

Ms Linda Cave  
Charity Commission Direct  
PO Box 1227  
Liverpool L69 3UG

28<sup>th</sup> September 2009  
Your ref: LC/1101114/C-275842

Dear Ms Cave

Thank you for your letter of 16<sup>th</sup> September (which we received 21<sup>st</sup> September) informing us of a complaint about Sense About Science in relation to the libel action against Dr Simon Singh. We heard recently that someone who objected to one of our publications had solicited ideas on a private Internet forum on how to report us to the Charity Commission, so we are not surprised by it. I have consulted my fellow trustees in answering your questions.

1. You are right that one of our trustees, Dr Simon Singh, is being sued. This is but one example of a trend to use the courts as a means of settling scientific disputes, and that Dr Singh is a trustee had no bearing however on our decision to draw attention to the impact of English libel laws on science communication. The charity's funds have not been used to contribute towards Dr Singh's legal costs and they will not be. Indeed it has been clearly stated in the media covering his case, and by his own deposition to the court, that he has the independent means to continue his case.

Our accounts are always examined independently in accordance with Charity Commission rules that include identification of any payment to trustees. There has been none.

2. In 2008, to help the trustees to formalise our policies and in the light of the publication of your booklet CC9, we approached a lawyer at SJ Berwin who has over 20 years of experience in charity law to review our work. A copy of the policy document is appended, together with his legal opinion. We always evaluate our planned activities with reference to the Charity Commission guidance. The libel campaign is being pursued in furtherance of our charitable objects, it is one activity among many undertaken by Sense About Science (see further), and it is not allied with any political party interest.
  - a) Sense About Science's object is the education of the public about scientific research and evidence. Our principal aims are to encourage scientists to speak publicly about scientific issues and the importance of evidence, and to encourage the public to question claims about evidence. Libel threats discourage the open publication and discussion about scientific research on which public education depends; the libel courts cannot establish the merits or weight of scientific evidence in a dispute.

Since our foundation, we have been concerned with the obstacles and even intimidation that people can face when discussing and debating scientific research publicly. Dr Singh's case illustrates the effect of our flawed libel laws on the open, public discussion of scientific evidence. We had become aware of other cases and, since the start of our campaign in May, correspondence has revealed more

than a hundred other instances in which writing about science and health matters has been inhibited. We have heard complaints from editors of scientific and medical journals and from journalists, from those concerned with health news and from groups of patients, as well as from many lay members of the public; all are concerned that public discussion of a wide range of topics from autism to sex crimes is restricted for fear of English libel laws.

After publicity about Dr Singh's case, scientists we work with began to tell us that they are fearful of the legal consequences of making critical views public. Articles have appeared in the newspapers making a similar point. Without scientists' participation, it would become difficult for us to continue to help people make sense of science and evidence.

- b) Our campaign in support of Dr Singh is concerned with the impact of UK libel laws on public discussion about science generally and we considered that a change would be highly unlikely to impact *unfavourably* on our supporters. Indeed over 17,000 people have signed up in support, many giving time, money and practical assistance. It is supported by other charitable organisations. Donations from existing supporters have increased since May; while this may reflect interest in our other projects it does not suggest the campaign is having an unfavourable impact. We have inspired new volunteers and partnerships with other organisations and have reached other sections of society. All our work and activities have benefited from the publicity roused by this campaign and there has been an increased demand for our older publications.
- c) The oversight of the trustees is crucial to our work, which is reflected in regular updating of strategic plans, our 2008 policy review, an ethos of clear reporting on activities, and communication between meetings. The trustees began discussing the risk of libel action to scientific debates informally in 2008. The staff held a detailed discussion with the Chairman about the opportunity to respond to Dr Singh's case in May 2009, and informal discussions and correspondence took place with other trustees. The trustees met in June and in September 2009 and discussed the campaign at both meetings as part of their evaluation of current projects, including progress, financial and staff resources, and planned activity. The minutes are attached. A report had been prepared and circulated for both meetings.
- d) The campaign does not dominate the way in which the charity pursues its aims. We have initiated numerous projects and been involved in many activities during the past 7 years that have not been directed towards law reform. In the four months since the libel campaign began in May 2009, our small team and large group of volunteers have also undertaken the following:

**We have dealt with over 300 substantial enquiries, such as:**

- From a pancreatic cancer patient group on how to deal with misunderstanding about chemotherapy
- About claims made in toothpaste advertisements
- From a scrutiny officer at a local council on risks from mobile phone masts
- From an autistic society seeking information for its members on how make sense of media stories about new research and miracle cures
- From meteorologists seeking advice on communicating the uncertainty of weather forecasting to the public
- From a teacher looking for peer-reviewed research in response to the introduction of massage into schools
- From a parliamentary researcher wanting to brief politicians about research into diet and cancer
- From a cosmetic company looking for advice on answering consumers' questions about parabens
- [From school governors on dealing with requests to run clinical trials in schools ]
- From NHS healthy schools campaign looking for information on child health and diet
- From a nanotechnology forum on development of content for a public facing website

**We have responded weekly to subjects coming into public and media discussion including:**

- Working with MRI scientists to highlight the need for evidence-based guidelines on low frequency EMF fields for the public
- Providing support to scientists dealing with controversial debates on food and health
- Commissioning *For The Record* pieces for our website on:
  - Homeopathy for ovarian cysts, *Daily Telegraph*, 22nd June 2009
  - Diet and autism, *Daily Mail*, 23rd June 2009
  - Are your toiletries toxic? *Daily Mail*, 6th July 2009
  - Criticisms of organic food study, *Daily Mail*, 31st July 2009

**We have taken forward 16 major projects:**

- Conducting a working party on Making Sense of Screening, due to be published in November
- Conducting a working party on Making Sense of Statistics, due to be published this autumn
- Establishing the Keep Libel Laws out of Science campaign
- With our Voice of Young Science network, obtaining a response from the World Health Organisation regarding unfounded treatments being promoted for HIV, malaria, TB and infant diarrhoea, followed by its dissemination to the health minister of every country in the world
- Working with local organizations in six countries, to pilot Standing up for Science workshops and a Voice of Young Science programme, and successful submission to two major international conferences on science communication
- Conducting the largest ever survey of scientific authors and reviewers on peer review and publication of the preliminary findings
- Drafting a new public guide to epidemiology, *Is There A Link?* involving toxicologists, epidemiologists, medical and civic groups and including a review of 5 years of media stories
- Conducting a short survey and providing a written report on nanotechnology research, in preparation for publication
- Conducting a review of public discussion with leading scientists about food additives, allergy and hyperactivity, with a view to setting up a working group and parental advice on the topic
- Producing a “Commentator’s guide to systematic reviews of research”, shortly to be published, with a working group of journal editors, publishing bodies and the Cochrane Collaboration
- Working with professional and learned societies to respond to a government consultation on the regulation of acupuncture and herbal medicine
- Disseminating and developing our Peer Review Education Resource for Schools with teachers
- Developing pilot workshops on peer review into a national programme involving universities and graduate training centres
- Developing supportive material for the ‘Inspire your peers’ package to help early career researchers promote the ‘standing up for science’ and myth-busting approach
- Working with the Wellcome Trust, University College London and Medical Research Council to explore how researchers talk about their research and what reasoning they use to judge scientific claims. This will explore the scope for developing a public language of research.
- Developing a joint initiative to make sense of research into drug safety science

**We have conducted many meetings and events including:**

- Over 50 meetings with medical colleges and societies, public and community groups, government and industry bodies to promote our mission
- Meetings to help other organisations, such as a dermatology group and a baby advice website, to respond to misunderstandings about evidence
- Meetings to promote the benefits of open scientific scrutiny in European policy (including meetings with UK Government, Spanish Government, European Commission, European parliament, and European science groups)

- A public event, 'Should I give my body a full MOT?' held with the Institute of Physics and Engineering in Medicine
- A 'Standing up for Science' London workshop for 45 researchers in biomedical sciences
- A discussion with 60 trainees from the Royal Meteorological Society on how to inject evidence into public discussion
- A workshop with mid-career researchers on the public language of research
- A panel presentation at the British Science Festival with editors and journalists discussing the role of peer review for science and the public and the future challenges it faces

**Our staff have given talks and written articles, for example:**

- Standing up for Science, St Andrews Research Futures Conference, May 2009
- Standing up for Science, SWAN network for biomedical early career researchers, June 2009
- Making Sense of Science for the public, MHRA, Sept 2009
- Making Sense of Science stories for A-level students
- Making Sense of Science for the public, Clearcast claims assessment team
- Making Sense of science claims, The University of the Third Age
- Making Sense of Science for the public, UK Cleaning Products Industry Association Board
- Scholarly publishing reviewed, *Research Fortnight*
- Sense About Science, *British Society for Cell Biology Newsletter*
- Homeopathy and serious diseases, *Pharmacology Matters*

We expect the science and libel campaign to become a significant part of our activity in 2010, but our other activities will continue and it will not become the main means by which the charity pursues its aims.

3. All trustee meetings have been quorate this year and I confirm that the trustees act collectively in their decisions and as a team.

I have included all relevant information and hope it will help you assess the matter quickly.

Finally, since there is no substance to the complaint we must reluctantly conclude that it may have been made to enable someone to describe Sense About Science as "under investigation by the Charity Commission", with its innuendo of wrong doing. We would therefore like to make your letter to us and our response public. Please would you let me know if you have any objection.

Yours sincerely

Lord Taverne  
Chair of trustees