

## **CODE OF PRACTICE FOR MEMBERS**

This Code of Practice has been prepared in line with Government policy on standards in public life, openness and accountability. The Chair, Vice-Chair, Members and representatives of the Chief Medical Officers (CMOs (collectively referred to as “Members”)) are expected to follow it in carrying out duties associated with HGC. Co-opted members are also expected to follow the Code as it applies to the work they do on behalf of HGC.

### **Public Service Values**

HGC Members 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. The Ministers of the sponsoring Departments are answerable to Parliament, and the public more generally, for the policies and performance of HGC, including the policy framework within which it operates.
- Act in accordance with Government policy on openness, comply fully with the Code of Practice on Access to Government Information, and adopt the best practice principles on transparency, timeliness and exchange of information at Annex A.

### **Standards in public life**

**HGC Members must:**

- 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 HGC.
- Comply with this Code of Practice, and ensure that they understand their duties, rights and responsibility, and that they are familiar with the functions and role of HGC and any relevant statements of Government policy.
- Not misuse information gained in the course of their public service for personal gain or for political purposes, nor seek to use the opportunity of public service to promote their private interests or those of connected persons firms, businesses or other organisations.
- 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 HGC. 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 councillors or to Peers in relation to their conduct in the House of Lords.

## **Terms of appointment of HGC Members**

Appointments are usually for 3 years and may be renewable. They may be terminated at Members' request, in the event of unsatisfactory attendance at meetings if their conduct is out of keeping with this Code or at Ministers discretion (or, in the case of CMO Representatives, at the appropriate CMO's discretion).

Members may claim fees and travel and subsistence allowances at standard Treasury rates.

## **Role of Members**

Members of HGC have collective responsibility for its operation. 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 Chair and Vice-Chair**

The Chair and Vice-Chair have particular responsibility for providing effective leadership on the issues above. They will work collaboratively and the Vice-Chair will deputise for the Chair as appropriate. In addition, they are responsible for:

- ensuring that the minutes of meetings, produced by the Secretariat and any reports to Ministers accurately record the decisions taken and, where appropriate, that the views of individual Members have been taken into account. The Chair will indicate that the minutes of meetings accurately reflect proceedings by "signing-off" once they have been agreed by HGC and before they are published. However a record of discussion or draft minutes agreed by the Chair may be published beforehand to fulfil our commitment to openness and transparency.
- representing the views of HGC to the general public.

## **Role of the representatives of the Chief Medical Officers**

Representatives of the CMOs have an equivalent role to that of Members and a particular responsibility for ensuring that the perspectives of their UK territory are taken into account. In addition to members' general accountability for decisions and actions, CMOs Representatives are accountable to their respective CMO's and should act in consultation with them as appropriate.

## **Role of the Secretariat**

The Secretariat for HGC is provided by Department of Health (DH) and Office of Science and Technology (OST) officials and is based at DH. Communications between HGC and Ministers will generally be through the Secretariat, except where it has been agreed that an individual Member should act on the HGC's behalf. Nevertheless, any Member has the right of access to Ministers on any matter, which

he or she believes raises important issues relating to his or her duties as an HGC Member.

The Secretariat is responsible for ensuring that HGC does not exceed its powers or functions. It should also ensure that the Code of Practice on Access to Government Information (including prompt responses to public requests for information) is adhered to, and any complaints are dealt with appropriately.

### **Declaration of interests**

It is important to avoid any danger of Members of HGC being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. They should all, therefore, declare any personal or business interests which may, or may be perceived (by a reasonable member of the public) to influence their judgement.

Members should not participate in the discussion or determination of specific matters in which they have an interest, and should normally withdraw from the meeting (even if held in public) if:

- their interest is direct and pecuniary; or
- their interest is covered in specific guidance issued by HGC or the sponsor department which requires them not to participate and/or to withdraw from the meeting.

### **Personal liability of members**

Legal proceedings by a third party against individual Members of advisory bodies are 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
- commits a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through his/her position.

However, the Government has indicated that an individual Member who has acted honestly and in good faith will not have to meet out of his/her own personal resources any personal civil liability which is incurred in the execution or purported execution of HGC's functions, save where the Member has acted recklessly.

### **Register of Members' Interests**

The Secretariat is required to maintain a Register of Members' Interests. This must be kept up to date and will be open to the public. It will be published regularly (eg in Annual Reports) and may be made available on request (eg in answer to Parliamentary Questions and enquiries from the media). Members should notify the Secretariat, immediately, of any changes to the declaration which they are required to complete on appointment.

## **Handling of HGC papers**

All HGC papers are potentially disclosable, and may be made available to the public or interested outside individuals. Certain information may be exempt from disclosure eg under the Code of Practice on Access to Government Information, Section 28 of the Health and Safety at Work, *etc* Act or the Environmental Information Regulations 1992.

Papers will normally only be made publicly available after the meeting for which they have been prepared has taken place. Members should raise any concerns about the disclosability of certain pieces of information with the Secretariat, immediately on receipt or at a HGC meeting. A record of discussion at the meeting will be posted on the Internet once agreed and signed off by the Chair, normally within 3 weeks of the meeting.

## **Relations with the Media**

The Secretariat will establish an appropriate mechanism as the usual route for handling media enquiries about HGC and its work. However, Members may also need to deal with direct enquiries from the media. Members should seek advice from the HGC in any cases where they are unsure of how to handle particular enquiries.

Members are likely, in the course of their work, to address conferences and seminars, or have other speaking arrangements at which the media are present. In these circumstances, they should take care to make clear whether they are speaking in a personal capacity or as a Member of HGC.