

Lay members and animal technologists – working together to enhance the ERP

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Summary

The input of animal technologists is essential to achieving an effective local Ethical Review Process (ERP) such that a Named Animal Care and Welfare Officer is one of the four participants required by the Home Office. Other animal technologists also play an important role, contributing to all of the ERPs seven functions. Lay members too, have made a significant contribution to the ERP, but their role is less clear and their involvement less universal. This paper summarises some of the issues around lay participation, and considers how animal technologists could help encourage and develop their input in a positive way.

Introduction

The overarching aim of the local Ethical Review Process (ERP) is to provide: “...a local framework acting to ensure that all use of animals in the establishment, as regulated by the Animals (Scientific Procedures) Act 1986, is carefully considered and justified; that proper account is taken of all possibilities for reduction, replacement and refinement (the 3Rs); and that high standards of animal care and accommodation are achieved”.¹ **Given this aim, the role of animal technologists is clearly crucial to implementing an effective and successful ERP.**

This is reflected in the fact that a Named Animal Care and Welfare Officer is one of the 4 participants *required* by the Home Office, and that most ERPs have developed activities that require dedicated animal technologist input. In addition, one of the three more specific aims of the ERP is “to *provide support to the named persons* and advice to licence holders regarding animal welfare and ethical issues arising from their work”. As early as 2001, a Home Office survey showed that it was achieving this aim – the ERP had facilitated better communication between NACWO, NVS and scientists, promoting the role of named persons and “providing a better framework for the provision of expert advice to animal users, and a raised awareness of ‘animal issues’ within the establishment”².

The relationship between animal technologists and the

ERP should therefore be mutually beneficial. My colleagues at the RSPCA sit on a number of ERPs in industry and academia and are familiar with the work of many others through the ERP Lay Members’ Forum that we run, and our experience bears this out. Without doubt, ERPs that work well, and make a real difference to animal welfare, are those that involve experienced animal care staff who are prepared to speak their mind.

Lay members, too, have made a significant contribution to the ERP, such that although they were originally only “suggested” as participants by the Home Office (“one or more lay persons independent of the establishment *should be considered*”, Home Office, 2000), their valuable contribution has subsequently been recognised by the Home Office, the Animal Procedures Committee (APC)³ and the House of Lords, the last recommending that lay members should be “*required*”⁴.

However, if a lay member is to help achieve the ERP’s aims, he or she needs to gain a good understanding of the establishment’s culture and the nature of its animal use, including the perceived benefits of the science, the likely harms to animals, and what is done to maximise the former and minimise the latter. This can be a daunting task when starting from scratch and on your own. It is the animal care staff – animal technologists and veterinarians – who often provide the most help, and once a good working relationship is established, they can become a formidable team!

Nevertheless, lay involvement is still a controversial issue to some people, presumably for two reasons: concerns about security, and reluctance to accept the kind of challenge lay persons may bring. Interestingly, despite the UK’s long standing history of regulation of animal experiments, this is out of line with the situation in some other countries. This seems a pity given the benefits that lay involvement can undoubtedly bring if approached properly. In the rest of this paper, therefore, I would like to summarise some of the issues concerning lay membership of ERPs, and consider how animal technologists could help encourage and develop their input in a positive way.

What are lay members for?

The term 'lay' generally refers to someone with no specialist knowledge about a particular issue. Involving such people in decision making and regulation of an activity is not a phenomenon confined to animal experiments. There are many situations where the importance of a 'lay' input is recognised. For example, in local research ethics committees for clinical (medical) research in the National Health Service, in scientific advisory committees at the UK Department for Environment, Food and Rural Affairs, and increasingly in government policy making more generally. The functions of lay people are similar in each situation (see^{5,6}) and are as follows:

- (i) Whatever the field, lay people provide an independent and novel perspective and can raise the kind of insightful points and questions that those directly involved might not consider. They can bring a 'fresh eye' by questioning established practice, which in turn can help to stimulate new or different ways of thinking – in the case of animal experiments, about the ethical, animal welfare or scientific issues involved. The Home Office highlighted this contribution in their 2001 review of the ERP stating that: "Lay members of ERPs have asked questions from a different perspective. They have constructively challenged existing assumptions and practices, with the result that improvements have been made with respect to licence applications and animal care and use"².
- (ii) Lay participants may also be able to raise issues or reflect concerns that other staff feel unable to bring to the table for some reason.
- (iii) They supply a measure of public representation providing a societal input into decisions (in this case, on animal experiments which are often funded by public money and carried out in the public's name). This, in turn, can help scientists see how members of the public might view their work. It is of course unrealistic to expect individual lay members to represent the full spectrum of public perspectives, but nevertheless their inclusion can be viewed as a contribution to openness.
- (iv) They can play a more procedural role, helping to ensure that procedures are rigorous and that all participants play their proper parts, so helping to promote transparency in the work of the body they are dealing with. Of course, other members can do the same, but the contribution of an external person may be viewed as more valuable, something that is recognised in that the Corporate Social Responsibility policies of some companies emphasise external participation in their decision making processes.

Who counts as a 'lay' member?

The broad term 'lay' is not very helpful and there is a lot of unproductive argument over who actually fits the description. There are two points to consider: what type of expertise and experience defines someone as suitably 'lay'; and is independence from the establishment necessary i.e. should the person be internal or external to the establishment?

Expertise and experience

Technically, anyone who does not have a detailed knowledge of a particular topic is 'lay' as far as that topic is concerned. However, in the case of animal research, there is rarely only one topic under discussion and someone with expertise in animal care may be 'lay' with regard to the science, but very far from 'lay' with regard to animal welfare.

The usual list of candidates defined as potential lay members, however, encompasses a diversity of fields, and can include: ethicists; lawyers; members of the clergy; teachers; members of departments within an establishment where animals are not used such as history, geography or the library; or from the establishment's administration, occupational health and safety, or biosafety officers. We have seen all of these attend and contribute enthusiastically to the RSPCA ERP Lay Members' Forums. Generally, such participants need more support to help them get to grips with the scientific and animal welfare issues. This is where the animal care staff on the ERP and more widely within the establishment can really help. Indeed from my own experience and that of lay member colleagues, they have provided invaluable support in practice.

Internal or external lay members?

Many of the categories of lay member listed above are internal to the establishment. However, countries outside the UK that rely on a system of ERPs or their equivalent to regulate animal experiments, are particularly strong on the inclusion of *external* lay people, often describing these as 'community' representatives. For example, the Canadian Council of Animal Care (CCAC) that oversees regulation of animal experiments in Canada states that: "any system for the oversight of the care and use of animals in science must include community representation, to involve members of the public in the decision-making process for the care and use of animals, to provide scientific institutions and the CCAC with an external perspective, and to provide a means of identifying and addressing public concerns regarding the use of animals in science"⁷. They recognise that the whole community cannot possibly review every research project, but consider that a well-balanced Animal Care and Use Committee in Canada (or ERP in the UK) with a

sufficiently broad perspective, “is a good approximation of the community making informed decisions”⁷.

Australia takes a similar view. Their Animal Ethics Committees (AECs) require someone who is independent of the institution and who has never been involved in the use of animals in scientific or teaching activities, either in their employment or beyond their under-graduate education. The aim is to be seen by the wider community to bring a completely independent view to the AEC (REF). The USA also requires an independent person with no affiliation to the institute as one of the 5 basic members of their Institutional Animal Care and Use Committees⁸.

Australia is unusual in that it also requires an external member who has experience in animal welfare: “a person with demonstrable commitment to, and established experience in, furthering the welfare of animals, who is not employed by or otherwise associated with the institution, and who is not involved in the care and use of animals for scientific purposes”. This could be a vet with specific animal welfare expertise. However, of most interest is the fact that the person should, “where possible, be selected on the basis of active membership of and nomination by, an animal welfare organisation”.

In Europe, most countries have some form of ERP equivalent (and with the revision of Directive 86/609, establishments will now be required to have an Animal Welfare Body) but there seems to be less enthusiasm for lay involvement. In a FELASA report of 2005, only three out of 20 countries report that lay people are consistently involved in ethical review (i.e. involved in all ethical review processes in that country); although at least 10 other countries involve lay people in some, but not all, ethical review processes⁵. FELASA recommended the inclusion of uninvolved lay perspectives and “preferably external perspectives” for the three reasons given earlier in this paper, arguing that this might emphasise to participants that the public at large has an interest in the process of ethical evaluation of laboratory animal use.

Does your establishment accept the lay member challenge?

Given the many positive comments about the value of lay membership of ERPs made by authoritative UK and EU bodies such as the Home Office, APC, House of Lords, Nuffield Council on Bioethics⁹ and FELASA, it would be interesting to discover how many UK establishments, 11 years after ERPs were first established, now include one or more lay members, and whether these are internal or external.

It is difficult if not impossible to get an estimate of this. Around 70 people attend the RSPCA Lay Members' Forum each year, but the number of establishments this represents is much smaller, since some send several representatives. Not all lay members get to hear about the Forum – they are a difficult group to reach – so it is not clear what percentage of the potential audience is captured. The IAT, LASA and the Home Office are all helpful in distributing information, but it would be useful to have a more formal way of contacting them.

Very few of the lay members who attend the Forum are external to their establishment. Indeed, only about 80 per cent of attendees are actually lay members, since some animal care staff, the occasional certificate holder and other interested parties attend – which is very welcome since they bring additional expertise to the discussions.

How and who would you choose?

Some ERPs seem to take an ad hoc approach to appointing lay members. Rather than considering what role they could have and what input and expertise they would like from them, they take the easiest option inviting people from within the establishment who they feel will be ‘safe’. They may take the same approach to appointing external members, choosing those who they believe are likely to support the status quo, rather than anyone who may present a challenge to any aspect of what is done.

The ‘right’ internal member can be very effective, but, personally, I think to rely solely on internal participants is a mistake and research establishments should be much braver. If an establishment is convinced that what it does is justified and done to high standards, then it should not be frightened of a legitimate challenge within a constructive environment. Science does not take place in a ‘moral vacuum’ and it is important to understand and respect public opinion. It is all too easy in any field of endeavour, for people to be so absorbed in their own business that that they do not see how others see it – and them. The concept of the community representative who, in the words of the CCAC, “symbolizes, in the broadest sense, the eyes of the public-at-large”, therefore deserves much more support.

A more considered approach would be to first establish what the ERP hopes to achieve by involving lay members – which of the three functions mentioned above is the most important for the establishment in question; and how much challenge is the ERP prepared to accept. Then, depending on the answers to these two questions, consider what expertise, background, experience and personal attributes would be most useful.

Finding suitable candidates may be a problem and it might be helpful to develop some kind of national database of people who had the necessary qualities – a suggestion raised at one of the recent Lay Members' Forums.

What problems do lay members themselves have and how can animal technologists help?

There are advantages to involving lay members, but discussions at the Lay Members' Forum show that lay members do not necessarily find this an easy role. The kind of problems encountered generally stem from two inter-related factors: lack of knowledge of the scientific, welfare and Three Rs issues discussed within the ERP, and lack of confidence in contributing points or questions in a room full of 'experts'. In particular, people may be reluctant to ask questions of established senior scientists. Or, they may feel insecure and isolated if they are uncomfortable with the justification for using animals in a particular project (notwithstanding the benefits claimed) or with subjecting animals to particular types of procedures or harms, when other participants in the ERP apparently accept and support the justification or procedures. Of course, these problems are not just confined to lay members, and other ERP participants may also struggle with these issues.

In addition, difficulties are not just confined to the review of projects within the ERP. Lay members can find it difficult to gain knowledge of, or ask questions about, related aspects of the establishment's work on the other ERP functions such as accommodation and care, euthanasia or staff training. A surprisingly high percentage of recent Forum attendees for example had never visited their establishment's animal house or seen any procedures performed. In such circumstances it is more difficult for them to become properly engaged in the ERP process.

Animal care staff – both animal technologists and veterinarians – have a key role in helping lay members to overcome these problems. In particular, they can:

- **help lay participants to fully understand the impact of research on the life time experience of animals and how adverse effects are reduced or avoided;**
- **help ensure that the ERP offers them the opportunity to visit the animal facilities to see the standards of animal husbandry and care first hand, and where possible that they see procedures carried out and the effects these have on the animals;**
- **help them understand what humane endpoints are set, the monitoring arrangements in place, and euthanasia methods used, which is also important**

in providing a complete picture of the work that is done and the care that is taken; and

- **since it is widely agreed that good, well-written lay summaries can enhance understanding of the science, supporting requests for these can also help.**

Lastly, a personal plea. One of the most frustrating experiences I have found is to voice a view on a committee, which is apparently ignored or unsupported by other participants, only to have people tell you afterwards how much they agreed with you – so if you find yourself agreeing with your lay member please lend them some robust support!

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