Code of Practice for the Jersey Scientific and Technical Advisory Cell (STAC)

The Code

1. This Code of Practice ("the Code") for the Jersey Scientific and Technical Advisory Cell (STAC) ("the Cell") is intended to help guide the establishment, management and conduct of the Cell during an emergency. The broad principles underpinning the Code reflect those found in the *Code of Practice for Scientific Advisory Committees* issued by the UK Government Office for Science[1]. The Code has also drawn upon the *Provision of scientific and technical advice in the strategic co-ordination centre: guidance to local responders*[2] issued by the UK Cabinet Office and *Scientific Advice During Crises*[3] issued by the OECD.

Scientific and technical advice

2. This Code uses the term scientific and technical advice to refer to a wide spectrum of advice on a range of scientific and technical topics. Scientific and technical advice encompasses a wide range of disciplines including the natural sciences (e.g. chemistry, physics and biology), mathematics and statistics, operational research, clinical specialities and the social sciences (such as psychology, geography and sociology). Scientific and technical advice will draw on a range of research, analysis, assessment and evaluation techniques, including scientific, social and operational research and both quantitative (numeric, e.g. statistics) and qualitative (non-numeric) analysis techniques.

Decision making

3. In crisis management, decisions are made at strategic, tactical and operational levels of the response. At each level there is a need to ensure that decisions are evidence based, and also to consider decisions made and constraints that apply at other levels. Crisis managers need to rapidly make sense of the situation, particularly when confronted with novel and complex crises, requiring them to quickly obtain, digest and channel accurate information and trustworthy expertise. Decision makers will make decisions based on their assessment of the range of advice and evidence presented to them, combined with their own experience and judgement.

[1] https://www.gov.uk/government/publications/scientific-advisory-committees-code-of-practice
[2] https://www.gov.uk/government/publications/provision-of-scientific-and-technical-advice-in-the-strategic-co-ordination-centre-guidance-to-local-responders
[3] Scientific Advice During Crises: Facilitating Transnational Co-operation and Exchange of Information | en | OECD

The Cell

4. The overall function of the Cell during an emergency is to ensure timely coordinated scientific and technical advice during the emergency, helping policy advisers and decision makers access, interpret and understand the full range of relevant scientific information, and to make judgements about its relevance, potential and application. Scientific and technical advice may have an important role to play in all phases of the crisis management cycle: preparedness, response and recovery. STAC forms part of the overall *Jersey Multi Agency Emergency Measures Plan*[4].

5. The establishment of the Cell is likely to be particularly important where an emergency may have significant wider health and environmental consequences. The need for a Cell may be identified by the Strategic Coordinating Group or other part of the multi-agency resilience structure. The Cell is usually convened by the Director of Public Health (Medical Officer of Health) because of the potential impact on the health of the local population from an actual or evolving incident. However, the Cell may be convened by another relevant senior official where the nature of the emergency may have other impacts, such as a cyber incident. The Cell would normally deactivate once there was no longer a need for cross-government scientific and technical advice on emergency response or recovery.

6. The Cell will review, and sometimes commission, scientific research, and offer independent expert judgement, including highlighting where facts are missing and where uncertainty or disagreement exists. The Cell may be required to provide advice on the state of current knowledge or the application of information to specific issues. Depending on the nature of the emergency, the Cell may have to frame their advice to take account of social and ethical issues and public and stakeholder concerns.

7. The Cell is generally responsible for providing scientific and related input to assist analysis, policy making and decision making. The task of policy making, which is primarily that of government, involves the development of practical options for responding to the problem or issue on which scientific advice has been sought, analysing those options and supporting decision making on them. The Cell would not normally undertake the role of policy making. However, it may be asked to comment on policy options or to provide policy options for decision makers to consider. The Cell should not serve to represent stakeholder views or positions.

Terms of Reference

8. A standing Terms of Reference is appended to this Code. This provides a quick reference document when a Cell is convened at short notice. If the Cell is expected to meet for an extended period of time, then the Terms of Reference may be developed to reflect the requirements of a specific incident.

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4 https://www.gov.je/SiteCollectionDocuments/Staying%20safe/R%20States%20of%20Jersey%20Emergency%20Measures%20Plan.pdf

9. The sponsor department should ensure that the Cell's remit is clear, and in doing so, have due regard to the Jersey Resilience Forum priorities and capability requirements. At the time of writing this Code, the Department for Strategic Policy, Planning and Performance (SPPP) is responsible for public health and so the sponsor of the Cell. Another department may take over sponsorship of the Cell depending on the nature of the emergency. It is the Cell's responsibility to raise concerns with the department if they believe there are ambiguities. As the emergency unfolds, the remit of the Cell may evolve over time and at different phases of the emergency. The Cell should be advised as and when revisions are needed to the Terms of Reference during an emergency.

10. The range of expertise required for a particular emergency may not become obvious until the Cell has begun its work and may change over time. This is also likely to be informed by the Jersey Resilience Forum and/or the Strategic Coordinating Group. In such cases the Chair of the Cell ("the Chair") should advise the department of any gaps identified and discuss how best to deal with them, with the department amending the membership accordingly. The Chair should satisfy themselves, insofar as they are able, that the balance of expertise is adequate to perform the role with which they are entrusted. Where the Cell lacks the relevant expertise for a particular project or task, the Cell should be able to co-opt appropriate experts or establish sub-groups to include such people on an ad hoc, time-limited basis.

Independence and objectivity

11. The *Principles of Scientific Advice to Government*[5] provides a helpful guide as to the appropriate foundations upon which independent scientific advisers, ministers and government departments should base their interactions. Whether acting proactively or reactively during an emergency, the Cell should expect to operate free from political interference with their work. Members participate in their own right and should not serve as representatives of stakeholder organisations. Whilst recognising that suitably qualified professionals are unlikely to be entirely unconnected or without interest in the area covered by the Cell, they should be professionally impartial in their activity as a member.

The Chair

12. The Director of Public Health (Medical Officer of Health) generally acts as the Chair of the Cell. However, the Cell may be Chaired by another relevant senior official where the nature of the emergency requires this. The role of the Chair goes further than simply chairing meetings. The Chair has responsibility for:

    a) the operation and output of the Cell, including assessing the workload, ensuring a practical division of effort and that the volume of work does not compromise the rigour of discussion;
    b) ensuring that the right balance of expertise is represented in the Cell membership;
    c) ensuring that the full range of scientific opinion, including unorthodox and contrary scientific views are appropriately taken into account;

[5] https://www.gov.uk/government/publications/scientific-advice-to-government-principles

d) ensuring that any significant diversity of opinion among the members of the Cell is explored and discussed, and if it cannot be reconciled, is accurately reflected in the advice;
e) ensuring that every member of the Cell has the opportunity to be heard and that no view is ignored or overlooked;
f) ensuring appropriate liaison with national specialist advisors and, where warranted, the wider scientific and technical community to ensure the best possible advice is provided;
g) reporting the Cell's advice and highlighting new evidence likely to have an impact on current policy;
h) representing the consensus of the Cell to the public or the media (unless other specific arrangements have been made);
i) ensuring that the secretariat accurately documents the proceedings of the Cell so that there is a clear audit trail showing how the Cell reached its conclusions.

13. The Chair acts as the spokesperson for the Cell. The department should ensure that the Chair has access to relevant Minister(s), decision makers and key policy officials who require the Cell's advice.

Members

14. The composition of the Cell will be incident specific. Members should have the necessary knowledge and skills to collectively provide scientific and technical advice in any emergency. The Cell is likely to include specialists in health, the environment, and site/infrastructure specific response concerns. Agencies covering specific capabilities and/or responsibilities may need to be represented dependent on the type of incident and requirement for specific technical advice. Attendance is decided initially by the Chair.

15. Members should ensure they understand why they are joining the Cell and in what capacity. Members should understand the nature of any expertise that they are asked to contribute. Members with a particular expertise have a responsibility to make the Cell aware of the full range of opinion within the discipline.

16. Unless specifically stated otherwise, members join as individuals to fulfil a role as part of the Cell, not as representatives of their particular profession, employer or interest group, and have a duty to act in the public interest. Where members declare an organisation's views rather than a personal view, they should make that clear at the time of declaring that view.

17. A member's role is not circumscribed by the expertise or perspective he or she was asked to bring to the Cell. Members should regard themselves as free to question and comment on the information provided or the views expressed by any of the other members, notwithstanding that the views or information do not relate to their own area of expertise. If members believe that the Cell's method of working is not rigorous or thorough enough they should raise this initially with the Chair.

18. All members should regard it as part of their role to:

    a) provide the highest quality and timely advice;
    b) examine and challenge if necessary the assumptions on which scientific advice is formulated and ask for explanations of any scientific terms and concepts which are not clear;
    c) ensure that the Cell has the opportunity to consider contrary scientific views and where appropriate the concerns and values of stakeholders;
    d) Consider the wider context in which their expertise is deployed.

19. Members are expected to abide by the *Seven Principles of Public Life* (sometimes referred to as the Nolan Principles)[6]. The Principles are a minimum requirement and do not replace codes of conduct or ethics relating to specific professions or areas of research.

20. Members of the Cell should be aware of, and encouraged to adopt and promote, the principles of the *Universal Ethical Code for Scientists: Rigour, Respect and Responsibility*[7]. This Code is a public statement of the values and responsibilities of all scientists and does not replace codes of conduct or ethics relating to specific professions or areas of research. Where the Cell is offering advice on ethical considerations bearing on the scientific advice, the Cell should seek to make explicit what processes or expertise it has drawn on in reaching its conclusions.

21. The department is responsible for determining whether remuneration should be paid to members of the Cell and the level at which any remuneration (fees or honoraria) is set. Relevant remuneration guidance should be followed.

Declaration of interests

22. The Chair and members should declare any interests they have that are relevant to the remit of the Cell. Potential conflicts of interest should not preclude selection of those members otherwise best qualified, but conflicts of interest should be declared. Members should withdraw from discussion of matters in which they feel that they cannot act impartially. Where this occurs, it should be reflected in the official record of the meeting.

Liabilities and indemnity of members

23. Legal proceedings by a third party against individual members of such advisory bodies are very exceptional. A member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence or offence if he or she misuses information gained through their position. However, individual members who have acted honestly, reasonably, in good faith and without

[6] https://www.gov.uk/government/publications/the-7-principles-of-public-life
[7] https://www.gov.uk/government/publications/universal-ethical-code-for-scientists

negligence will not normally have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their Cell functions.

Working practices

24. The nature of the Cell's work during an emergency is likely to demand a rapid response. Procedures need to support the production of urgent advice and it may not be possible to follow normal methods for scientific committees. For example, the Chair may need to act on behalf of the Cell to ensure a timely response.

25. The Cell should adopt processes to enable the identification of relevant available research. When the Cell commissions new research, it is likely to be needed within a short space of time. Procedures for commissioning and quality assuring such work need to be quick and effective, but should take account of procurement procedures agreed with the department.

26. The Cell should have mechanisms for reviewing previously offered advice in the light of new findings, and for submitting fresh advice if necessary. In its advice, the Cell should indicate what new information would prompt review or would further reduce the risk or uncertainty if it is appropriate. In order to provide timely advice, the Cell should keep under review potential future threats, opportunities and key developments in their particular areas of responsibility and which may also lead to revision of previous advice.

Reporting of risk and uncertainty

27. Although it is important that decisions are based on all the available evidence, sometimes a decision has to be taken when there are serious gaps in the knowledge base and considerable uncertainty exists. Where this is the case the Cell should use its judgement to decide what it is best to recommend, if anything, based on expert judgement and experience of advising on similar issues in the past and ensure that gaps in data and knowledge are carefully explained.

28. The Cell should seek to examine and explain the nature of the risk (setting out clearly what the risk relates to, such as scientific analysis, non- adherence to advice etc). Whenever their work involves risk assessment, the Cell should seek to consider carefully the nature and scale of the problem, what precision of estimates is appropriate or realistic, in terms of costs, resources and time.

29. It is inevitable that others may reach different judgements based on the same data and that sometimes Cell advice will be proved wrong with the benefit of hindsight. The Cell should be open about both of these possible outcomes and make clear the limitations of any data used and where judgements have had to be made in the face of uncertainty.

Procedures for arriving at conclusions

30. Members should understand when they are expected to reach a consensus on particular issues. Open and frank discussion should be encouraged and differences of interpretation and opinion should be impartially and unattributably recorded in minutes of meetings. It is recognised that advice includes expert judgement in addition to objective or factual information, and wherever possible the degree of certainty and the rationale for judgements should also be explained.

31. Where decisions are particularly significant, the Cell may decide to seek views on preliminary advice from relevant organisations or other parts of the scientific community.

32. The Cell should not seek unanimity at the risk of failing to recognise different views on a subject. These might be recorded as a range of views. Any significant diversity of opinion among the members of the Cell should be accurately reflected in the advice. Where a consensus is not possible, the advice should include the majority and minority positions, explaining the differences and reasons for them. It is not necessary to name those holding majority or minority positions.

Role of the secretariat

33. The primary function of the secretariat is to support the Cell by assembling and analysing information and recording conclusions of meetings. The arrangements for secretariat support may vary according to the emergency and should be stated in the Terms of Reference.

34. The secretariat should ensure that the proceedings of the Cell are well documented (in sufficient detail and within a reasonable period after a meeting) so that it is clear how the Cell reached its conclusions. The secretariat should also ensure that relevant staff in the department are informed of the nature of Cell discussions and ensure the maintenance of good working relations between the Cell and the department.

35. Appropriate procedures may be needed for handling sensitive information and these should be approved by the department. Such procedures should be communicated to potential providers of sensitive information, so that material is only withheld from requests for public release where it would be exempt under the provisions of Freedom of Information legislation.

Role of other officials

36. Members should be aware of the role of departmental representatives and other officials and advisers having contact with the Cell and/or attending meetings as observers (or in any other capacity). Such officials should at all times respect the Cell's independence. The Chair should ensure that the balance between officials and members at meetings is kept within reasonable limits.

Minutes

37. Minutes should be kept that accurately reflect the proceedings of the Cell, including the development of advice and actions arising. Minutes will generally be written in an unattributable form. These should be cleared by Cell members for technical accuracy.

38. The Cell should publish minutes of their meetings as and when appropriate and in accordance with Freedom of Information principles and legislation. Where cases are being considered, assessments will need to be made regarding the balance between public accountability and the privacy of individuals or entities whose cases are being considered. It is likely that the policy development, national security and/or personal information Freedom of Information exemptions may apply and this may mean that some information needs to be redacted or omitted before publication. The timing of publication will also need to be considered, with the most appropriate timing often being after the emergency is over. This reflects the need to balance building public understanding of the advice provided by the Cell, with the need to protect sensitive information and ensure a safe space for the Cell to provide free and frank advice.

39. In order to help provide a full appreciation of its advice, the Cell may, where appropriate, facilitate public access to documents or information used in the formulation of its advice.

Dealing with confidential information

40. Decisions on confidentiality should be exercised consistently with Freedom of Information legislation. Consideration should be given to the length of time for which sensitive information requires protecting. Some information may only be sensitive for a relatively short time. When making decisions to withhold information, consideration should be given to whether the documents could be released as soon as the sensitivity has passed and, if so, a future publication date should be determined accordingly. Consultation with providers of information will be necessary to ensure confidentialities are not breached.

The Cell's advice

41. Where a situation is urgent, oral advice may be provided and documented in other forums as part of the decision-making process. Where time permits, the Cell's advice may also be provided in writing. The Cell may need to provide preliminary or indicative advice on the understanding that this could change after fuller consideration.

Communication with the media

42. Any incident which may impact the population will attract media interest. As with any major incident, it is important that the public are accurately and regularly warned and informed, most likely through the media, of potential risks. The public communication of scientific advice

during crises will normally be embedded in a broader crisis communication strategy involving crisis managers and decision makers. In emergencies with a scientific or technical dimension, there will be a need to draw on expertise to explain key concepts and issues and so the Cell may need to contribute to briefings, frequently asked questions and communications strategies.

43. The Chair will normally act as spokesperson for the Cell in media engagements and when responding to requests for media statements. There may be cases, however, where the Chair is unavailable, or others are better placed. Members should always clarify whether or not they are speaking in their capacity as Cell members.

Handling disagreement with departments or ministers

44. There may be occasions when departments or ministers draw conclusions and make decisions that do not appear to accord with the advice provided. The independence of the Cell should be respected and the Cell must bear in mind that policy decisions are based on a range of factors in addition to its own advice.

45. When differences of opinion arise, the Chair should seek to discuss the decision with policy makers to ensure the Chair understands the basis upon which the final decision was taken. Where differences remain and cannot be resolved, both parties should be free to express their positions openly, both privately and publicly. Both sides should endeavour to explain the rationale behind their views.

ENDS

22 December 2021

Department for Strategic Policy, Planning and Performance

Government of Jersey

Appendix – Standing Terms of Reference for the Jersey Scientific and Technical Advisory Cell

Scientific and Technical Advisory Cell (STAC)

TERMS OF REFERENCE

1. Purpose

1.1. The Scientific and Technical Advisory Cell (STAC) provides a common source of health, scientific and technical advice to Government and Strategic Commanders during emergencies.

1.2. STAC provides a safe space to debate live issues and ensures that advice is provided in a timely and co-ordinated way, based on best available information. This helps ensure that policy/operational advice and decisions made during emergencies are informed by health, scientific and technical expertise.

1.3. Decision makers will assess a range of advice and evidence presented to them, including that from STAC, combined with their own experience and judgement to make decisions during emergencies.

2. Activating STAC

2.1. STAC can be activated to support cross-government responses to and/or recoveries from emergencies. It is possible that STAC advice will be required in some but not all phases of response and recovery.

2.2. STAC would normally deactivate once there is no longer a need for scientific advice to inform cross-government decisions on emergency response or recovery. During periods of de-escalation it may not be necessary for STAC to meet, but members may be kept on alert in case the situation changes.

3. Responsibilities

3.1 STAC ensures that coordinated and timely scientific and technical expertise is made available to inform government advisers and decision makers during emergencies. Advice may be required from STAC on a wide spectrum of topics and disciplines.

3.2 The responsibilities of STAC will evolve as the emergency develops and vary by the nature of the incident. Responsibilities may also evolve with the transition from the response to the recovery phase.

4. Membership

4.1 STAC should comprise relevant subject experts according to the type of emergency incident. Members may include experts and analysts from across the public service and may also include external members. The Chair of STAC may invite others to attend a meeting where their expertise is required.

4.2 STAC representatives may be invited to attend decision making forums in order to explain health, scientific and technical issues. The Chair would usually be the STAC representative, accompanied by other specialists where necessary. Representatives should be able to present and explain the full range of STAC views, including from specialities that are not their own. The personal views of members are not advanced in isolation. The Chair should ensure that Gold Commanders are kept informed regarding STAC activities.

5. Conduct of business

5.1 The Chair determines the frequency of STAC meetings, but the cell will usually meet in person at least weekly during the initial response phase of an emergency, adjusting the frequency as required.

5.2 The quorum of the meeting is at least one-third of its members or as otherwise determined by the Chair.

5.3 The Chair will determine the agenda for each meeting. Requests for items to be considered by STAC will be submitted to the Chair. Items may be identified in anticipation of future problems, needs or changes where proactive advice will need to be prepared. The Chair may request papers, analysis and/or the attendance of subject-matter leads in order to support the discussion of specific items.

5.4 Any conflicts of interest, both personal and professional, must be declared and recorded at the STAC meeting when they arise. The participation of persons with declared conflicts will be determined by the Chair. Participation may be curtailed if, in the judgment of the Chair, a potential exists for the perception of undue influence that may undermine trust in the integrity of the process.

5.5 STAC sub-groups may be established where discrete pieces of work are necessary. Sub-groups will provide timely reports to STAC. A Chair for each sub-group will be appointed with the responsibility of coordinating the discrete work and reporting back to STAC.

5.6 Secretariat support may be provided by the States Greffe, who will ensure that minutes are recorded. Minutes should be cleared by STAC members for technical accuracy.

5.7 Executive support may be provided by the sponsor department. The executive support acts as the information manager for all STAC products, storing, circulating and releasing them as and when appropriate.