

# **Home Office framework document for the Migration Advisory Committee (MAC)**

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## **1. Introduction**

- 1.1 This framework document was jointly approved by the Migration Advisory Committee (MAC) and the Home Office. It describes how the two organisations will work together. MAC members are expected to comply at all times with the Framework Document.
- 1.2 This document must be reviewed and, if necessary, revised by no later than January 2020. It may be reviewed at any time prior to this. An earlier review must take place if there is a significant change in government policy relating to the business of the MAC or a change in Chair of the MAC. The review should be undertaken jointly by the MAC and the Home Office.

## **2. The MAC's Terms of Reference**

- 2.1. The MAC will provide independent and evidence-based advice to the Government on matters relating to migration. The MAC will mainly be asked to provide advice on the operation of labour migration – such as the regular updating of the Shortage Occupation List or the Codes of Practice – but may from time to time be asked to advise on other matters relating to migration where the Government requires expert advice.
- 2.2. Reports will be submitted to the Government and the MAC will publish them on its website, and may hold a press conference.

### MAC Meetings

- 2.3. The frequency of MAC meetings will be determined by the chair in the light of the current workplan.
- 2.4. A representative from the sponsoring Department shall attend MAC meetings (see paragraph 8.6 below).
- 2.5. There must be a minimum of three members (including the Chair) at each MAC meeting.

### Consultation

- 2.6. Wherever possible and appropriate, the MAC will issue a call for evidence to employers, trade unions and other corporate partners as it sees fit and will conduct consultations with them in the manner it sees fit.

### Research

- 2.7. The MAC will commission research as it sees fit, within a set budget.

## **3. Summary of governance arrangements**

- 3.1. The Migration Advisory Committee (MAC) is a non-statutory, non-time limited, non-departmental public body (NDPB) established and funded by the Home

Office. The role and the remit of the MAC is determined by Ministers and set out in the terms of reference above.

3.2. The basic governance arrangements for the MAC are as follows:

- Ministers account for the overall performance of the MAC in Parliament;
- the Permanent Secretary for the Home Office, as Accounting Officer, accounts to Parliament for the issue of funding to the MAC.

3.3. The Home Office appoints a Sponsor for the MAC<sup>1</sup>. They advise and, where appropriate, act on behalf of Ministers and the Accounting Officer in respect of their responsibilities for the scrutiny and oversight of the MAC.

3.4. The MAC is supported by a Secretariat that is comprised of Home Office civil servants, but which is operationally independent from the Home Office, taking direction only from the MAC on the deployment of the resources delegated to it by the Department. The MAC and the Secretariat will comply with Government and Home Office corporate policies and guidance (for example on financial management, procurement, human resources, information management and security) unless specific exceptions are made by the Home Office and notified to the MAC.

3.5. Appointments to the MAC are made by Ministers in accordance with the Office of the Commissioner for Public Appointments' Governance Code and in line with the Seven Principles of Public Life (Annex A).

#### **4. The Sponsor's responsibilities**

4.1. The Home Office Sponsor acts in support, and on behalf, of Ministers and the Permanent Secretary as Accounting Officer with regard to their responsibilities towards the MAC. The Sponsor's responsibilities include:

- Ensuring that Ministers and the Accounting Officer are advised on an appropriate budget for the MAC in the light of the Department's overall public expenditure priorities; and ensuring such funding is delegated to the Head of the MAC Secretariat;
- Ensuring that Ministers and the Accounting Officer are advised on how well the MAC is achieving its objectives and whether it is delivering value for money. This includes ensuring appropriate arrangements are in place to conduct an annual evaluation of the performance of the MAC, the Chair and individual Committee Members;
- Ensuring, in partnership with the MAC, that there is effective governance in place for the MAC;

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<sup>1</sup> Currently, the Director of BICS in BICS PSG, Home Office.

- Promoting and safeguarding the independence of the MAC and maintaining an appropriate distinction between the Sponsor's other responsibilities within the Home Office and the sponsorship of the MAC;
- Ensuring the MAC and the Secretariat is aware of relevant Home Office corporate policies and standards and ensuring compliance with these is monitored where necessary;
- Ensuring an open and constructive relationship between the Home Office and the MAC;
- Ensuring that the MAC is informed of relevant Government policy in a timely manner and;
- Ensuring any concerns about the activities of members of the MAC or of the Secretariat are brought to the full Committee, requiring explanations and assurances that appropriate action has been taken.

## **5. Responsibility and role of the Chair**

- 5.1. The Chair of the MAC is appointed for such periods as the Secretary of State for the Home Office may determine but no such period shall exceed three years. His/her appointment shall be restricted to two terms unless a further reappointment is made via an open competition, where he/she must be considered alongside other candidates in a public appointments process and must have proven to be the most suitable candidate. There is a strong presumption that no individual should serve in any one post for more than ten years.
- 5.2. The Chair is appointed on a personal basis, even if he/she is a member of one or more other bodies. If the Chair declares an organisation's views rather than a personal view, he/she should make it clear at the time of declaring that view.
- 5.3. The Chair is expected to attend all MAC meetings, excepting occasions of illness or personal emergency.
- 5.4. The Chair has responsibility for providing effective leadership of the MAC and:
  - setting the strategic direction of the MAC;
  - overseeing the operation and output of the MAC (in collaboration with the Secretariat);
  - conducting appraisals of MAC members;
  - ensuring that every member of the MAC has the opportunity to be heard and that no view is overlooked or ignored;
  - ensuring that the MAC meets at appropriate intervals;

- ensuring that any significant diversity of opinion among the MAC members is fully explored and discussed;
- ensuring that the MAC operates under a presumption of openness;
- representing the MAC to the public and the media as arranged by the Secretariat. The Chair will have the responsibility of speaking on behalf of the MAC to the press or of being interviewed by journalists and broadcast media;
- reporting the MAC's advice to Government; and
- ensuring the MAC acts in accordance with this Framework Document and with Home Office corporate policies and guidance except where an exception is notified in accordance with this document.

5.5. As a member of the MAC, the Chair also shares the responsibilities of Members set out in Section 6.

## **6. Role of MAC members**

- 6.1. Members of the MAC other than the Chair shall be appointed for such periods as the Secretary of State for the Home Office may determine but no such period shall exceed three years. An individual may be reappointed once with any further reappointments made following an open competition where he/she is considered against other candidates. There is a strong presumption that no individual should serve in any one post for more than ten years.
- 6.2. Members of the MAC are appointed as individuals to fulfil the role of the MAC, not as representatives of their particular profession, employer or interest group. Members are appointed on a personal basis, even when they may be members of other bodies. If a member declares an organisation's views rather than a personal view, he/she should make it clear at the time of declaring that view.
- 6.3. Members are expected to attend at least four full MAC meetings per year.
- 6.4. Members should satisfy themselves that the MAC's advice is comprehensible from the point of view of a lay person and that the implications of any uncertainties concerning the basis of the MAC's advice are fully explained.
- 6.5. All members, including the Chair, have the responsibility of:
- attending and contributing at MAC meetings;
  - examining and challenging, if necessary, the assumptions on which advice is formulated;
  - ensuring that the MAC has the opportunity to consider: the available evidence on a given issue; contrary views; and, where appropriate, the concerns and values of corporate partners before a decision is taken;

- advising on how the MAC's research budget should be spent;
- acting with a presumption of openness; and
- ensuring that they act in accordance with this Framework Document.

### Members' interests

6.6. All members' interests will be made available publicly as appropriate by publication on the MAC website.

### Code of conduct (public service values)

6.7. All members of the MAC must at all times follow public service values by:

- adhering to the Code of Conduct for Board Members of Public Bodies published by the Cabinet Office in June 2011;
- following the Seven Principles of Public Life set out by the Committee on Standards in Public Life (see Annex A);
- being accountable, through Ministers, to Parliament and to the public for the activities of the MAC and for the standard of advice that it provides;
- not misusing information gained in the course of their public service for personal gain or for political purpose, nor seeking to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and
- not holding any paid or high-profile unpaid posts in a political party, or engaging in specific political activities on matters directly affecting the work of the MAC.

6.8. All members must comply with this Framework Document and ensure that they understand their duties, rights and responsibilities, and that they are familiar with the function and role of the MAC and relevant statements of Government policy regarding issues that stem from the MAC's advice.

## **7. The MAC Secretariat**

### The Role

7.1. The primary function of the Secretariat is to support the MAC and its members by arranging and minuting meetings, assembling and analysing information, drafting reports and correspondence and paying members' remuneration and expenses. The Secretariat will also advise the MAC on process and procedure in its relationship with government.

- 7.2. The Secretariat will bring emerging issues of concern to the attention of the MAC so as to inform deliberations. It will, as far as is reasonably possible, identify all relevant and appropriate information and ensure that it is made available to the MAC.
- 7.3. The Secretariat will work with the Home Office to ensure the MAC is aware of relevant policy developments, can share information and analysis where appropriate and to ensure reporting requirements are met.
- 7.4. The Secretariat will ensure that the proceedings of the MAC are properly documented.
- 7.5. The Secretariat will be an impartial reporter, at all times respecting the MAC's independence.
- 7.6. As Home Office Civil Servants, the Secretariat staff will comply with all Home Office and Government-wide corporate policies and guidance, except where exceptions are notified in accordance with this document.

#### Responsibilities of the Head of the MAC Secretariat

- 7.7. The Head of the MAC Secretariat is personally responsible for safeguarding the public funds for which he/she is delegated by the Home Office; for ensuring propriety and regularity in the handling of those public funds; and for the day-to-day operations and management of the MAC Secretariat. In addition, he/she should ensure that the MAC as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management, that are set out in the Government's and Home Office's corporate policies and in this Framework Document.
- 7.8. The Head of the Secretariat will also ensure that the Home Office Sponsor is provided with such information as he/she requires to fulfil his/her responsibilities as set out in Section 4. The Sponsor will advise the Head of the Secretariat as to any particular arrangements within the Home Office that will apply in relation to these responsibilities.

### **8. Working arrangements for the MAC**

#### Workplan

- 8.1. Wherever possible, the Government will agree with the MAC at the start of the financial year a workplan which sets out what the MAC will deliver and by when, taking account of the MAC's capacity to deliver. However the Government may at any time commission work and ask the MAC to change the current workplan accordingly.

- 8.2. The formal commissioning of work will be done by a letter from the Minister of State for Immigration or the Secretary of State for the Home Department to the Chair of the MAC. The MAC will publish the part of the letter setting out the commission.

Engagement with Ministers and officials

- 8.3. The MAC will offer written advice to Ministers which it will publish subsequently wherever possible, subject to the provisions in paragraphs 8.7 – 8.11.
- 8.4. Communications between the MAC and Ministers will usually be through the Chair, except where the Chair or the MAC has agreed that an individual member should act on its behalf. In such cases both the Secretariat and the Chair should be informed, and the latter will inform the rest of the MAC.
- 8.5. Home Office officials will strive to have an open and transparent relationship with the Secretariat as far as possible.

Role of the Home Office representative on the MAC

- 8.6. The Home Office representative (see paragraph 2.4) shall not participate as a full member of the Committee but shall inform the Committee about current Government policies or operational procedures relevant to the deliberations of the Committee and provide any necessary background about a Government commission to the MAC. The Chair may invite the Home Office representative to express an opinion on any matter before the Committee.

How advice from the MAC will be presented

- 8.7. Upon completion of a report commissioned by the Government, the MAC will send its report to the Minister of State for Immigration. The MAC will then publish its report at an appropriate time, at its discretion. The advice of the MAC will be objective, evidence-based and independent of the Government.
- 8.8. Advice will be given clearly and, wherever possible, in terms that can be understood by a lay person. Any assumptions underlying the advice and the nature and extent of any uncertainty will be identified as far as is possible.

- 8.9. Where there are uncertainties, whether due to substantial gaps in the knowledge base, or inadequate or incomplete data, or due to general complexity, making it impossible to predict the outcome of a policy or intervention with substantial certainty and where judgments have been made in the face of any of these forms of uncertainty, the MAC will identify these with any tensions or trade-offs between them, and may produce a range of options or interpretations as part of its advice. Reasons for producing a preferred option will be made clear.
- 8.10. The MAC should not seek unanimity at the risk of failing to recognise different views on a subject. Any significant diversity of opinion among MAC members will be recorded and published with the advice to the Government.
- 8.11. Reports and advice that are published will include sufficient detail such that anyone scrutinising the work of the MAC can identify the background information used and identify any assumptions made or criteria applied.

#### Publications

- 8.12. The MAC must produce such reports, or updates of reports, as it is commissioned to do by the Government, in accordance with its Terms of Reference (Section 2). Reports should include the methodology used, a review of research commissioned and details of corporate partners consulted.
- 8.13. The MAC may also independently publish additional reports relevant to its current or possible future remit, including calls for evidence and methodological papers.
- 8.14. The MAC must produce an annual report (or equivalent publication) to inform Parliament and the public of the work it has done and its use of resources.

#### Communications with the media

- 8.15. The Chair of the MAC will be the spokesperson for any contacts with the media unless other specific arrangements have been made by the Chair and Secretariat.
- 8.16. If a member of the MAC receives an approach for an interview on behalf of the MAC the request should be referred to the Secretariat for advice where possible.

- 8.17. If a member is speaking or writing in a personal or professional capacity to the media (which he/she is entitled to do) and he/she is identified as a member of the MAC, it should be made clear that the individual's view is not necessarily that of the MAC.
- 8.18. Members should avoid public comments of a party political nature on matters relevant to the work of the Committee, as the advice of the Committee to Government must be seen to be impartial.
- 8.19. All media inquiries to members, any media appearances and any requests for articles, letters or other comments should beforehand, when relevant to MAC business, be routed through the Secretariat, who will liaise with the Home Office press office and the Chair.

Confidentiality of papers

- 8.20. The MAC will operate in an open and transparent way in accordance with Cabinet Office guidelines and its policy on openness and transparency outlined below. If documents are produced for eventual public release, they should not be disclosed until they have been formally released by the MAC.

Policy on openness and transparency

- 8.21. The MAC will operate with a presumption of openness.
- 8.22. The MAC will make public (through publication on its website), and will continue to make public:
- details of the MAC's terms of reference and its Framework Document;
  - membership of the MAC;
  - members' interests;
  - minutes (after they have been formulated and agreed by the MAC);
  - formal reports and statements made by the MAC; and
  - contact points for the Secretariat.

- 8.23. Minutes of all the MAC meetings will be taken. These will reflect the proceedings and discussions that take place and will be recorded on a non-attributable basis, except where the views of one or more members need to be recorded (for example when declaring an interest).
- 8.24. Wherever possible, final advice from the MAC will be placed in the public domain when it is submitted to the Government. Where advice cannot be made public, or cannot be made public for a period of time, this will be explained. It is not anticipated that there will be many occasions when there is a need to withhold information, but some examples might include:
- when there is a specific and significant risk that doing so would prove commercially or financially sensitive; or
  - where studies are sensitive in security terms.
- 8.25. The Home Office has the right of access to all the Secretariat records and personnel.

## **Annex A            The Seven Principles of Public Life**

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**These principles apply to all aspects of public life. The Committee has set them out here for the benefit of all who serve the public in any way.**