** This section sets out our findings and key features of good practice in management and assurance around expert advisory bodies both at departmental strategic level and at the level of individual advisory bodies. More general guidance on managing the partnership with arm's length bodies can be found in 'Partnerships with arm's length bodies: code of good practice'<sup>11</sup>.

### Strategic assurance and accountability

#### Visibility of the landscape

**4.2** There are, generally, good data on aNDPBs. Generally each aNDPB is listed in its host department's annual report. The Cabinet Office Public Bodies dataset also captures these bodies. Unlike other types of arm's length body, aNDPBs do not usually produce their own accounts, so the data on spend can be hard to locate. The small size of most of the bodies means that some costs are indistinguishable from wider departmental spending. For example, in completing returns to our survey, some departments highlighted to us that they were unable to identify precise amounts of travel and subsistence claims for each committee, as these claims are entered onto a wider departmental system. ANDPBs do not meet the definition of a reporting entity (according to International Finance Reporting Standards a reporting entity is a circumscribed area of business activity of interest to existing and potential equity investors, lenders and other creditors. It includes, but is not limited to, business activities that are structured as legal entities. Examples include a sole proprietorship, corporation, trust, partnership, association and a group of entities). It is for this reason that they usually do not produce their own accounts. Equally, as aNDPBs are not reporting entities, departments are not required to include them in their accounts, though they may choose to do so. However, where the work of aNDPBs and Expert Committees warrants, departments should consider including them in their annual reports and accounts.

**4.3** Expert Committees are not arm's length bodies and so are not subject to Cabinet Office data commissions, and there is no complete, central list. It would be inefficient, however, to manage lists of Expert Committees centrally. One of the main benefits of the Expert Committee model is flexibility on duration (for example, to set up groups with durations shorter than 3 years). It is likely that there will be churn in the landscape, which would make maintaining a central list burdensome.

<sup>11</sup> <https://www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice>

**4.4** Individual departments need to be responsible for ensuring that Parliament and the public are made aware of the way the department is using independent, expert advice. Departments should consider the extent to which both aNDPBs and Expert Committees contribute to their governance when compiling their annual reports and accounts. Where the work of aNDPBs and Expert Committees warrants, departments should consider including them in their annual reports and accounts. We found only one main department annual report (the Department of Health) that lists Expert Committees, as well as aNDPBs.

### Departmental assurance

**4.5** Departments have different models for overseeing their expert advisory bodies. In some departments ALB host teams take the lead, while in others a specialist office takes this role (for example the Chief Scientific Adviser plays a coordinating role for the science advisory bodies in the Department for Environment, Food and Rural Affairs). Some departments, such as the Ministry of Defence, provide assurance to top-level budget holders as part of more general assurance processes.

**4.6** The existence of different models of assurance is not, in itself, surprising. Departments have different needs for independent expert advice and the bodies themselves are diverse in size, subject matter and operating model. There are risks, however, where the overall assurance mechanism is not clear. At best, the department may not obtain the full value available from bodies. At worst, departments could lose sight of bodies entirely. This is not only a waste of resources, but undermines public trust and accountability.

**4.7** Each department should be able to identify all its advisory bodies, and have a clear mechanism for providing overall assurance that they are operating as intended. Improving transparency of the advisory landscape at a department level would have three key benefits:

- **greater public and parliamentary accountability:** around the bodies themselves, but also around the processes by which departments use expert advice;
- **more effective, proportionate assurance:** departments need assurance that they are getting the best from any resources spent on advisory bodies. Chairs themselves warned that bodies that are left to drift or that become dormant tend to become devalued, which will clearly damage the relationship between the department and the body; and
- **increased opportunities for collaboration and sharing knowledge:** chairs and departments noted that it was hard to identify similar work being undertaken in other departments, or even within the same department. This can lead to duplication of effort, and reduce opportunities for knowledge-sharing and networking, which is something that chairs and members of committees find valuable.

### Case study: the Department for Environment, Food and Rural Affairs is conducting a strategic review of its evidence bodies

The Department for Environment, Food and Rural Affairs (Defra) is reviewing its evidence bodies. It is aiming to improve the visibility and coordination of bodies that provide evidence and advice, to increase the value it gets from their expertise. The review is being led by the office of the department's Chief Science Adviser.

The department has 27 evidence groups with at least some independent members. This includes 13 aNDPBs and eight Expert Committees (some of which were reclassified from NDPBs in the 2010-2015 Parliament), as well as a wide range of evidence groups.

The review is ongoing, but is likely to identify ways to:

- improve the coordination of groups by making working practices more consistent within groups and sharing best practice;
- make advice more effective by developing the relationship between independent experts and policy officials, through the coordination of groups within strategic themes that align to the department's overall delivery systems; and
- increase access to independent expertise to help the department respond rapidly to new and developing policy challenges.

### Managing the relationship with individual bodies

**4.8** We found that departments and advisory bodies have a deep and nuanced understanding and appreciation of the importance of independence and the processes and behaviours that underpin it. The independence of the advice provided is key to delivering the value that departments derive from their advisory bodies. Independence is a hard concept to define. In this context it can be best described from the body's point of view as the ability to develop and deliver expert advice. This means having processes in place to safeguard independence, the resource to fulfil its advisory function, and high standards of personal conduct among chairs and members – free from undue influence.

**4.9** Some of our key findings are set out below. To accompany these findings, we have set out the key indicators of good practice that should be visible in a productive working relationship between a department and an advisory body. Many of these principles are already embedded through formal guidance, though the emphasis differs depending on the source.

### Case study: the FSA has a working protocol summarising key aspects of the working relationship with its advisory bodies

The Food Standards Agency (FSA) has established a framework for dialogue with its science advisory committees (SACs). This framework sets out objectives and boundaries for dialogue between the agency and its scientific advisory committees (SACs). It aims to ensure that this dialogue is effective, transparent, and respects the different roles and responsibilities of risk assessment and risk management.

The framework covers the whole lifecycle of advice, from commissioning to publication. Among a range of other considerations, it sets out explicitly the expectations on proactive and reactive work to ensure advice is useful and sets out the expectations on respecting the SAC's remit. It sets out that the FSA must:

- where the SAC is initiating a task itself, ensure that the FSA and the SAC are clear on the rationale and the expected use of the outcome by FSA;
- ensure that the question to be considered by the SAC(s) is clear and appropriate (in turn helping to ensure that outputs of SACs will be useful for the FSA);
- ensure that the approach proposed is appropriate and proportionate to the issue and the intended use of the SAC's advice; and
- ensure that SACs are not asked, and do not attempt, to address issues that are not part of their remit, for example decisions on risk management.

## Clarity of purpose and remit

**4.10** Chairs of advisory bodies consistently highlighted the clarity of the body's remit as underpinning both its independence and its effectiveness. A clear and well understood remit provides protection on both sides by setting out clear expectation of the scope and limits of the body's role, how it will perform its role, and how it will work with the department.

**4.11** There are several places where the bodies' remit can be formally recorded. For a small minority of bodies, the role is set out in their founding or other legislation; aNDPBs also require a Memorandum of Understanding and Framework agreement. For all bodies, however, the remit should be set out clearly in a terms of reference document. The terms of reference acts as a touchstone for any questions about the body's role, and is also a starting point for considering what skills are required, and reviewing the body's performance in fulfilling its role.

**4.12** Eight of the triennial reviews we reviewed identified that there were no formal terms of reference, and recommended they be created. Five identified that the terms of reference did not match the functions currently provided by the aNDPB. In some cases, additional areas of advice had been added, and sometimes advice that was previously required was no longer needed. Terms of reference should be reviewed regularly to ensure that they correctly identify the role the body is fulfilling, and match the department's need for advice. Regular reviews and refreshes of the terms of reference help flag where the role of the committee has changed significantly, to prevent mission creep and to ensure there is still a clear basis for the body existing in its present form.

**4.13** Chairs highlighted that it was important to agree the balance between 'proactive' and 'reactive' work to avoid frustration or wasted effort on the body's part, and to make sure that the body is aligned to the department's work priorities and its resources are used to best effect.

### Case study: clear and concise terms of reference at the Industrial Injuries Advisory Council (aNDPB)

The Industrial Injuries Advisory Council (IIAC) is an independent scientific advisory body that looks at industrial injuries benefit and how it is administered. It gives independent advice to the Department for Work and Pensions (DWP) and the Department for Communities in Northern Ireland.

IIAC has a clearly worded and relatively concise terms of reference that covers its core role, constitution and basis of its relationship with the department. It is also clear on how the committee works. Like many other bodies, the IIAC undertakes a balance of proactive work and reactive work (in response to queries, evidence submissions and requests from the Secretary of State, Parliamentarians, the public, employers and employees, and representative bodies). Agreeing that the committee will work in this way avoids confusion as to who can 'commission' advice apart from the department. Both expert committees and aNDPBs could benefit from similar clarity over the balance between proactive and reactive work.

### Adequate resources

**4.14** A key aspect of independence is having sufficient resources to fulfil the agreed remit. The budgets of advisory bodies vary considerably according to the scale and nature of their work. Most are relatively small: only four of 141 aNDPBs operational in March 2016 had government funding of over £1 million.

**4.15** Using resources effectively means focusing members' time on tasks that use their skills and knowledge. Bodies are usually supported by a secretariat, which provides a key link between the department and the advisory body. Our review of aNDPBs found that the average secretariat size of a body was three people (however this is likely to be an inflated view of secretariat size as in many cases these resources dedicated only a small fraction of their time to secretariat work and performed other work in the department, or performed secretariat work for multiple bodies).

**4.16** It is important to the effective running of the committee that the secretariat is able to combine sufficient subject matter knowledge and knowledge of the departments operating context and procedures. None of the chairs we spoke to raised lack of resources specifically as an issue, but it is important that departments and chairs continue to have open and frank discussions about funding in the context of overall pressures on departments' resources.

### Case study: an independent secretariat for a group of bodies with similar functions at the Office of Manpower Economics

The Office of Manpower Economics is a unit of around 30 civil servants. It is based within the Department for Business, Energy and Industrial Strategy (but is, currently, located within a separate office building). Its total expenditure in 2015-16 was £2.91 million<sup>12</sup>.

OME's main function is to provide an independent secretariat for the eight Pay Review Bodies, all of which are aNDPBs. The Pay Review Bodies make recommendations on pay and remuneration impacting 2.5 million workers – around 45% of public sector staff – and a pay bill of £100 billion.

It comprises secretariat teams, which support each of the bodies by managing meetings, drafting papers and reports, and co-ordinating and managing research and consultancy projects; a cross-cutting Research and Analysis Group (RAG); and a Central Support Unit.

OME produces an annual stewardship report which summarises its work with each of the Pay Review Bodies, and summarises how it has used its resources.

Bringing together the secretariats for eight bodies in this way allows for greater continuity and promotes knowledge sharing between the bodies. The separation of the secretariat function from the hosting function is unique and provides an extra dimension of independence – OME is even based in a separate building from its host department. The chair of one of the Pay Review Bodies told us that the independence, as well as the capability, of the secretariat, was an important signifier that he could use to highlight the body's independence.

### Advice and recommendations are based on objective analysis

**4.17** That advisory bodies should be free to develop and provide their advice free from undue pressure or influence is a fundamental part of their independence. However, independence alone does not make an effective relationship: the advice needs to be useful – and used. It is important that the advice is fully and actively considered for its intended purpose. It is also important that the advice is used for what it was intended.

**4.18** Some departments have developed and published working protocols to embed this principle clearly within everyday working practices. This provides clarity around the expectations and provide a basis for the body itself, or other commentators, to hold the department to account. This is good practice that should be in place across all departments.

<sup>12</sup> Office of Manpower Economics Stewardship Report 2015/16, <https://www.gov.uk/government/publications/ome-stewardship-report-2015-to-2016>

### Example: Home Office working protocols

The Home Office has developed working protocols with its scientific advisory committees, which include the Animals in Science Committee and the Advisory Council on the Misuse of Drugs. These protocols embed many of the principles of good practice set out in this guide, building on the Government Office of Science Principles of Scientific Advice to Government<sup>13</sup> and Code of Practice for Scientific Advisory Committees<sup>14</sup>. The working protocols for the ASC, which are published online, state that:

- before issuing a response, the minister will give appropriate consideration to the ASC's advice;
- the minister will not pre-judge the ASC's advice in advance of receiving it;
- if the minister is minded not to accept the ASC's advice, the minister will, before making a final decision, offer the opportunity for a discussion with the chair of the ASC, or nominated representative; and
- if key recommendations are not to be accepted, the minister will write to the ASC setting out the reasons for rejection in advance of any public comment by the Home Office on the matter.

### Chairs and members uphold high standards of personal conduct

**4.19** One of the key principles underpinning both aNDPBs and Expert Committees is that members are appointed as individuals. This distinguishes them from other types of body, such as stakeholder groups, where members might be appointed as representatives of the organisations for whom they work. All public office holders are expected to abide by the 7 principles of public life: selflessness; objectivity; integrity; accountability; openness; honesty; and leadership.

**4.20** Codes of Conduct set out the standards of behaviour and ethics applicable to the chairs and Members of aNDPBs. Some chairs and members of aNDPBs, such as members of the judiciary, will already have codes of conduct relevant to their role to uphold (such as medical professionals, members of the judiciary, etc.) It is not always clear, however, how bodies or their host departments maintain or enforce the relevant codes of conduct.

**4.21** Chairs and members of aNDPBs often work in the subject field in which they are expert. Their time commitment to the aNDPB can be relatively minimal on a whole-time equivalent basis. This means that they are likely to have other interests, which could potentially influence the advice being provided. Publishing a register of members' interests improves transparency, and mitigates the risk of any real or perceived undue influence on the body's advice recommendations. Publication of a register of interests is highlighted as good practice for aNDPBs in the Public Bodies Reform team's publication, 'Tailored Reviews: guidance for the review of public bodies' and we consider it is also good practice for Expert Committees.

**4.22** Our review of aNDPB's websites found that around half of bodies did not publish an easily accessible up to date register of interests.

Additionally, 30% of triennial reviews we reviewed made recommendations on publishing the register of members' interests. We recommend that all bodies should have on their websites a clearly accessible register of members' interests that is updated continuously.<sup>15</sup>

<sup>13</sup> <https://www.gov.uk/government/publications/scientific-advice-to-government-principles/principles-of-scientific-advice-to-government>

<sup>14</sup> <https://www.gov.uk/government/publications/scientific-advisory-committees-code-of-practice>

<sup>15</sup> This data was collected by the Cabinet Office through a review of bodies' websites in late 2016/early 2017 (which surveyed 70+ websites – some websites covered more than one body)

**4.23** As well as publishing a register of members' interests, the body should also make public their methods for managing conflicts of interest. In our study of annual reports we found a small number of bodies publishing conflict of interest provisions in order to avoid any danger of committee members being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. As well as avoiding conflicts of interests it is also highly important that members avoid the perception of a conflict of interest. These provisions indicated that members should register their interests throughout the year and raise them at each meeting. Some annual reports also commented on the personal liability of committee members (setting out the conditions under which third party legal proceedings may be brought against individual committee members). Publishing these rules and procedures provides clarity for members and increases public confidence.

**4.24** In our review of annual reports we found only a handful of annual reports that included the body's procedures for managing conflicts of interest. We recommend that bodies should develop a process for managing their conflicts of interest that reflects their needs (and government guidance) and publish this in their annual report and website.

**4.25** Having an up to date and publicly available register of interests is crucial to maintaining the independence and transparency of advisory bodies as it assures the public that the governmental decision making processes are not inappropriately influenced.

### **Clear liaison reporting and escalation routes**

**4.26** We found that, generally, chairs were content with their everyday relationships. The department should have a clear agreement with each of its bodies as to how often and in what way the body will interact with the department, and what the body's reporting and escalation routes are. This ensures that the body can be kept aware of what the department's agenda and priorities are and align itself with these to maximise the value of its advice. Clear escalation routes are useful even if they never have to be used, since it assures chairs and members that should a problem ever occur they have a formal route for addressing it. There should be an appropriate level of access to ministers and senior officials, with clear expectations on what this should be. These agreements could form part of overall working protocols, which some departments have already developed.

### **Proportionate approach to capturing impact and outcomes**

**4.27** The outcomes that follow from advisory bodies' advice should be clear and transparent wherever possible. As noted in Part 3, this process should start with feedback from the department to the body itself. This process should then extend to the reports bodies make to Parliament and the public. Where possible the outcomes that follow from advisory bodies' advice should be made public, for example, through inclusion in the body's annual report.

**4.28** The body's annual report is a good place to list the key advice and recommendations the body has provided, and explain the outcome, including whether or not the advice was accepted by the department. However, not all bodies produce annual reports and those that do, do not always do so on a timely basis. We found that around a third of bodies had published an annual report for the most recent financial year at the time of our review (in December 2016). The annual reports we reviewed often did not give a sense of what action followed from the body's advice and recommendations, focusing more on describing the activities the body had undertaken than reflecting on the outcome. For some bodies, not producing a formal annual report is understandable (such as where bodies may not meet for many years or where bodies are very small). However, a proportionate commentary on the actions following from the body's advice could be placed on the body's website, or in the department's or other host body's annual report.

## Commitment to feedback and continuous improvement

**4.29** Departments will not always act in accordance with the advice provided by advisory bodies. In the vast majority of cases, expert advice is one of a number of considerations that ministers and others have to balance when taking decisions. Chairs have a good understanding of the limits of their role and of their advice within the decision making process. However, more regular and consistent feedback on how their advice had been used – or the reasons why it had not been taken – would help them focus their resources on issues that mattered to the department, within the boundaries of their role.

**4.30** Our conversations with chairs indicated that current practice in providing feedback to the body is mixed. Some bodies have no method for ascertaining why their advice was not implemented, some have formal protocols established whereby the department has a set period of time to respond to the body, and some have formal abilities to highlight the fact that advice has not been taken (for example, if its advice is sought and not taken, the Industrial Development Advisory Board has the ability to lay this fact before Parliament).

**4.31** It is good practice that where a major policy decision is taken contrary to specific advice from an independent advisory body, the department should communicate the reasons for this to the body, via the chair. This gives chairs clarity on how their advice was used in the decision making process and can also provide transparency around the decision making process itself.

## Collaboration

**4.32** As set out in Part 3, while the advisory bodies landscape is diverse, there are clusters of bodies that advise on broadly similar subjects, such as scientific advice, or on similar policy agendas, such as nuclear and radiological issues, or public sector pay and reward. Collaboration between bodies is already identified as good practice for science advisory bodies. Chairs of bodies we spoke to identified that their work could benefit from greater interaction between committees with similar remits. Formal reviews of bodies identified this as an area for improvement. There are some practical ways in which bodies can do this:

- **sharing members:** for example, in the triennial review of the Defence Nuclear Safety Committee and Nuclear Research Advisory Council, a recommendation was made to ensure that in future a member should be shared between the bodies, to facilitate greater collaboration. The Committees on Toxicity, Mutagenicity and Carcinogenicity in Food follow a similar practice; and
- **informal collaboration between committees:** meetings between committees, particularly chairs, can be helpful in identifying both technical issues and also a more informal ‘support network’ which can help identify ways to improve the working relationship with departments. However, chairs noted that there were often limited opportunities to do this. Greater transparency of the totality of advisory bodies across government would make it easier for chairs and members of bodies to collaborate without the need for significant departmental support. However, departments could help by providing meeting space and facilitating contact.

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### Example: collaboration between NICE and Commission on Human Medicines (aNDPB)

The Commission on Human Medicines (CHM) has increasing collaboration with the National Institute for Health and Care Excellence (NICE) and the Medicines and Healthcare Products Regulatory Agency (MHRA). The MHRA as the Licensing Authority interacts with NICE regularly through its Policy Division and there is a schedule of quarterly meetings to foster and develop collaboration. The CHM has provided NICE with an open invitation to attend its meeting and the secretariat provides the agenda and papers as necessary. There is ongoing discussion about sharing additional assessments. The MHRA act as peer reviewers for the Evidence Summaries for use of unlicensed medicines (with CHM input as needed) generated by NICE as well as participating in the NICE panel for selection of such medicines/ indications.

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## Recruitment and appointments

**4.33** Members and chairs of both Expert Committees and aNDPBs are appointed as independent appointees. Current Cabinet Office guidance is clear that there should be a formal, rigorous, and transparent process for the appointment of chairs and members of aNDPBs. This should be compliant with the code of practice issued by the Commissioner for Public Appointments. Expert Committees may also be subject to regulation by the Office of the Commissioner of Public Appointments, particularly where they have reclassified from aNDPB status. Those that are not are encouraged to abide by the same principles to ensure clarity and transparency in the appointments process.

**4.34** Appointments to aNDPBs are made by the relevant minister. Expert Committees have additional flexibility around appointments and can opt to have appointments made by departmental officials (though they can also choose to have ministerial appointments, if they wish). Bodies reclassifying from aNDPB to Expert Committee should maintain their compliance with OCPA principles.

**4.35** Some chairs and departments noted that recruitment can be challenging. Given the technical and often specialist nature of many of the committees, the talent pool available for recruitment is often small. This means that careful planning is often required to minimise disruption as members come to the end of their tenure. Some bodies, following on from triennial reviews, have moved to stagger appointments, to reduce the loss of experience that occurs when a large number of members leave at once.

**4.36** The Governance Code for Public Appointments is clear that the Public appointments should reflect the diversity of the society in which we live. Advisory bodies often recruit from a relatively small pool of specialists, so chairs and departments need to plan in advance to ensure that they are best able to access a strong and diverse field of applicants when recruiting. Chairs and departments need to think carefully about how they can encourage a diverse field of candidates to apply for vacancies, and design and implement appointments processes with diversity in mind.

## Transparency and openness

**4.37** Openness and transparency is absolutely key to increasing public trust in bodies and in government. Existing guidance from both the Cabinet Office and the Government Office of Science encourages transparency and openness wherever possible in all aspects of the operation of advisory bodies. It should be the default position of the body to publicly publish minutes, papers, annual reports and any ad-hoc reports. The body could also hold meetings open to the public (although some bodies work in areas too sensitive to allow for this). Although the government may be the primary recipient of the advice these committees produce, very often other groups

will be highly interested in the advice and so benefit from having direct access to it. We found that just under half of bodies did not publish minutes and a large proportion did not provide details of members' expenses at the time of our review (December 2016).

**4.38** Adherence with this principle may further the interests of the body. Greater openness and transparency may lead to better connections with, and input from, the people affected by the advice/actions of the body and therefore result in improved effectiveness. It may also give opportunity for greater scrutiny of advice by interested groups, contributing to improved advice.

**4.39** If there is some reason why minutes cannot be published, or sessions must be closed, then this should be explained clearly. If minutes cannot be published for time sensitive reasons then a date should be supplied for when the information will be publicly available.

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#### **Example: the British Pharmacopoeia consultation (aNDPB)**

Each year the British Pharmacopoeia publishes its monograph, but prior to publication it is put out for consultation on the body's website for comment. This allows companies, hospitals, members of the public, etc. to comment, thus allowing the BP to address this input prior to publication.

The membership of the Defence Nuclear Safety Committee is not publicly available, nor are the minutes of the body's meetings. This is appropriate due to the sensitive nature of the material considered.

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## 5. Classification

**5.1** This section of the report brings together the principles of good practice set out in Part 4 and the analysis of the functions of advisory bodies in Part 3 to provide practical guidance to departments considering the most appropriate structure for bodies providing independent, expert advice. It applies to both new and existing bodies. The changes suggested in this report represent an opportunity for departments and bodies to ensure that the Cabinet Office's 'Partnerships between departments and arm's length bodies: Code of Good Practice' is being respected.

**5.2** Many departments have already, or are currently reviewing, their advisory bodies in response to this review, and the April 2016 Classification review. The Department for Business, Energy and Industrial Strategy, for example, has already acted to reclassify two bodies. Figure 4 shows the indicators set out in the April 2016 guidance. The criteria set out in Figures 5 and 6 supplement, but do not replace, that guidance.

Figure 4: Comparative indicators for aNDPBs and Expert Committees

The following indicative criteria are provided in the April 2016 Classification review guidance. These criteria are indicative, rather than prescriptive and were based on existing examples rather than showing the ‘art of the possible’. They are, however, a useful starting point.

Feature	Indicative of NDPB with advisory functions*	Indicative of Expert Committee*
Frequency and volume (of advice provided)	Typically high frequency and volume of advice. Constant requests and responses.	Typically lower frequency and volume of advice. Possibly periods of committee inactivity.
Risk Mitigation	Where there is a significant reputational or operational risk to the process of commissioning, developing or using the advice, due to the perception of a loss of independence (from a supposed increased likelihood of interference from host departments). Specifically where there is a clear break between the advice provided and any subsequent policy development. This could be determined by examining whether or not Parliament would be likely to scrutinise the advice provided or process of commissioning that advice.	Where there is a reduced/negligible reputational or operational risk to the advice associated with its commissioning, development or use. (This does not cover or negate the risk of not appointing independent experts)
Size of committee**	Where there could be more than 5 committee members standing at any given time.  Where more than one committee member is needed to cover the same issue under scrutiny, and / or individual members cannot cover multiple issues (due to specialist skills required for each issue).	Where fewer than 10 committee members could be required to be standing at any given time. Where only a single committee member is required to cover each issue under scrutiny and / or multiple discrete issues can be resolved by a single committee member.  Also where any number of temporary committee members can be appointed on an ad hoc basis, for specific projects / commissions.
Duration	The body must be active for at least three years	There is no time limit on duration, allowing for shorter terms where appropriate / desirable, though usually Expert Committees tend to be permanent.
Size of the secretariat***	Generally where the secretariat could be greater than 2 FTEs. Where the aNDPB’s staff / secretariat do more than administration – for example, if they are involved in research, analysis or policy development. Noting, that if additional staff are required to conduct delivery (eg investigation work), then perhaps regular NDPB might be a better model – such as the HSE.	Generally where the secretariat is usually fewer than 5 FTEs. Where the Expert Committee does not require additional staff to conduct research, analysis or policy development (such activities can be carried out by the host department).
Statutory framework	There can be underlying legislation. This will be especially evident if the legislation requires advice that could only be provided by a body with the characteristics of an aNDPB. No separate legal personality.	Typically (though not always) there is no underlying legislation. Alternatively, where there is legislation, it will not require advice that could only be provided by a body with the characteristics of an aNDPB. No separate legal personality.

## Applying the criteria in practice

**5.3** The following figures (Figures 5 and 6) show how to interpret and apply those criteria in the context of the functions fulfilled by advisory bodies (Part 3) and the principles of good practice in managing them (Part 4). Departments may consider the classification of bodies as part of a Tailored Review, or as an ad-hoc exercise.

**5.4** We identified three key, related guiding principles to help identify the most appropriate structure for providing independent, expert advice in government. These are:

- **scale:** bodies with larger budgets and more infrastructure are likely to merit the additional, formal administration that goes with NDPB classification (including Tailored Reviews and completion of annual Cabinet Office data returns). Indeed, if the body requires significant separate staff to perform its work, beyond committee members and a secretariat, then the department should consider whether executive NDPB would be a more appropriate form. The Expert Committee model is likely to be more suitable for bodies that operate on the ‘committee plus secretariat’ model and do not require staff;
- **function:** as set out in Part 3, advisory bodies fulfil a range of different functions. This can be relevant to the form that is required. Where a body is acting more as a general advisor or ‘critical friend’ to a department, there is inherently less risk in the event it is seen to be ‘part of the department’ (even if, in fact, it is operating independently). Where a body is acting fundamentally as a ‘scrutineer’ of the department (and may formally or de facto overturn or prevent its decisions), or is acting as an appeals body, this is a distinct role that might require more formal separation from the department. Some bodies’ remits have a blend of these kinds of activity and, in these cases, judgement is required as to which is the predominant type of activity; and
- **ability to assure independence:** both expert committees and aNDPBs must be independent in the way they operate. However, the need for some kind of safeguard over independence does not automatically mean the body needs to be an aNDPB. It might mean, for example that the role of the body needs to be clearly set out and the governance put in place to ensure appropriate levels of protection, resourcing and transparency. The first action should therefore be to consider whether separation really needs to be ‘constitutional’, or whether, in fact, it is the functional independence of the body that needs to be increased. Part 4 sets out a number of practical good practice actions that departments and bodies can take to enhance bodies’ ability to act independently.

**5.5** As set out in Figure 1 in Part 3, there are many objective features that apply to both aNDPBs and Expert Committees. For example: Both have members that are appointed as individuals, not representatives. Should representative members be more appropriate for the department’s needs, a stakeholder or other working group may be more appropriate. In these cases, the department could still consider the principles of independence set out in this report to enable to body to operate and provide its advice independently, if appropriate.

Figure 5: Key principles flow chart

This flow-chart shows how the key principles identified in this review, and existing Cabinet Office classification guidance can be applied, in practice, to help decide the most appropriate structure through which to provide independent, expert advice.

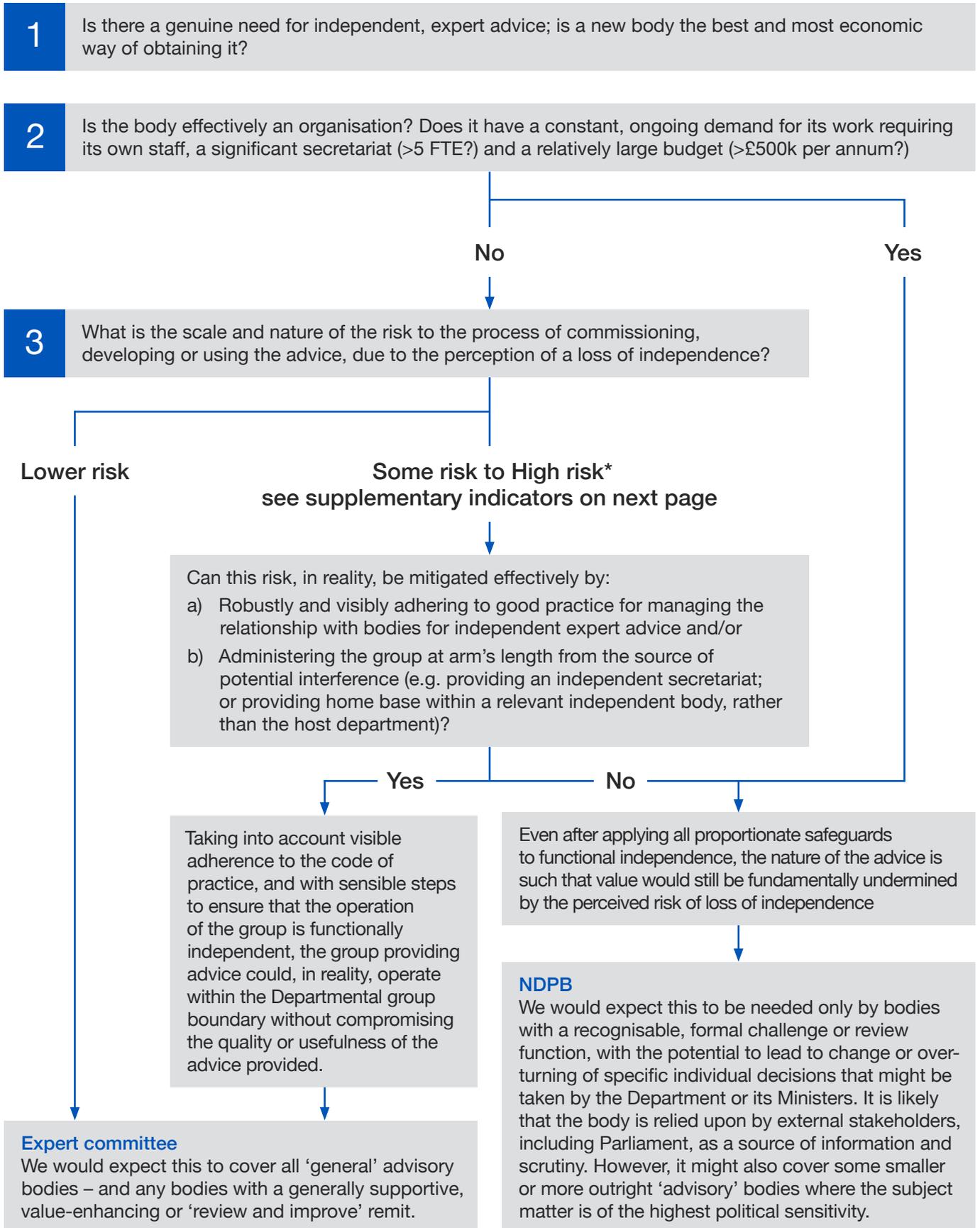


Figure 6: Supplementary indicators of potential risk factors

Indicators of lower risk – less likely to need NDPB status	Indicators of higher risk – more likely to need NDPB status	Further indicators	Possible practical mitigations
A more general advisory role or a role primarily about helping the government be more effective	A formal role reviewing the department's action or decisions	<p><i>Is there a formal or statutory role reporting on the department's policy or policy decisions, possibly post-hoc</i></p> <p><i>Do Parliament and the public rely on the advice produced by the body?</i></p> <p>If the answer to one or both of these questions is "yes" then that also indicates that the body may need to be a Non Departmental Public body to ensure that the accountability remains clear.</p>	<p>Could the body be placed under an existing arm's length body? (Is independence from all these potential stakeholders required, or just some/one?)</p> <p>Could an independent secretariat be created, separate from the main host department?</p> <p>Does the body need to be physically located away from the main department?</p>
Advice mainly of interest to a specific department or group of departments, or set of stakeholders	A very complex stakeholder landscape within the public sector, or cross government responsibilities		
More technical or stakeholder-specific subject matter	Subject matter of the highest political sensitivity	Is the matter likely to be controversial for the foreseeable future?	

## Effects of reclassification

**5.6** When departments are considering reclassifying an existing body, there may be some, understandable questions about the effect of any change.

**5.7** We found no evidence that the designation of a body as either a NDPB or Expert Committee per se presented a barrier to bodies acting independently and having an impact in practice. There was a strong consensus amongst chairs and departments consulted in this review that a change in classification would not prevent (and had not prevented) them from acting independently and having an impact in practice. Chairs of bodies that had reclassified – and wider stakeholders within the departments in which they operated – considered that there had been little change, in practice. They did note, however that the process of change itself led to some concerns among committee members, which is understandable. Research carried out for the Public Bodies Reform team by independent academics<sup>16</sup> in 2015 produced similar findings: while little changed had been observed in practice, the researchers noted that some chairs thought that it was more difficult for bodies that had 'lost' a NDPB status to retain ministers' attention. This was because, for example, those bodies were not formally required to be consulted by departments on policy changes, were not consulted by departments in policy-making, nor required to have regular meetings or set agendas.

16 Dr. Mackillop and Professor Skelcher, INLOGOV, University of Birmingham

**5.8** It is important to be clear that a change of classification per se should not affect the body's ability to fulfil its agreed remit in any of the ways set out above. However, such perceptions may arise if departments are not clear whether they are reviewing the body's classification only, or whether they are actually conducting (or implementing) a wider review of its function or remit.

**5.9** A review of classification should consider whether the body best meets the criteria of an expert committee or an aNDPB (or another type of body); the classification should then be retained or revised accordingly, and the body should continue to be supported to fulfil its remit in line with the principles set out in this report. Where there is a need to consider the body's function or remit, this should be done openly. Any changes in a body's function may subsequently trigger a consideration of the most appropriate classification (for example, the body's revised role and function might be most efficiently and effectively fulfilled by an Expert Committee).

**5.10** These principles are already embedded in the formal Tailored Review process, but should be applied to any other ad-hoc reviews.

**5.11** Some departments have found that considering similar bodies together, either through the Tailored Review or an ad hoc exercise, can provide insights from comparison and identify opportunities for reform.

#### **Case study: the Food Standards Agency considered the role of its advisory NDPBs together and identified opportunities for change**

The Food Standards Agency undertook a clustered review of its advisory bodies, which identified opportunities for reform and efficiencies.

The Food Standards Agency identified that, since it had last reviewed its Science Advisory Committees (SACs) some government departments had reviewed and changed the classification of some of their SACs (statutory and non-statutory bodies) and moved them from aNDPBs to Expert Committees. They concluded that the evidence, including from external SAC Chairs, indicated that since this transition the committees had maintained the same level of independence and expertise, referencing the Scientific Advisory Committee in Nutrition (SACN), the Committee of Carcinogenicity (COC) and the UK Expert Committee on Pesticides.

The review identified that Expert Committees can be more flexible and new members can be recruited in shorter timeframes due to simpler procedures for appointments. The review also identified that where other bodies had made the change from NDPB to Expert Committee some members had left, but that there had been no problems in the recruitment of new members.

**5.12** The box below summarises the potential benefits from reviewing classification, in a case where it is appropriate to reclassify an existing aNDPB as an Expert Committee.

## Government wide benefits

### Transparency and simplicity

Identifying bodies more accurately according to their function clarifies the government landscape for bodies for the public and others.

### Enhanced government reputation

Classifying a body that best fits the criteria for an Expert Committee as an 'NDPB' is potentially misleading – and contributes to members of the public thinking that there are more 'quangos' than there really are. Accurate classification supports a simplified and more transparent public bodies' landscape, promoting greater accountability.

## Department-level benefits

### Reduced administrative burden

As an Expert Committee is not subject to Tailored Review (though departments can, and should, still review as appropriate).

As an Expert Committee is not included in CO commissions for public bodies data, though departments should consider listing in the host department's annual report.

Does not require (though can still have) a Framework Document or Memorandum of Understanding; will still require a Terms of Reference document.

## Body or committee level benefits

### Increased flexibility and operational efficiency

Not subject to NDPB rules on duration – can be constituted for shorter or longer periods.

Departmental appointments are possible (details to be agreed with CO Public Appointments Team on a case by case basis – where reclassifying from an existing NDPB with advisory functions).<sup>17</sup>

## Impact on the landscape

**5.13** Many departments are already acting to reclassify bodies as Expert Committees where it is appropriate to do so. This has led to a reduction in the number of aNDPBs. The majority of the existing reclassifications have been within Defra and the Department of Health<sup>18</sup>. Other departments, such as BEIS, and the Department for Transport, have more recently acted to reclassify some of their bodies, in response to the April 2016 Classification Review, and other have begun to do so in through engagement with the Cabinet Office during this review.

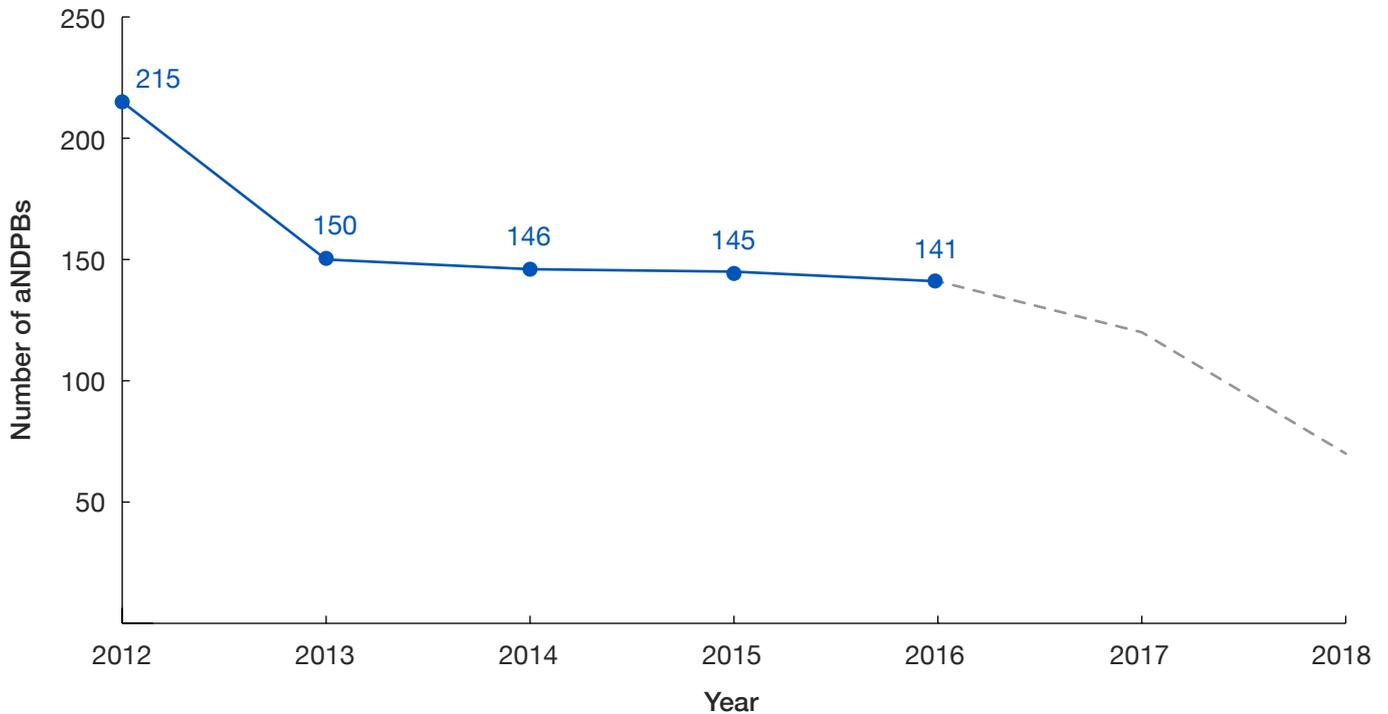
**5.14** Departments are also undertaking their own transformation programme which might change the landscape further.

<sup>17</sup> Classification Guidance, pg 42 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/519571/Classification-of-Public\\_Bodies-Guidance-for-Departments.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/519571/Classification-of-Public_Bodies-Guidance-for-Departments.pdf)

<sup>18</sup> The Department of Health reduced their 30 aNDPBs in 2012 to 8 aNDPBs in 2013, largely through conversion to expert committee. Similarly, Defra reduced their 24 aNDPBs in 2012 to 6 aNDPBs in 2013.

**5.15** Overall, depending on the outcomes it is possible that the landscape of aNDPBs to contract by 40-50 percent over the next 2 years. We would expect reclassifications to account for around half of this reduction.

**Figure 7: change in number of NDPBs with advisory functions since 2012**



**5.16** The 2012-2016 data in the above graph is from the public bodies data set. The dotted line represents the Cabinet Office's estimate of what the landscape will look like in the 2017 and 2018 publications of the public bodies data set. The data is published in March each year and may therefore reflect changes that were set in motion earlier in the financial year. The predictions for 2017 and 2018 are based on the Cabinet Office's understanding of departments' ongoing transformation plans and the changes that could take place if the recommendations of this report are implemented (with many bodies reclassifying as Expert Committees).

# Appendix 1

## Methodology

1. We **analysed data and documents** already collected by the Public Bodies Reform Team. In particular, we:

- reused data gathered from Departments as part of the Public Bodies 2015 and Public Bodies 2016 datasets; and
- reviewed the reports of triennial and tailored reviews that have already been completed to identify key themes and stakeholder perspectives on the value of expert advice.

2. We **reviewed aNDPBs' and Expert Committees' websites and key documentation** published thereon. We aimed to identify whether key documentation such as registers of members' interests and annual reports were easily accessible, and contained the content set out in existing guidance.

3. We met a wide range of departments hosting the bodies listed below. We held **roundtables for departments** and provided regular briefings. We also had separate **meetings with the individual chairs and members of committees** listed below.

Body	Chair/member of body	Classification
Regulatory Policy Committee	Michael Gibbons CBE (chair)	Advisory Non-Departmental Public Body
Committee on Radioactive Waste Management	Prof. Laurence Williams (chair)	Advisory Non-Departmental Public Body
Law Commission	Lord Justice Bean (Sir David Bean) (chair) and Phil Golding (Chief Executive)	Advisory Non-Departmental Public Body
Prison Service Pay Review Body	Dr Peter Knight (chair)	Advisory Non-Departmental Public Body
Committee on Fuel Poverty	Dr Alice Maynard (member)	Advisory Non-Departmental Public Body
Commission on Human Medicines	Prof. Stuart Ralston (chair)	Advisory Non-Departmental Public Body
Independent Advisory Panel on Deaths in Custody	Juliet Lyon CBE (chair)	Advisory Non-Departmental Public Body
British Pharmacopoeia Commission	Professor Kevin Taylor (chair)	Advisory Non-Departmental Public Body

Body	Chair/member of body	Classification
Committee of Carcinogenicity of Chemicals in Food, Consumer Products and the Environment	Prof. David Harrison (chair)	Advisory Non-Departmental Public Body
Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment	Prof. Harrison is also a chair of the COT	Expert Committee
Defra Science Advisory Council	Prof. Charles Godfray CBE FRS (chair)	Advisory Non-Departmental Public Body
Independent Reconfiguration Panel	Lord Ribeiro CBE (chair)	Advisory Non-Departmental Public Body
Industrial Development Advisory Board	Paul Mullins (chair)	Advisory Non-Departmental Public Body
Scientific Advisory Committee on Nutrition	Dr Ann Prentice (chair)	Departmental Expert Committee
Sentencing Council for England and Wales	Steve Wade	Advisory Non-Departmental Public Body
Social Security Advisory Committee	Paul Gray CB	Advisory Non-Departmental Public Body
Industrial Injuries Advisory Council	Prof. Keith Palmer	Advisory Non-Departmental Public Body
Other stakeholders		
Government Office of Science	Jon Elliot (Head of Science Advice)	
Office of Manpower Economics	Martin Williams (Director) (OME) Stuart Sarson (Deputy Director) (OME)	
Department for Environment, Food and Rural Affairs	Ian Boyd (Chief Scientific Advisor) and Iain Williamson (Deputy Chief Scientific Adviser)	
Judicial Office	Andrew Key (Chief Executive)	

4. We gathered data via a **survey** completed by the secretariats of the bodies listed below.

### Survey Respondents

Advisory Committee on Releases to the Environment  
 Advisory Committee on Business Appointments  
 Advisory Committee on Clinical Excellence Awards  
 Advisory Committee on Novel Foods and Processes  
 Advisory Committee on the Microbiological Safety of Food (ACMSF)  
 Advisory Council on National Records and Archives  
 Advisory Council on the Misuse of Drugs (ACMD)  
 Animals in Science Committee  
 Armed Forces Pay Review Body  
 Biometrics and Forensics Ethics Group  
 Boundary Commission for England  
 Boundary Commission for Northern Ireland  
 Boundary Commission for Wales  
 British Pharmacopoeia Commission  
 Civil Justice Council  
 Civil Procedure Rule Committee  
 Commission on Human Medicines  
 Committee on Fuel Poverty  
 Committee on Radioactive Waste Management (CoRWM)  
 Committee on Standards in Public Life  
 Review Body on Doctors' and Dentists' Remuneration (DDRB)  
 Defence Nuclear Safety Committee  
 Defence Scientific Advisory Council  
 Export Guarantees Advisory Council  
 Family Procedure Rule Committee  
 General Advisory Committee on Research (GACS)  
 Independent Agricultural Appeals Panel  
 Independent Commission for Aid Impact  
 Independent Medical Expert Group  
 Independent Reconfiguration Panel  
 Industrial Development Advisory Board  
 Industrial Injuries Advisory Council  
 Law Commission  
 Low Pay Commission  
 Migration Advisory Committee  
 National Crime Agency Remuneration Review Body  
 National Employer Advisory Board  
 NHS Pay Review Body  
 Nuclear Research Advisory Council  
 Police Remuneration Review Body  
 Prison Service Pay Review Body  
 Review Body on Senior Salaries (SSRB)  
 School Teachers' Review Body  
 Science Advisory Committee on the Medical Implications of Less-Lethal Weapons  
 Security Vetting Appeals Panel  
 Social Science Research Committee  
 Social Security Advisory Committee  
 The Advisory Committee on Conscientious Objectors  
 Veterans Advisory and Pensions Committee

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## Appendix 2

### References and further guidance

**Classification of public bodies: guidance for departments:**

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

**Partnerships between departments and arm's length bodies: Code of Good Practice:**

<https://www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice>

**Public Bodies 2016:**

<https://www.gov.uk/government/publications/public-bodies-2016>

**Report on the outcome of the classification review of public bodies:**

<https://www.gov.uk/government/publications/classification-review-of-public-bodies-outcome-report>

All referenced triennial reviews and annual reports can be found on the relevant body's website.

## Appendix 3

### ANDPBs by department published in Public Bodies 2016

This does not reflect changes in classification post the publication of Public Bodies 2016 (which reflects the landscape as at March 2016). Any subsequent classification changes will be reflected in Public Bodies 2017.

No. bodies	Name	Department	Note
1	Advisory Committee on Business Appointments	Cabinet Office	
1	Boundary Commission for England	Cabinet Office	
1	Boundary Commission for Wales	Cabinet Office	
1	Committee on Standards in Public Life	Cabinet Office	
1	House of Lords Appointments Commission	Cabinet Office	
1	Security Vetting Appeals Panel	Cabinet Office	
1	Review Body on Senior Salaries (SSRB)	Cabinet Office	
1	Council for Science and Technology	Department for Business, Innovation and Skills	Due to Machinery of Government changes BEIS is the host department of this body in this report
1	Industrial Development Advisory Board	Department for Business, Innovation and Skills	Due to Machinery of Government changes BEIS is the host department of this body in this report
1	Land Registration Rule Committee	Department for Business, Innovation and Skills	Due to Machinery of Government changes BEIS is the host department of this body in this report
1	Low Pay Commission	Department for Business, Innovation and Skills	Due to Machinery of Government changes BEIS is the host department of this body in this report

No. bodies	Name	Department	Note
1	Regulatory Policy Committee	Department for Business, Innovation and Skills	Due to Machinery of Government changes BEIS is the host department of this body in this report
1	Building Regulations Advisory Committee	Department for Communities and Local Government	
0	Advisory Council on Libraries	Department for Culture, Media and Sport	
1	Reviewing Committee on the Export of Works of Art	Department for Culture, Media and Sport	
1	Theatres Trust, The	Department for Culture, Media and Sport	
1	Treasure Valuation Committee	Department for Culture, Media and Sport	
1	Visit England	Department for Culture, Media and Sport	
1	School Teachers' Review Body	Department for Education	
1	Social Mobility Commission	Department for Education	
1	Advisory Committee on Releases to the Environment	Department for Environment, Food and Rural Affairs	
1	Independent Agricultural Appeals Panel	Department for Environment, Food and Rural Affairs	
1	Science Advisory Council	Department for Environment, Food and Rural Affairs	
1	Veterinary Products Committee	Department for Environment, Food and Rural Affairs	
1	Independent Commission for Aid Impact	Department for International Development	
1	Disabled Persons' Transport Advisory Committee (DPTAC)	Department for Transport	
1	Industrial Injuries Advisory Council	Department for Work and Pensions	
1	Social Security Advisory Committee	Department for Work and Pensions	
1	Committee on Fuel Poverty	Department of Energy and Climate Change	Due to Machinery of Government changes BEIS is the host department of this body in this report
1	Committee on Radioactive Waste Management	Department of Energy and Climate Change	Due to Machinery of Government changes BEIS is the host department of this body in this report
1	Nuclear Liabilities Financing Assurance Board	Department of Energy and Climate Change	Due to Machinery of Government changes BEIS is the host department of this body in this report
1	Administration of Radioactive Substances Advisory Committee	Department of Health	

No. bodies	Name	Department	Note
1	Advisory Committee on Clinical Excellence Awards	Department of Health	
1	British Pharmacopoeia Commission	Department of Health	
1	Commission on Human Medicines	Department of Health	
1	Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment	Department of Health	
1	Independent Reconfiguration Panel	Department of Health	
1	NHS Pay Review Body	Department of Health	
1	Review Body on Doctors' and Dentists' Remuneration (DDRB)	Department of Health	
1	Export Guarantees Advisory Council	Export Credits Guarantee Department	Due to Machinery of Government changes DIT is the host department of this body in this report
1	Advisory Committee on Animal Feeding stuffs	Food Standards Agency	
1	Advisory Committee on Novel Foods and Processes	Food Standards Agency	
1	Advisory Committee on the Microbiological Safety of Food	Food Standards Agency	
1	Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment	Food Standards Agency	
1	General Advisory Committee on Science	Food Standards Agency	
1	Social Science Research Committee, The	Food Standards Agency	
9	Regional Advisory Committees / Forestry and Woodlands Advisory Committees (x9)	Forestry Commission	
1	Royal Mint Advisory Committee on the design of coins, medals, seals and decorations	Her Majesty's Treasury	
1	Advisory Council on the Misuse of Drugs (ACMD)	Home Office	
1	Animals in Science Committee (ASC)	Home Office	
1	Migration Advisory Committee	Home Office	
1	National Crime Agency Remuneration Review Body	Home Office	
1	National DNA Database Ethics Group (NDNADEG)	Home Office	
1	Police Remuneration Review Body	Home Office	
1	Technical Advisory Board	Home Office	

No. bodies	Name	Department	Note
1	Advisory Committee on Conscientious Objectors	Ministry of Defence	
1	Armed Forces Pay Review Body	Ministry of Defence	
1	Defence Nuclear Safety Committee	Ministry of Defence	
1	Defence Scientific Advisory Council	Ministry of Defence	
1	Independent Medical Expert Group	Ministry of Defence	
1	National Employer Advisory Board	Ministry of Defence	
1	Nuclear Research Advisory Council	Ministry of Defence	
1	Science Advisory Committee on the Medical Implications of Less-Lethal Weapons	Ministry of Defence	
13	Veterans Advisory and Pensions Committees (x13)	Ministry of Defence	
44	Advisory Committee on Justices of the Peace (x44)	Ministry of Justice	
0	Advisory Panel on Public Sector Information	Ministry of Justice	
1	Civil Justice Council	Ministry of Justice	
1	Civil Procedure Rule Committee	Ministry of Justice	
1	Criminal Procedure Rule Committee	Ministry of Justice	
1	Family Justice Council	Ministry of Justice	
1	Family Procedure Rule Committee	Ministry of Justice	
1	Independent Advisory Panel on Deaths in Custody	Ministry of Justice	
1	Insolvency Rules Committee	Ministry of Justice	
1	Law Commission of England and Wales	Ministry of Justice	
1	Prison Service Pay Review Body	Ministry of Justice	
1	Sentencing Council for England and Wales	Ministry of Justice	
1	Tribunal Procedure Committee	Ministry of Justice	
1	Advisory Council on National Records and Archives	National Archives, The	Due to Machinery of Government changes DCMS is the host department of this body in this report
1	Boundary Commission for Northern Ireland	Northern Ireland Office	
1	Boundary Commission for Scotland	Scotland Office	