

**ADVISORY COMMITTEE ON  
DANGEROUS PATHOGENS**

**Code of Practice for Committee Members**

# CODE OF PRACTICE FOR MEMBERS OF THE ADVISORY COMMITTEE ON DANGEROUS PATHOGENS

## INTRODUCTION

1. The Advisory Committee on Dangerous Pathogens (ACDP) is a non-statutory advisory non-Departmental Public Body. It is a non-executive advisory committee to the Health and Safety Executive and Ministers for the Department of Health and the Department for Environment, Food and Rural Affairs. Its terms of reference are:

"To advise the Health and Safety Executive and Ministers for the Department of Health and the Department for Environment, Food and Rural Affairs and their counterparts under devolution in Scotland, Wales and Northern Ireland, as required, on all aspects of hazards and risks to workers and others from exposure to pathogens".

2. In line with Government policy on standards in public life, openness and accountability, the ACDP Secretariat have drawn up the following Code of Practice which members are expected to follow in carrying out duties associated with the ACDP. Additionally, a set of Principles for engagement between Government and its Independent Scientific Advisers was published by the Government in March 2010 and can be found in [Annex A](#).

## PUBLIC SERVICE VALUES

3. Members of the ACDP must, at all times:
  - observe the highest standards of **impartiality, integrity** and **objectivity** in relation to the advice they provide and to the management of this public body;
  - be **accountable** for their activities and for the standard of advice they provide for Ministers and the HSE. The Ministers of the sponsoring Departments are answerable to Parliament, and the public more generally, for the policies and performance of the ACDP, including the policy framework within which it operates; and
  - act in accordance with Government policy on **openness**, and comply fully with the Code of Practice on Access to Government Information and any relevant legislation on disclosure of information

## STANDARDS IN PUBLIC LIFE

4. ACDP members are expected to:
  - follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (see [Annex B](#)), as they apply to service

on the ACDP;

- comply with this Code of Practice, and ensure that they understand their duties, rights and responsibilities, and that they are familiar with the functions and role of the Committee and any relevant statements of Government policy;
- not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms businesses or other organisations; and
- not hold any paid or high-profile posts in a political party, and not engage in specific political activities on matters directly affecting the work of the Committee. When engaging in other political activities, members should be conscious of their public role and exercise proper discretion. These restrictions do not apply to MPs, local councilors or to Peers in relation to their conduct in the House of Lords

## **TERMS OF APPOINTMENT OF ACDP MEMBERS**

5. The Appointments Commission, on behalf of the Department of Health Ministers, makes appointments to the ACDP. Terms of appointment usually range from 1-3 years. Appointments may be terminated at a member's request, in the event of unsatisfactory attendance at meetings, if their conduct is out of keeping with this Code or at the Appointments Commission's discretion.
6. Appointment to the ACDP is on a voluntary basis and fees are not payable. However, members may claim travel and subsistence allowances at standard HSE rates, as given in [Annex C](#).

## **ROLE OF MEMBERS**

7. Members of the ACDP have collective responsibility for the operation of the Committee. They should engage fully in the collective consideration of issues, taking account of the full range of relevant factors, including any guidance issued by the sponsor Departments or the responsible Ministers.

## **ROLE OF THE CHAIRMAN**

8. The Chairman has particular responsibility for providing effective leadership on the issues above. In addition, he/she is responsible for ensuring that the minutes of meetings, produced by the Secretariat, and any reports to the Health and Safety Executive (HSE) and/or Ministers accurately record the decisions taken and, where appropriate, the views of individual Committee members have been taken into account. The Chairman will indicate that the minutes of meetings accurately reflect

proceedings by "signing-off" once the Committee has agreed them.

## **ROLE OF THE DEPUTY CHAIRMAN**

9. The Deputy Chair is responsible for chairing committee meetings and providing leadership if the Chairman is unavoidably absent.

## **ROLE OF THE SECRETARIAT**

10. The Secretariat is provided jointly by officials from the Department of Environment, Food and Rural Affairs (Defra), the Health Protection Agency (HPA) and the Health and Safety Executive (HSE). The HPA Secretariat function has been delegated by the Department of Health. Communications between the Committee and Ministers and the HSE will generally be through the Secretariat, except where it has been agreed that an individual member should act on the Committee's behalf. Nevertheless, any Committee member has the right of access to Ministers on any matter that he or she believes raises important issues relating to his or her duties as a Committee member. In such cases, the agreement of the rest of the Committee should normally be sought. Furthermore, in the case of employer/employee representatives, such members have the right of access to the HSE.
11. The Secretariat is responsible for ensuring that the Committee does not exceed its powers or functions. It should also ensure that the Freedom of Information Act 2000 is complied with, and any complaints are dealt with appropriately.

## **DECLARATIONS OF INTERESTS**

12. It is important to avoid any danger of members of the ACDP being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. All members should, therefore, declare any personal or business interests relevant to the work of the ACDP which may, or may be perceived (by a reasonable member of the public) to influence their judgement. This should include, as a minimum, payments to members personally and payments to the relevant part of the organisation for which a member works. Members should be aware of their responsibility not to be seen to allow their judgement to be influenced in considering receipt of any gifts or hospitality offered in the exercise of their public duties.
13. If members feel that there are interests, outside the scope of this Code, which could be perceived as influencing their work in relation to the ACDP, for example the personal or business interests of close family members (personal partners, parents, children, brothers and sisters and the personal partners of any of these) they should declare those or approach the Secretariat for advice.

## **Declarations of interests at meetings**

14. A declaration of any interest should be made at any Committee meeting where it relates specifically to a particular issue under discussion. The Secretariat will record this declaration in the minutes (whether or not a member also withdraws from the meeting). It may not be appropriate for members to participate in the discussion or determination of matters in which they have an interest, and may be asked by the Chair to withdraw from the meeting.

### **Register of interests**

15. The Secretariat is required to publish an up-to-date register of members' interests. Members should notify the Secretariat immediately of any changes to their entry.

### **HANDLING OF ACDP PAPERS**

16. All ACDP papers are potentially disclosable under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, and can be made available to interested outside individuals on request. All papers will be classified either 'Open' or 'Closed'.
17. Certain information may be exempt from disclosure under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004. A list of examples of where information may be withheld, and most likely to be relevant to ACDP, is provided as [Annex D](#).
18. Papers will only be made publicly available after the meeting for which they have been prepared has taken place. Members should raise any concerns about classifications or about the disclosability of certain pieces of information with the Secretariat immediately on receipt, or at the Committee meeting. If no concerns are raised, the Secretariat will assume that members are content with the markings. Papers, with any necessary amended markings, will then be deposited with HSE's Information Centre within one working week of the meeting. Agendas will be posted on the Internet shortly after meetings.
19. The full minutes of all ACDP meetings are also potentially disclosable. Reports of discussions will not normally be attributed to individual members, but members may request that statements be attributed in certain instances (see paragraphs 8 and 13 above). Requests for disclosure will be dealt with by the Secretariat as they arise and any information released will be vetted and marked in the same way as with papers prepared for the meetings. Members should inform the Secretariat of any issues with regard to minutes of meetings where they feel that certain information should not be disclosed.

### **RELATIONS WITH THE MEDIA**

20. The Secretariat (via the Defra, DH, HPA and/or HSE Press Offices, when

appropriate) will usually be responsible for handling media enquiries about the ACDP and its work. However, members may need to deal with direct enquiries from the media, and should do so with circumspection. Members may prefer to refer any such media enquiries to the Secretariat in the first place, or to seek advice on how to handle particular enquiries.

21. Members may, in the course of their work, address conferences and seminars, or have other speaking arrangements at which the media are present. In these circumstances, members should take care to make it clear that they are speaking in a personal capacity and not as a member of the ACDP.

## **PERSONAL LIABILITY OF ACDP MEMBERS**

22. The Cabinet Office Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies states that: “Legal proceedings by a third party against individual board members of advisory bodies are very exceptional. A board member may be personally liable if he or she makes a fraudulent or negligent statement which result in a loss to a third party; or may commit a breach of confidence under common law or criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual board members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their board functions. Board members who need further advice should consult the sponsor department.”

## **Principles of Scientific Advice to Government**

The Principles of Scientific Advice set out the rules of engagement between Government and those who provide independent scientific and engineering advice. They provide a foundation on which independent scientific advisers and government departments should base their operations and interactions.

The Principles apply to Ministers and Government departments, all members of Scientific Advisory Committees and Councils (the membership of which often includes statisticians, social researchers and lay members) and other independent scientific and engineering advice to Government. They do not apply to employed advisers, departmental Chief Scientific Advisers or other civil servants who provide scientific or analytical advice, as other codes of professional conduct apply.

### **Clear roles and responsibilities**

- Government should respect and value the academic freedom, professional status and expertise of its independent scientific advisers.
- Scientific advisers should respect the democratic mandate of the Government to take decisions based on a wide range of factors and recognise that science is only part of the evidence that Government must consider in developing policy.
- Government and its scientific advisers should not act to undermine mutual trust.
- Chairs of Scientific Advisory Committees and Councils have a particular responsibility to maintain open lines of communication with their sponsor department and its Ministers.

### **Independence**

- Scientific advisers should be free from political interference with their work.
- Scientific advisers are free to publish and present their research.
- Scientific advisers are free to communicate publicly their advice to Government, subject to normal confidentiality restrictions, including when it appears to be inconsistent with Government policy.
- Scientific advisers have the right to engage with the media and public independently of the Government and should seek independent media advice on substantive pieces of work.
- Scientific advisers should make clear in what capacity they are communicating.

**Transparency and openness**

- Scientific advice to Government should be made publicly available unless there are over-riding reasons, such as national security or the facilitation of a crime, for not doing so.
- Any requirement for independent advisers to sign non-disclosure agreements, for example for reasons of national security, should be publicly acknowledged and regularly reviewed.
- The timing of the publication of independent scientific advice is a matter for the advisory body but should be discussed with the Government beforehand.
- Government should not prejudge the advice of independent advisers, nor should it criticise advice or reject it before its publication.
- The timing of the Government's response to scientific advice should demonstrably allow for proper consideration of that advice.
- Government should publicly explain the reasons for policy decisions, particularly when the decision is not consistent with scientific advice and in doing so, should accurately represent the evidence.
- If Government is minded not to accept the advice of a Scientific Advisory Committee or Council the relevant minister should normally meet with the Chair to discuss the issue before a final decision is made, particularly on matters of significant public interest.

**Applying the Principles**

Scientific Advisory Committees, Councils and government departments should consider the extent to which the Principles in this document are reflected in their operation and to make changes as necessary. Issues relating to the function and working of scientific advisory bodies that are not reflected in these high-level Principles are discussed in more detailed guidance such as the *Code of practice for Scientific Advisory Committees* or the *Guidelines on scientific analysis in policymaking*.

Government departments and their independent scientific advisers should raise issues of concern over the application of the Principles, or other guidance, with the relevant departmental Chief Scientific Adviser (CSA). If the matter of concern cannot be effectively resolved or is especially serious CSAs should approach the Government Chief Scientific Adviser (GCSA) and Ministers should approach the GCSA and the Minister for Science. The matter will be examined against a clear set of criteria, which include a breach of the Principles or CoPSAC.

## **THE SEVEN PRINCIPLES OF PUBLIC LIFE**

### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for awards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interests clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

## **ACDP Expenses (Based On HSE Current Subsistence Rates)**

This is a note of the expenses Members are permitted to claim if attending ACDP meetings, including Working Group meetings.

Note to Members: Expenses will be paid directly into your bank account; therefore please give us details of your bank account when you first claim. Please ensure forms with all receipts for travel and accommodation expenses are returned to Lee Wilson at:

Health and Safety Executive  
1.2 Redgrave Court  
Merton Road  
Bootle, Merseyside  
L20 7HS

If you require forms please contact Lee Wilson on 0151 951 3502 or email [lee.wilson@hse.gsi.gov.uk](mailto:lee.wilson@hse.gsi.gov.uk).

### **Travel**

First class rail fares and economy air fares will be reimbursed. Advantage should be taken of any reduced fares available.

#### **Rail**

In order to keep costs down you are advised to book a specified journey as far as in advance as you can. This takes advantage of APEX and other deals. You must specify train times for both the outward and return legs of your journey.

You are welcome to use HSE to book travel tickets for you. HSE will liaise with Carlson Wagonlit Travel and arrange for tickets to be sent to your address. We would ask you to inform HSE as soon as possible and specify times for both the outward and return legs of your journey (HSE can provide you with travel times if desired). If you require this service please email [lee.wilson@hse.gsi.gov.uk](mailto:lee.wilson@hse.gsi.gov.uk) or telephone Lee on 0151 951 3502.

#### **Air**

Tickets booked on specified flights are considerably cheaper than open date or flexible tickets. Book your tickets as far in advance as possible specifying both the outward and return leg of your journeys. Where possible use the budget airlines.

Again, HSE can arrange to book tickets for you. We would ask you to inform HSE as soon as possible and specify times for both the outward and return legs of your journey (HSE can provide you with travel times if desired). Contact details as above.

#### **Public Transport / Taxi**

Public transport should be used for most journeys. Taxis should be used only in the following circumstances:



**EXAMPLES WHERE ACDP PAPERS OR INFORMATION CONTAINED IN ACDP PAPERS MAY BE EXEMPT FROM PUBLIC DISCLOSURE**

1. The **Freedom of Information Act 2000** allows exemption from disclosure of:
  - Information which would harm national security, defence or international relations;
  - Information which relates to formulation of government policy;
  - Information which would prejudice law enforcement and legal proceedings;
  - Information intended for future published;
  - Personal information;
  - Commercial interests;
  - Information given in confidence;
  - Information whose disclosure is prohibited by law.
  
2. Further exemptions are contained in the **Environmental Information Regulations 2004** as follows:
  - confidentiality of proceedings;
  - personal data;
  - information given in confidence (i.e. where the provider was not and could not have been placed under a legal obligation to supply the information);
  - information whose disclosure could harm the environment;
  - international relations, national defence or public security;
  - legal proceedings;
  - commercial confidentiality or intellectual property rights.