

Board Paper

Paper 22.63

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Title

Proposal for an OEP Expert Advisory Committee

Report Author

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Responsible Executive Director

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Paper for decision

Issue

1. This paper sets out to identify current OEP expertise needs, and where limited capacity and capability to fill those in-house may impact our ability to effectively fulfil our functions. It then considers and proposes the establishment of an Expert Advisory Committee as an initial step in response.

Recommendation

2. The Board is recommended to:
 - a. Agree the establishment an OEP Expert Advisory Committee
 - b. Provide feedback and comment on:
 - i. if the expertise needs identified are the right ones
 - ii. if the case for Advisory Committee is sufficiently well-made
 - iii. the proposed scope, remit and governance of the Committee
 - iv. the proposed membership (types of expertise, number of external members, remuneration)
 - v. any other aspect of the Committee as set out in para 15 and 16 and Terms of Reference in Annex 1
 - c. Agree the Terms of Reference subject to any amendments following Board feedback

Background

3. The Environment Act 2021 requires the OEP to act objectively and impartially, and to have regard to the need to act proportionately and transparently in the exercise of our functions and delivery of our objectives.
4. In our strategy we commit to basing our decisions on our analysis of the relevant and available science, knowledge and evidence. We also commit to develop and continually improve our access to the best available science, knowledge and expertise, for example through short-term secondments, expert panels and evidence commissions. Ensuring that our recommendations, advice, and judgements are of a high quality and reflective of the latest evidence will be essential for the OEP to establish an authoritative, credible and respected voice. Without this, we will fail to demonstrate that we are an effective organisation.
5. The OEP has a broad remit but is a relatively small organisation. This will put inevitable pressure on the organisation to retain in-house the expertise needed to fulfil our functions.
 - *Capability to cover the range of expertise at the depth required*
The work of the OEP spans all areas of the environment. The varied nature of our work means that we will need to have deep technical and subject expertise across our remit. Given the size of the organisation and competing demands on the time of the staff and the Board, it will not be possible to develop in-house the range and depth of expertise required.
 - *Capacity and responsiveness:* Demand on the Board's- and the executive's- time and expertise will grow and may not be sustainable. Although we can to a large extent determine our work programme, part of our work will include unexpected demands for expertise. We will need responsive and flexible ways to access specific expertise. The Board may not have the capacity to provide guidance and steer, and we are likely to need detailed expertise beyond the steering of the Board. Employing full-time expertise that is likely only to be required on an infrequent and irregular basis will be inefficient and not good value for money.
6. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

Analysis

Expert needs and expert models

7. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*
8. It is common practice for public bodies to establish additional expert committees or panels to increase expertise capacity and capability. It also ensures access to a wider diversity of expertise and views which the Board can draw on to make better informed decisions. As part of developing this paper we have considered or spoken to other organisations, operating both within environmental area and outside of it, such as CCC, Gambling Commission, National Infrastructure Commission, Defra SAC and the Human Embryology and Fertilisation Authority. Please see Annex B for notes.
9. Consequently, we have identified different models for the OEP to consider, set out in the table overleaf. There are additional expert models which we did not consider in detail as suitable for our immediate expert needs. These may be valuable for the OEP in time, but are not considered further in this paper, and include:
 - *OEP Fellows*: Fixed-term appointment to the OEP of experts from practice and academia, for example, PhD student or industry placements to encourage knowledge exchange, network and expanding expertise base
 - *Task force or inquiry*: Appointment of experts for a specific and timebound task of major significance.
 - *Call for evidence*: Open invitation for experts and other parties to submit evidence in relation to a specific issue.
 - *Peer Review Group*: tasked specifically with reviewing and critiquing a specific output, for quality assurance purposes. Here it refers to a formal quality assurance process required for major outputs. Quality assurance is already done as routine for relevant outputs.

Table: Formal models for external expertise for consideration			
Model	Description	Strengths and weakness	Related expert need
Advisory Committee	<p>Experts and academics providing independent advice support and challenge to evidence OEP uses to support the delivery its strategic objectives.</p> <p>Examples include:</p> <ul style="list-style-type: none"> - NE Science Advisory Committee - Defra Science Advisory Council - Gambling Commission Advisory board for safer gambling 	<ul style="list-style-type: none"> + High quality technical input and evidence + Clear role and function can be defined + Implementation can be planned + predictable annual cost - Appointment involves significant cost and time - The running of committee involves substantial resources - Potential complex relationship management, and reputational risk 	<ol style="list-style-type: none"> 2. Critiquing scoping of research proposals and commissions 3. Testing and critiquing analytical methods and frameworks 4. Technical and subject expertise to ensure analysis is based on up-to-date evidence and science <p>Input on</p> <ol style="list-style-type: none"> 7. Horizon scanning 8. Stakeholder intelligence, understanding and networks
Specialist Technical panels	<p>Expert panels providing advice as needed, corresponding to specific area or topic, such as the OEP priority areas.</p> <p>Examples include:</p> <ul style="list-style-type: none"> - Gambling Commission Lived Experience Group - CCC Thematic Topic Advisory Groups - NE Landscape Advisory Panel 	<ul style="list-style-type: none"> + Provides specific in-depth input across all relevant OEP areas + Advice 'on tap' to help respond to specific issues as they arise + Potentially less costly than a committee IF used on ad hoc basis + can be instituted based on any timescale required - Appointment involves significant cost and time, - Panel(s) may need to be very large or numerous, requiring significant resources to be dedicated to this - Costs harder to forecast 	<ol style="list-style-type: none"> 2. Critiquing scoping of research proposals and commissions 3. Testing and critiquing analytical methods and frameworks 4. Technical and subject expertise to ensure analysis is based on up-to-date evidence and science 5. Quality assuring outputs <p>Input on</p> <ol style="list-style-type: none"> 7. Horizon scanning 8. Stakeholder intelligence, understanding and networks
Expert banks and framework agreement	<p>A pre-sifted list – possibly formalised through framework agreement or call-off contracts – of experts to call upon when required</p> <p>Examples include:</p> <ul style="list-style-type: none"> - Ofqual Bank of Experts - CCC access to experts 	<ul style="list-style-type: none"> + Allows both retained and non-retained experts. + Can be deployed as needed. Broadens technical specialists. Use of professional institutes may streamline process. + No cost if contractor(s) not used + Relatively simple to call-down advice on specific issues as and when they arise - Significant effort and time involved in setting up framework and/or call-off contract - Requires database/system - Requires recruitment, and potentially partners. - Difficult to forecast exact costs per annum 	<ol style="list-style-type: none"> 1. Expert analysis, evidence gathering or research where in-house we capacity and/or capability is limited. 5. Quality assuring outputs

11. The resource involved in setting up several technical panels is prohibitively large. There is also significant risk that without any prior testing of how panels would best add value, we would lock ourselves into a resource intensive model which would not materially help further our strategic objectives. We therefore propose that as a first step we proceed with establishing an Expert Advisory Committee and set out the details of this in the following section. Once the Committee has been in place for a period of time, it may be appropriate to consider if that model could be expanded to create additional subject or topic specific panels.
12. Alongside this, we recognise the critical importance of proceeding with pace to strengthening our procurement to establish frameworks and call-off contracts. This will be a key driver to our efficiency and plans are in place for this work.

Proposal for an Advisory Committee to the Board

13. We have spoken to other organisations about ways in which they have accessed external expertise and lessons learned and reflected this when appropriate in our proposals. Particularly useful reflections include: scope and remit need to be absolutely clear to members from the start; setting a forward looking agenda will help ensure the Committee stays focused and adds genuine value; if there is an overlap between the membership of the Board and the Committee, care needs to be taken to ensure that the purpose remains solely advisory; a strong chair will be essential for meetings and relationships to run effectively, and avoid 'mission creep'; we are unlikely to get this right the first time, so avoid hardwiring anything and have clear evaluation point; potential conflict of interest should not necessarily preclude appointment and are best managed through a mix of guidelines and relationship handling.
14. We propose a **phased approach**. The initial establishment of the Expert Advisory Committee should prioritise meeting critical gaps in scientific and technical expertise. Over time, the scope of the Committee should be broadened as it gets embedded into the work of the OEP. Any expertise gaps are likely to evolve over time as our staff expertise changes. Additionally, broadening the membership has the potential to add significant value to the organisation by including for example, legal, policy and regulatory expertise or less represented perspectives, such as those from individuals engaged in frontline environmental protection work.
15. We attach a Terms of Reference in Annex A. Some key choices within those terms of reference are explained below:

This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs and its publication would be prejudicial to commercial interests.

- b. During the recruitment we will:
 - i. Proactively consider how to attract and encourage applications from **diverse perspectives**
 - ii. Recognise the benefit of a **mix of high-profile and senior members**, which may help strengthen external credibility, and more **early career members**.
 - iii. consider applications from members of the executive of Defra, associated ALBs, or any public body which we may hold to account, to represent a case **conflict of interest** that will preclude appointment. However, we will consider applications from individuals who serve in an advisory capacity to Defra or any of its ALBs. Conflicts of interest arising from association with eNGOs, professional bodies or private companies will be judged on an individual basis at the point of application.

Northern Ireland

16. The Advisory Committee will need to be reflective of OEP's remit and will need to include members with relevant Northern Ireland expertise. In time, we may wish to evaluate the effectiveness of a joint committee and the potential benefit of a separate NI committee or panel

Finance and Resource

17. *This section has been redacted as its publication would be prejudicial to commercial interests.*

Impact Assessments

Risk Assessment

18. *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

Equality Analysis

19. The application process should be open and transparent, and designed to encourage a diverse and representative membership. This should include actively promoting the opportunity through different channels, inviting applications from diverse communities and ensuring that the interview panel includes an independent member.

Environmental Analysis

20. We have a legal obligation to act objectively and impartially, and to have regard to the need to act proportionately and transparently in the exercise of our functions and delivery of our objectives. Strengthening our expertise capacity and capability will ensure that we can fulfil our objectives more effectively.

Implementation Timescale

21. Arrangement for recruitment to commence if/when Board agrees proposal.

Communications

22. The establishing of an Expert Advisory Committee has the potential to be a significant evolution of the organisation and represents an important communications opportunity. It will require a strong communications programme, both to support the application stage and the announcement of the Committee once established.

External Stakeholders

23. As part of understanding other organisations approaches to bringing in additional expertise, we have spoken to other organisation to benefit from their insights and experience.

Paper to be published	In part
Publication date (if relevant)	
If it is proposed not to publish the paper or to not publish in full please outline the reasons why with reference to the exemptions available under the Freedom of Information Act (FOIA) or Environmental Information Regulations (EIR). Please include references to specific paragraphs in your paper	<p>We should not publish any parts of the paper that might prejudice the application process of any committee. We should not publish any information referencing conversation we have had with other organisations in confidence.</p> <p>FOIA/EIR exemptions for which we propose not to publish this paper in full are</p> <ul style="list-style-type: none"> • information is intended for future publication (s.22) • publication would harm the effective conduct of public affairs, including the Board's ability to receive candid advice and engage in free and frank discussion (s.36) • publication would harm the OEP's commercial interests (s.43)

ANNEXES LIST

ANNEX A: *This section has been redacted as its publication would be prejudicial to the effective conduct of public affairs.*

ANNEX B: Notes on other organisations

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Climate Change Committee

- Have a Committee and Advisory group model which has evolved over time.
- It has two Committees, on Mitigation and Adaption who act as the Board. Committees have 6 members, drawing on sectoral expertise. These are 'champions' in their sector (e.g., adaptation includes business, nature-based solutions, green finance/economy). Committees are focused on their outputs – 5 Year Risk Assessment and 2 Year Progress Report.
 - *5-year risk assessment:* Liaison with over 250 experts over the 5 years of development. Use chapter/section lead authors and supporting author's model. Lead Authors apply and are paid as technical experts in their field. Supporting authors apply but are not paid. Supported by thematic research which is also published separately that uses a different model to engage experts. This model requires maintaining extensive links and relationships.

- *2-year Progress Report*: Draws on expertise of committees to compliment staff expertise. It uses key contacts that form part of the day-to-day engagement of the CCC. No commissioned work, but occasionally there may be a small thematic piece commissioned.
- Major Thematic Research and Advisory Groups has also been created to ensure tailored support for work programmes and ensure teams had access to expertise
 - Core set of advisory group members (usually 8) with co-opted members as new requirements arises.
 - Advise staff working on area, help steer at key points, and provide specific technical input to the work. Less rigid and less structured than Committee.
 - Chair is paid, other members not paid. Chair prepares a report detailing consensus/divergence and wider learning from the advisory group.

Defra: Science Advisory Council

- The Science Advisory Council (SAC) is a Non-Departmental Public Body (NDPB) which provides independent and scientific support, advice and challenge to Defra.
- It is intended to assist Defra Chief Scientific Adviser (CSA) in assuring and challenging the evidence that Defra uses in its policy development.
- It creates relevant sub-committees with a more focused scope and relevant area of expertise e.g. Air Quality and Biodiversity Targets Advisory Group
- The national and international level of scientific expertise can make the SAC more appropriate to respond to issues such as COVID, rather than supporting policy teams and work areas within Defra.
- Complex bureaucracy put limits on its value and use

Gambling Commission -

- They have three advisory groups to supplement expert advice (~350 staff):
 - *Advisory board for safer gambling*: members are academics and expert
 - *Digital advisory panel*: members from tech industry and advice on how the Commission can use technology, and how it best regulates a tech-heavy industry
 - *Lived experience group*: membership includes those that are directly or indirectly affected by gambling
 - The commitment of advisory group members are a couple days per month, whereas the Chair a minimum of day per week. This helps ensures high quality members.
 - The Chair of each advisory group have an end of year performance review with Commission Chair.
- Lessons learned from across these include:
 - *Scope and terms of reference*. Worth dedicating substantial time to get it right, and ensure members buy in and understand them. Without this, your risk mission creep from the group, esp. if it does not have any delegated authority.
 - *Forward looking agenda*: This helps ensure that group stays focused and protects again a vacuum resulting in the group self-tasking. The Advisory groups help feed into the business plan, which in turn sets out the work for the group.
 - *Identity of group*: it does not have an external identity of their own. They do not respond to e.g. consultations as a panel but provide advice to the organisation who responds. They don't issue PR and media.
 - *Role of members*: Make it clear what is expected by members and that they do not speak on behalf of the organisation. Conflict of interest, are best tackled as a relationship management question, and through a Code of conduct
 - *Length of service*: Important to have up-to-date experience. After a couple of years, members may go 'native' and do not provide honest advice and challenge

- *Governance, and relationship to the Board:* decided against overlap between advisory group and the Board. Main reason was to keep the focus on the scope, ensuring what you get is strictly advice. It is easier to move advisory groups closer to the Board, than to remove them. Under current model, Chairs of advisory panel are invited to give 'annual reports' the Board.
- *Resourcing:* Most effective model has been a centralised secretariat. The initial model had the analytical team being responsible but meant the advisory groups became divorced from other functions.
- *You will get this wrong:* Do not hardwire anything at the start. Build in clear evaluations and review points to give yourself space to change and design what works for your organisation
- Commission is now evolving the model to move away from well-defined areas for the group, to the type of evidence each group can supply – e.g., academic literature vs lived experience. This helps address imbalanced workloads across the groups.

Human Fertilisation and Embryology Authority (HFEA)

- Role is to ensure compliance with the law but are not medical or legal expert so need to supply additional expertise. [The Scientific and Clinical Advances Advisory Committee \(SCAAC\)](#) is a subcommittee of the Authority. It is not a decision-making committee.
- It has 6 members of the Board on it, with up to 11 independent members. Membership is a mix of practical expertise and academic. The Chair and vice Chair are board members, and this helps feed back into the Authority, as they help summarise and represent the work. A strong Chair is essential to ensure that the Committee fulfil its role effectively.
- It meets three times a year for full day meeting. Any work of the authority that requires scientific expertise will go to the Committee before it goes to the Board. In rare circumstance, they may organise separate or extraordinary meetings. Additional experts are sometimes invited to Committee meetings when they lack the expertise required.
- Membership has traditionally been appointed on recommendations but have moved to an open application process. Conflict of interest is relatively common and is managed through declaration of interests and Chair being able to excuse members from discussions as needed.
- The SCAAC also undertake horizon scanning annually at its February meeting:
 - Information is gathered from various places (conferences, published papers etc) throughout the year
 - They hold a large horizon scanning meeting in connection with an international conference, inviting independent attendees and experts from across the world to look 5-20 years into the future.
 - At the Committee's horizon scanning meeting, topics are introduced by international experts, and members are then asked to prioritise issues based on a set criteria (e.g. relevant to remit, timing, impact).
 - Outcome of discussion then forms the basis of the future workplan for the Committee.

National Infrastructure Commission

- The Commission has established [three expert advisory panels](#) to support the Commission in the run up to the second National Infrastructure Assessment on levelling up, net zero, and climate resilience. They are used as part of work planned for NIC Review on 2-year cycle. Members are not paid.
 - Targeted at specific work programmes and themes, with well-defined ToR to communicating the focus on a specific question and what is wanted.
 - There is a clear process of work, setting out in advance what kind of input is needed at a what time from the panel.
 - Approx. 5 meetings a year with considerable prep work to enable it to be effective. Each meeting equals about 1 week FTE staff support spread over a longer time.
 - Model is complemented with commissioned work and broader engagement with experts across work areas that balances the practice and commercial expertise input.
- Previously used a more focused model of technical and analytical panels. However, this did not work well. The timing on input was not aligned with what was needed; there were conflicts and overlap with scope for the Board; senior members of the committees did not get involved as intended.
- NIC also use two wider standing panels (Young Professionals Panel: Young Professionals Panel and Design Group)
 - They have found these less successful. They do bring a wider diversity of views but a review found that using specific engagement events would be more effective.

Natural England Science Advisory Committee and Landscape Advisory Panel

- NESAC provides independent advice, challenge and review to Natural England's Science and Evidence functions and works to strengthen its relationship with the wider scientific community. Its membership is reviewed annually and aims to ensure coverage across a specified set of areas and with minimum members from the Board and executive.
 - NESAC is a permanent advisory body, but also has a number of other panels where a need exists. Some of these are temporary before incorporation into the SAC, e.g., social science advisory committee.
 - Relevant work plan and agendas are developed for year ahead as part of business plan.
 - Co-opting is used to bring in expertise as required.
 - Clear links and chairing by Board members make sure to maintain links to Board and control of advice vs decision making.
 - Long-standing membership risk members becoming institutionalised and lower levels of standards.
- NE's Landscape Advisory Panel provide independent and expert advice and assistance to Natural England's Board on the discharge of its landscape, and work to strengthen Natural England's relationships with the wider landscape community and across Government. Is co-chaired, one independent and one from the NE Board. It has at least 9 independent members, and as well as further member from Board, staff and co-opted members as needed.

OFQUAL

- Set up original Expert Panels and Standards Board with 6-8 academics or ex-practitioners and around 3 experts from across Exam Boards.
 - Scope was to consider principles, not practice, and not decision-making entity. To ensure appropriate steer, issues were taken to them early.
- Young members and early career committee and Research Advisory Committee reporting directly to Chief Technical Officer.
- Faced criticism for not sufficiently fair and open use of experts, leading to a flawed system was not politically balanced.
- Bank of 500 experts. Regularly open call to apply to join.
 - Submit application>assessed against criteria [quals experience role> standard of evidence<call off contract/therefore not guaranteed work.
 - Staff develop Brief>request an expert>get 3 requests back> give to commissioner>decision>T&Cs when appointed/commissioned to work to a specific brief for fixed rate.
 - Uses practicing teachers and practitioners in industry
 - Scale of cost is £500-£2000
 - Huge database and huge resource required