

SOCIAL SECURITY
ADVISORY COMMITTEE

Social Security Advisory Committee

RULES OF PROCEDURE
Established 1 May 2002

(Reviewed 2 October 2013)
(Reviewed 18 May 2016)

THE SOCIAL SECURITY ADVISORY COMMITTEE: RULES OF PROCEDURE

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Preamble

Whereas the Social Security Advisory Committee, having been established and constituted under section 9 of the Social Security Act 1980¹ and continued in being under section 170 of the Social Security Administration Act 1992², is required to perform such functions and duties as are specified in subsections (1) to (3) of the said section 170 of the Administration Act;

And whereas the Social Security Advisory Committee, in pursuance of sections 172 to 174 of the Administration Act, shall -

- (a) consider any proposals referred to it by the Secretary of State, and
- (b) make to the Secretary of State a report containing such recommendations with regard to the subject matter as it thinks fit;

And whereas the Social Security Advisory Committee, in pursuance of sections 149 to 151 of the Northern Ireland Administration Act, shall -

- (a) consider any proposals referred to it by the Department for Social Development, and
- (b) make to the Department for Social Development a report containing such recommendations with regard to the subject-matter as it thinks fit;

And whereas the Social Security Advisory Committee may consider and report to the Secretary of State or the Department for Social Development, as the case may be, on any matter which appears to it appropriate in relation to its statutory functions without a reference, or a request made, by the Secretary of State or the Department for Social Development, as the case may be;

And whereas the Social Security Advisory Committee may request from the Secretary of State or the Department of Social Development, as the case may be, such information or documents as it sees fit and the Secretary of State or the Department for Social Development, as the case may be, shall furnish the Committee with such information as the Committee may reasonably require for the proper discharge of its functions;

Therefore, the Social Security Advisory Committee hereby makes, in the exercise of the powers conferred upon it by paragraph 10 of Schedule 5 to the Social Security Administration Act 1992, the following Rules of Procedure which were approved at a meeting of the Committee on 1 May 2002.³

1 1980 c.30.

2 1992 c.5.

3 These were subsequently reviewed and agreed at the Committee's meeting on 2 October 2013.

1. Citation, commencement and interpretation

(1) These Rules may be cited as the Social Security Advisory Committee Rules of Procedure and shall come into effect on the day after their approval by the Committee.

(2) In these Rules, unless the context otherwise requires -

“the Administration Act” means the Social Security Administration Act 1992;

“the Committee” means the Social Security Advisory Committee;

“the Chair” means the Chair appointed by the Secretary of State to the Committee under paragraph 1 of Schedule 5 to the Administration Act;

“a member” means a person appointed by the Secretary of State to the Committee under paragraphs 1 to 4 of Schedule 5 to the Administration Act and includes the Chair and the Vice Chair;

“the Secretary” means the Secretary to the Committee appointed by the Secretary of State under paragraph 5 of Schedule 5 to the Administration Act and includes such members of secretariat staff deputed by them to act on their behalf;

“the Department for Social Development” means the Northern Ireland Department having responsibility for social security;

“the Northern Ireland Administration Act” means the Social Security Administration (Northern Ireland) Act 1992⁴.

“relevant enactments” has the same meaning as –

(a) in paragraph (5) of section 170 of the Administration Act, or

(b) in paragraph (5) of section 149 of the Northern Ireland Administration Act;

“the relevant Northern Ireland enactments” has the same meaning as in paragraph (5) of section 149 of the Northern Ireland Administration Act;

“statutory function” means such function, duty or power, as is given to the Committee under sections 170 to 174 of, and Schedule 5 to, the Administration Act or sections 149 to 151 of the Northern Ireland Administration Act, as the case may be.

(3) In these Rules, unless the context otherwise requires, where the Vice Chair acts in place of the Chair, references to the “Chair” shall include the “Vice Chair”.

(4) In these Rules, unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular.

(5) In these Rules, unless the contrary intention appears, references to numbered subparagraphs and paragraphs are references to the rule in which they appear.

2. Vice Chair

(1) A Vice Chair may be appointed by the Chair, subject to the agreement of members, to serve for a period of not more than the term for which the Secretary of State appointed that person to serve as a member of the Committee.

(2) A Vice Chair duly appointed shall deputise in the absence of the Chair.

(3) Where the Chair dies, resigns or is unable to remain an active member of the Committee, the Vice Chair shall deputise until such time as the Secretary of State shall appoint a new Chair.

3. Quorum

(1) There shall be a quorum where the Chair or, in their absence, the Vice Chair and at least seven other members, are present at any meeting of the Committee.

(2) In the absence of the Chair and the Vice Chair, there shall be a quorum if -

(a) eight members are present; and

(b) one of the members present is elected by those present to act as the Chair for the duration of that meeting.

(3) In the absence of a quorum, those Members present shall not make decisions on behalf of the Committee, but may make recommendations for the subsequent approval of the Committee. Where the business before the Committee is urgent, the Chair shall instruct the Secretary to convene a further meeting in accordance with 4(1).

4. Notices

(1) Where, exceptionally, the Chair considers that a meeting, other than a meeting determined under rule 5(2), is required, they shall instruct the Secretary to give notice, in such form as is appropriate, to the members at least seven days before the day of the meeting. In these circumstances, the Chair will consider whether a tele-conference is appropriate or whether members are required to attend in person.

(2) Where the Committee has already determined the time and place of a meeting under rule 5(2), the Secretary shall send notices to the members at least 10 days before the designated date.

(3) Any notice of a meeting which is sent to the members shall include –

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- (a) the agenda;
- (b) any notice of a proposal, or any proposal, which the Secretary of State or the Department for Social Development, as the case may be, has referred to the Committee in relation to the making of regulations under any of the relevant enactments;
- (c) any relevant documents in relation to that notice or proposal referred to in sub-paragraph (b);
- (d) any document relevant to a presentation to be made to the Committee by officers of the Secretary of State or the Department for Social Development or any such other person as the Committee considers appropriate; and
- (e) the minutes of the previous meeting.

5. Meetings: general

- (1) Subject to paragraphs (2) to (8) and rule 6, and without prejudice to rule 7, the procedure at meetings shall be determined by the Chair presiding over the meeting.
- (2) The meetings of the Committee shall be held at such times and places, as may be determined by the Committee.
- (3) Where a quorum is formed in accordance with rule 3 all business shall be conducted in the name of the Social Security Advisory Committee.
- (4) The Committee may resolve to consider any document in relation to any matter put before it which was not sent to the members of the Committee with the notice of meeting in accordance with rule 4(3).
- (5) Where any member of the Committee believes that their interests conflict with any matter before, or under the consideration of, the Committee, they shall make a declaration accordingly. The rest of the Committee will then decide whether or not the member can participate in the discussion or determination of matters in which they have an interest, or whether they should withdraw from the meeting.
- (6) The meetings of the Committee shall be held in private unless the Committee resolves to hold a meeting in public. Observers shall be permitted to attend (for non-reserved items only) at the discretion of the Chair.
- (7) The Secretary shall be present at all the meetings of the Committee and shall record the minutes of the proceedings.
- (8) Where the Committee is of the opinion at a conclusion of any meeting, that a proposal of the Secretary of State or the Department for Social Development, as the case may be, shall not formally be referred to it, it may authorise that information to be communicated orally to the Secretary of State or the Department for Social Development, as the case may be. The Secretary will subsequently confirm this information in writing.

6. Meetings: oral presentation

(1) Subject to paragraph (2), where -

- (a) it appears to the Chair that the Committee may benefit from oral evidence or presentation; or
- (b) the Secretary of State or the Department for Social Development, as the case may be, requests an oral hearing; or
- (c) the Committee requires the assistance of any person in discharging its statutory duty;

the Committee shall determine to hold a meeting at which such oral evidence or presentation, as may be required, may be given.

(2) Where paragraph (1) applies, the Chair may invite -

- (a) the Secretary of State or the Head of the Department for Social Development or their officers;
- (b) persons representing a non-governmental body; or
- (c) any other person the Committee considers appropriate;

to attend the meeting.

7. Decisions without meetings

(1) Without prejudice to rule 6 and paragraph (4), where -

- (a) the Secretary of State or the Department of Social Development, as the case may be, gives notice of a proposal to make regulations under any of the relevant enactments; and
- (b) it appears to the Secretary that the proposal by the Secretary of State or the Department for Social Development, as the case may be, would not require a meeting of the Committee for its consideration;

the Secretary shall, with the consent of the Chair⁵ or, in their absence, the Vice Chair, give notice of the proposal to every member of the Committee who shall respond, with their agreement or otherwise, within 7 days of that notice having been sent to them, or within such longer period as the Secretary may specify, that formal reference of the proposal to the Committee is not required.

⁵ Authority delegated to the Chair of the Committee's 'Postal regulations sub-group'.

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(2) A failure by a member to respond to a notice of a proposal of the Secretary of State or the Department for Social Development, as the case may be, sent by the Secretary under paragraph (1) within 7 days, or within such longer period as specified by the Secretary, shall be treated as signifying an agreement that the proposal need not be formally referred to the Committee. The dissent of any Member would result in the draft proposal being scrutinised at the following Committee meeting.

(3) Within 7 days, or such longer period as is reasonable in the circumstances, after the end of the period under paragraph (1) given for responses by the members, the Secretary -

(a) shall notify the Secretary of State or the Department for Social Development, as the case may be; and

(b) may notify the members of the Committee;

of the decision of the Committee in such forms as are appropriate.

(4) Where -

(a) the Secretary of State or the Department for Social Development, as the case may be, gives notice of a proposal to make regulations under any of the relevant enactments; and

(b) it appears to the Chair that the proposal -

(i) requires urgent consideration of the Committee, and

(ii) need not be formally referred to the Committee,

the Chair or, in his absence, the Vice Chair, may agree on behalf of the Committee, after consultation with at least three other members of the Committee, that the proposal need not be formally referred to the Committee.

8. Voting

(1) Any member is entitled to call for a vote on any issue after due discussion by the Committee.

(2) Where a decision of the Committee requires to be voted upon, the question shall be put in a form of a motion which shall be seconded by at least one other member.

(3) Subject to paragraph (5), every member shall have one vote.

(4) Where a question is put to a vote, the Chair shall -

(a) call on the members to vote for or against the motion by raising their hands; and

(b) declare that the motion has been carried or not carried, as the case may be.

(5) Where the votes are equal on any motion, the Chair shall have a second or casting vote.

9. Minutes

(1) The Secretary shall record the minutes of every meeting.

(2) The record of the minutes shall be submitted to the Committee by correspondence for the agreement or otherwise of the members ahead of the Committee's next meeting.

(3) The record of the minutes shall include -

(a) the names of -

(i) every member present at the meeting of the Committee, and

(ii) any other person present;

(b) the withdrawal from a meeting of any member on account of a conflict of interest; and

(c) any declaration of interest.

(4) Where the Committee makes a decision in the circumstances described under rule 7(1) the Secretary shall record the events and treat the record as if it were the minutes.

(5) Where the Chair makes a decision in the circumstances described in rule 7(4) it shall be recorded in the minutes of any subsequent meeting.

(6) The Chair may require the minutes, in whole or in part, of a meeting to be sent to any person who appeared before, gave evidence to, or assisted, the Committee in order that that person may scrutinise them for accuracy.

(7) Without prejudice to paragraph (6), the Secretary will arrange for the publication of the minutes on the Committee's website. The Chair may cause the minutes of any meeting to be sent in such form as they deem appropriate to any person they deem appropriate. The record of the Committee's private discussions shall not be circulated further nor published.

10. Consultation

(1) Where the Committee is of the opinion that –

(a) a proposal by the Secretary of State or, as the case may be, the Department for Social Development, to make regulations under any of the relevant enactments; or

(b) any matter in relation to its performance of its functions may benefit from the input of a wide range of opinion and of the views of interested persons, bodies or

organisations it shall place a memorandum on its website to invite evidence, within such period as may be specified by the Committee, from a broad range of interested organisations and individuals.

(2) The Committee shall give notice of, and publish the details relating to, any public consultation it undertakes under paragraph 1 in such manner as it sees fit and in such form as it considers appropriate.

11. Recommendations and reports

(1) The report of the recommendations of the Committee in relation to a proposal of the Secretary of State or the Department for Social Development, as the case may be, to make regulations shall be conveyed in writing to the Secretary of State or the Head of the Department for Social Development, as the case may be. Advice offered formally in relation to proposals for legislation must be published (as an unnumbered Command Paper) by the Secretary of State or the Head of the Department for Social Development, as the case may be, along with his response to the Committee's views and recommendations.

(2) The Committee shall publish an annual report of its activities.

(3) The Committee may publish such other papers, reports and correspondence as it deems appropriate.

(4) The papers mentioned in paragraphs (2) and (3) shall be published in such form as the Committee considers appropriate.

12. Sub-committees

(1) The Committee may decide to establish a sub-group of Committee Members to consider a specific aspect of the Committee's business. The sub-group shall have delegated authority from the Committee to meet outside of main Committee meetings and to make recommendations for the Committee's consideration. In such cases, the authority to make decisions remains with the Committee.

(2) Where a sub-group has been established, terms of reference will require the agreement of the Committee. The terms of reference shall be kept under regular review to ensure that the sub-group remains relevant, appropriate and represents good value for money.

(3) A sub-group Chair may be appointed by the Committee Chair, subject to the agreement of members, to serve for a period of not more than the term for which the Secretary of State appointed that person to serve as a member of the Committee.

(4) The membership of sub-groups may be appointed by the Committee Chair, in consultation with the Chair of the relevant sub-group and subject to the agreement of Members.

12 (a). Independent Work Programme sub-committee

(1) In fulfilling the duties set out in section 170(1) and (3) of the Administration Act (giving advice and assistance to the Secretary of State and to the Northern Ireland Department in connection with the discharge of their functions under the relevant enactments etc), the reports of the Committee to the Secretary of State or, as the case may be, to the Northern Ireland Department, shall be published. That aspect of the Committee's function in fulfilling these duties shall be known as the 'Independent Work Programme'.

(2) So far as is reasonably practicable, the Committee Chair and/or the Chair of the Independent Work Programme sub-committee shall meet appropriate senior members of the Department for Work and Pensions at regular intervals (not less than four times a year) to discuss—

- (a) future projects the Committee may wish, or be asked by the Secretary of State or the Northern Ireland Department, to undertake;
- (b) ongoing projects; or
- (c) past completed projects.

(3) In respect of each project undertaken by the Independent Work Programme, the Chair of the sub-committee shall secure the names of two members of staff in the Department for Work and Pensions or the Department for Social Development who will act as points of liaison during the course of the project. Those members of staff shall comprise—

- (a) a member of the Senior Civil Service whose responsibilities include the subject matter addressed by the project; and
- (b) a member of staff with an active working involvement in the subject matter addressed by the project.

(4) So far as is practicable, the Secretary shall hold monthly meetings with one or both of the members of staff mentioned in paragraph (3) in order to discuss the progress of the project.

(5) Where the Committee considers that the project would benefit from hearing the views of operational or other members of staff of the Department of Work and Pensions, Department of Social Development or Her Majesty's Revenue and Customs, it may arrange a meeting for that purpose including, if considered appropriate, a visit by Committee members to a place of work of the members of staff. The sub-committee shall determine the form of the meeting.

(6) For the purposes of paragraph (5), the Independent Work Programme sub-committee will—

- (a) invite, as appropriate, a small number of departmental observers who will view proceedings in a discrete manner, and without directly participating in those proceedings. The numbers invited and format for observation will be determined by the sub-committee;

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- (b) in advance of any meeting, send relevant members of staff within the Department for Work and Pensions, Department of Social Development or Her Majesty's Revenue and Customs a list of the questions to be asked, or issues to be addressed, by the meeting;
- (c) the Committee will be responsible for recording any minutes of, or any evidence gathered at, the meeting but will send those minutes or evidence in draft form to the appropriate Government Department, for comment on their factual accuracy and/or sensitivity, and – as necessary – to provide the Committee with any wider context to the experience of operational colleagues.

(7) In any meeting convened in accordance with paragraphs (5) and (6) the Committee, whilst taking account of, and giving proper weight to, any views expressed by members of staff, will not include individual quotations made by those members.

(8) The final draft of any report by the Independent Work Programme will be sent to the members of staff mentioned in paragraph (3) for comment on factual accuracy, for checking that there has been no reference to, or use of, restricted material, and – as necessary – to provide the Committee with any wider context to the experience of operational colleagues. The Committee will retain editorial control of the report.

(10) The final version of any report by the Independent Work Programme will be sent to the Minister within the Department for Work and Pensions who sponsors the Committee no less than two weeks before publication of the report so that the Minister can commission advice from officials or meet the Chair to discuss any aspect of the report.

(11) Final responsibility for the report lies with the Committee. As a courtesy however, the Secretary will send a pre-publication copy of the report to the press office of the relevant Government Department no less than 48 hours before it is placed in the public domain.

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