

The A S C
Animals in Science

ANIMALS IN SCIENCE COMMITTEE

CODE OF PRACTICE AND WORKING PROTOCOL

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1.0 Introduction

- 1.1 The Animals in Science Committee (the Committee) is an independent, non-executive advisory Non-Departmental Public Body (NDPB). The Committee provides impartial and objective advice to the Home Office and to the Northern Ireland Department of Health (DoHNI), on issues relating to the Animals (Scientific Procedures) Act 1986, as subsequently amended,¹ and its functions under it.
- 1.2 This code of practice (CoP) provides guidance on the establishment, management and activity of the ASC. The information summarises good practice set out by the Governance Code on Public Appointments², the Code of Practice for Science Advisory Committees³, Corporate governance code for central government departments⁴, and the Seven Principles of Public Life⁵.
- 1.3 This CoP supports and complements the Working Protocol between the Home Secretary and the ASC (Annex A).
- 1.4 Sources of guidance, which can be referred to for further detail, are referenced throughout the text.
- 1.5 The protocol governing the working of the Committee provides that:
- i. Its role is to provide independent advice to Ministers;
 - ii. It will comprise a (lay) chairperson and members with appropriate ranges of expertise all appointed through open completion, and in line with OCPA guidelines;
 - iii. It will be supported by staff in the Science Secretariats;
 - iv. Its costs will be met by the Home Office within affordability constraints;
 - v. Its Chair will have a seat on the Home Office Science Advisory Committee;
 - vi. Any formal reports and/or advice to Ministers or Home Office policy will, unless otherwise first agreed, be submitted through the ASC Secretariat.

2.0 Remit

- 2.1 As well as providing impartial and objective advice to the Home Office on issues relating to the Animals (Scientific Procedures) Act 1986 (as amended) and its functions under it, the Committee is also responsible for advising, promoting and

¹ [Animals \(Scientific Procedures\) Act 1986 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1986/35)

² <https://publicappointmentscommissioner.independent.gov.uk/regulating-appointments/governance-code/>

³ <https://www.gov.uk/government/publications/scientific-advisory-committees-code-of-practice>

⁴ <https://www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments>

⁵ <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

sharing good practice with, and between, Animal Welfare and Ethical Review Bodies (AWERBs) in the UK.

- 2.2 At all times in its deliberations, the Committee will remain aware that ASPA not only requires it to provide advice to the Secretary of State and DoH, NI, on matters pertaining to protected animals, but also to balance the interests of animal welfare with the legitimate needs of science and industry.
- 2.3 In addition to work commissioned by Ministers and/or the Committee's sponsor (the Animals in Science Regulation Policy Unit), the Committee is provided with the scope to consider matters of its own volition, in line with statutory requirements.
- 2.4 This may include work to:
 - i. advise and support the Home Office on developing and implementing an effective and efficient strategy for obtaining and using evidence and ethical and scientific advice
 - ii. advise on and provide assurance on the process for evidence gathering
 - iii. provide strategic oversight and assurance on how evidence is used in policy, providing targeted support where necessary
 - iv. provide constructive challenge on the Home Office evidence
 - v. identify sources of additional expert external advice to input to Home Office evidence.
- 2.5 In fulfilling its function, the Committee will address itself to matters of policy and to those having broad applicability with respect to the legal and regulatory framework governing the use of animals in science. It will actively promote the concept of a 'culture of care' and implementation of the 3Rs (replacement, refinement, and reduction of the use of animals in research).

3.0 Individual responsibilities

3.1 Members

- 3.1.1 Members of the ASC have collective responsibility for the effective 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 (the Policy Unit), the responsible Minister or Secretariat.
- 3.2.2 Each member of the Committee is expected to attend meetings regularly and to have read meeting papers in advance of meetings. Much of the work of the Committee will be undertaken by email correspondence and members are expected to participate fully in email exchanges.

3.2.4 In the event of a Sub-group being convened, any appointed (ASC) member may be called upon to Chair meetings of the Sub-group.

3.2 Chair

3.2.1 In addition to the responsibilities of a member, the Chair has particular responsibility for:

- providing effective leadership, ensuring that the views of all members are heard and taken in to account;
- working with members of the Committee, the sponsor and the Secretariat to set the agenda for meetings and develop the forward work plan of the Committee; and
- ensuring that Committee outputs, notes, advice or reports, accurately reflect the discussions held and decisions made. The Chair will indicate that the minutes of meetings accurately reflect proceedings by "signing-off" once the full Committee has agreed them.

3.3 Co-optees

3.3.1 The range of expertise required for the Committee to achieve its objectives may change over time; and therefore, the balance of skills, expertise, and experience of members may need to be supplemented. To enable this, the Committee is able to co-opt expertise, agreed by the sponsor, for a period of time to provide such expertise as required to see through the effective completion of specific areas of work.

3.4 Secretariat

3.4.1 The Secretariat is provided by the Home Office, with expenditure paid for by that department.

3.4.2 The role of the secretariat includes, but is not limited to:

- providing the interface and point of liaison between the Committee and Home Office, including the sponsor and assuring the independence of the Committee and its outputs;
- drafting and publishing Committee meeting notes, reports, and responses to correspondence regarding the ASC, arranging meetings and stakeholder engagement visits;
- organisation of workshops, conferences and public consultations;
- oversight of the recruitment and (as appropriate) re-appointment of members and the Chair;
- providing induction for members and the Chair on appointment; and
- ensuring that the Committee:
 - appropriately operates within its remit;
 - complies with e.g.:

- the Code of Practice for Science Advisory Committees, guidance provided by the Governance Code on Public Appointments and Cabinet Office; and
- the Freedom of Information Act 2000.

3.5 Role of the Sponsor (Animals in Science Regulation Policy Unit)

3.5.1 In the context of the work of the ASC, the role of the Policy Unit is to support the delivery of strategic independent advice to the Department on matters pertaining to the Animals (Scientific Procedures) Act 1986 (ASPA). The Policy Unit will support the ASC deliver its duties under ASPA. The outcome sought is to improve the quality of departmental policies for implementation by the Regulator.

The way the Policy Unit will work includes, but is not limited to:

- co-ordinating an annual Ministerial commission, setting out key priorities and outputs required over the forthcoming year (and beyond) with reference to an agreed forward strategy;
- providing detailed commissions to support the annual Ministerial commission, setting out the context and specific advice requested;
- attending and contributing to Committee meetings;
- supporting the Committee in prioritising work to support policy; and
- facilitating information flow between relevant stakeholders and the Committee.

3.5.2 The Sponsor will meet on a regular basis with the Chair of the Committee, as determined between the parties, to review progress against the commission.

4.0 Appointments

4.1 Terms and re-appointments

4.1.1 Appointments and (where appropriate) reappointments to the Committee are made in line with the guidelines of Governance Code on Public Appointments.⁶ For appointments made as a result of recruitment campaigns launched before 1 January 2017 these will continue to be regulated by the 'The Commissioner for Public Appointments' Code of Practice⁷.

4.1.2 Members will not misuse information gained in the course of their public service for personal gain or for political purpose, nor must they disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after any member has left the Committee.

⁶ <https://publicappointmentscommissioner.independent.gov.uk/regulating-appointments/governance-code/>

⁷ [Archived documents - Commissioner for Public Appointments \(independent.gov.uk\)](#)

- 4.1.3 All Committee members will be required to undertake (as a minimum) Counter-Terrorist Check security vetting, prior to appointment being approved.
- 4.1.4 Members are appointed for a period of up to three years. Consideration will be given to the phasing and length of appointments to ensure continuity, fresh perspectives and membership diversity, including gender, age, disability and ethnicity.
- 4.1.5 Appraisals will be undertaken annually. Only individuals that have performed satisfactorily will be considered for reappointment.
- 4.1.6 There is no presumption of reappointment. Reappointments, or extensions to appointments, will be subject to compliance with the Guidance for Ministerial Appointments to Public Bodies⁸.

4.2 Notice and Termination of Appointment

- 4.2.1 Appointment may be terminated by the appointee or by the Minister for any reason before the expiry of the fixed period by giving three months notice in writing to the other.
- 4.2.2 No notice period is applicable if the appointment is terminated early by mutual consent.
- 4.2.3 Should the Committee be dissolved, restructured, or wound up during the period of your appointment, your appointment would cease with effect from that dissolution or such other date as is specified in any relevant legislation.
- 4.2.4 The Department may terminate your appointment immediately by writing to you to that effect if:
- you become bankrupt or make an arrangement with creditors (you are, in any event obliged to inform the Department if you are made bankrupt);
 - your estate has been sequestrated in Scotland or you enter into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or have, under Scots law, granted a trust deed for creditors;
 - you have been absent from meetings of the Committee for a period of more than 6 months without the permission of the Chair of the Committee;
 - your attendance becomes so erratic as to interfere with the effective running of the Committee;
 - you are disqualified from acting as a company director (you are, in any event obliged to inform the Department if you are disqualified from acting as a company director);

⁸ <https://www.gov.uk/government/publications/code-of-practice-for-ministerial-appointments-to-public-bodies>

- you have been convicted (whether before or after appointment) of a criminal offence, (you are, in any event obliged to inform the Department if you are convicted of a criminal offence), the conviction not being spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53);
- you become subject to a debt relief order (you are, in any event obliged to inform the Department if you are subject to a debt relief order); or
- if you are, in the opinion of the Secretary of State, unable or unfit to discharge the functions of the appointment for any other reason of whatsoever nature.

4.2.5 If the Department is considering whether to terminate your appointment prior to the expiry of the fixed term, you will be notified of the proposal and of the reasons for it and will be offered an opportunity to have a meeting with the Department before any final decision is taken. If your appointment is subsequently terminated you will receive notice in writing of this fact, such notice will contain a statement of reasons for termination.

4.2.6 In the event of you being notified that the Department is considering whether to terminate your appointment pursuant to 4.2.5, the Secretary of State may require that you cease your role as a Committee member.

4.3 Time commitment

4.3.1 Commitment to Committee activities for members is estimated as fifteen to twenty days per annum.

4.4 Balance of expertise

4.4.1 Members will have a range of backgrounds and expertise of relevance to Home Office work. Members will work across a range of topics, drawing on, but not limited by, their expertise.

5.0 Remuneration and travel expenses

5.1 Appointment to the Committee is on a voluntary basis and fees are not payable.

5.2 The Home Office will reimburse all reasonable expenses (including travel, and subsistence) properly and necessarily incurred in respect of your carrying out the required duties of your role as a Committee member.

5.3 Claims for reimbursement, together with supporting receipts, should be sent to the:

ASC Secretariat,
14th Floor, Lunar House
40 Wellesley Road
Croydon CR9 2BY

- 5.4 Reimbursements for expenses claims will be made in line with guidance set out by the Home Office (Annex B and Annex C). The Secretariat will provide advice and assistance when claiming reimbursement of expenses.

6.0 Accountability

6.1 Relationship with Ministers

- 6.1.1 The Minister with portfolio for the ASC will act as the lead Minister overseeing its work and delivery of objectives, The Minister will meet the Committee Chair twice yearly.
- 6.1.2 The Working Protocol (Annex A), agreed between the Committee and the Home Secretary, provides the framework under which both parties will continue to engage through the provision and receipt of advice on those matters within the remit of the Committee.

6.2 Reporting

- 6.2.1 The Committee will produce an annual report of its operation for each preceding year (January – December); this will be presented to Ministers.
- 6.2.2 Where the Committee is invited to advise Ministers on a particular issue, or where the Committee decides to undertake an area of work of its own volition, it will submit such reports, findings and/or recommendations to the Minister and the DoH, NI, through the ASC Secretariat, unless otherwise agreed. A response will be provided by the Minister after due consideration of the recommendations as outlined within the Working Protocol (Annex A).
- 6.2.4 The Chair of the Committee will meet with the Head of the Home Office Sponsor on a routine working basis to discuss progress of objectives and any other associated business.
- 6.2.5 In addition, the CSA will report annually to the Committee Government CSA on ASC's work, results, and performance.

6.3 Operation

- 6.3.1 In discharging its functions, the Committee may undertake inquiries:
- i. At the request of Ministers or their delegated nominee;
 - ii. At the request of the Home Office Sponsor; or

iii. On its own initiative which it considers appropriate and within available resources, providing a simple majority of the Committee resolves in favour of doing so. In the case of a tie, the Chair will have a casting vote;

6.3.2 Recommendations and final advice shall be the responsibility of a quorum of seven Committee members (six Committee members plus the Chair, or a member nominated by those members present to deputise for the Chair should she or he be unable to attend). These members will either physically be present at the meeting or participating by remote conferencing. On occasion where members are not in attendance and subsequently disagree with a decision, this will be recorded (on an anonymised basis, unless considered otherwise), and made clear in such reports or recommendations made by the Committee.

6.3.3 Decisions on the Committee's final advice/recommendations shall not be relinquished to outside experts, e.g. co-optees.

6.4 Triennial review

6.4.1 The Cabinet Office requires Non-Departmental Public Bodies (NDPBs) to be reviewed every 3 years by their parent department. This includes a full assessment of the bodies' compliance with the Cabinet Office principles of good corporate governance.⁹

7.0 Conduct

7.1 Public Service Values

7.1.1 The Chair, members, and co-optees of the Committee 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 body¹⁰;
- be **accountable** for their activities and for the standard of advice they provide for Ministers. The Minister of the sponsoring Department is answerable to Parliament, and the public more generally, for the policies and performance of the Committee; 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.

7.2 Standards in Public Life

7.2.1 The Chair, members, and co-optees are expected to:

⁹ <https://www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments>

¹⁰ <https://www.gov.uk/government/publications/universal-ethical-code-for-scientists>

- follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (see Annex D), as they apply to service on the Committee;
- 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;
- 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 Members of Parliament, local councillors or to Peers in relation to their conduct in the House of Lords; and
- declare and register any interests they have that are relevant (either actual or perceived) to the remit of Committee.

7.3 Liability

- 7.3.1 If legal proceedings are brought against any Committee member, by a third party, the Home Office will meet any civil liability which is incurred in the execution or purported execution of their Committee functions, provided that they have acted honestly, reasonably, in good faith and without negligence.
- 7.3.2 Further information on the Government's views on the potential for liability in negligence of government scientific advice has been provided by GO-Science¹¹

7.4 Political Activity

- 7.4.1 In your public role, you should be, and be seen to be, politically impartial. You should not occupy paid party-political posts or hold particularly sensitive or high roles in a political party.
- 7.4.2 You should abstain from all controversial political activity and comply with Cabinet Office rules on attendance at Party Conferences.
- 7.4.3 On matters directly related to the work of the Committee, you should not make political statements or engage in any other political activity.

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375323/14-1210-scientific-advice-government-legal-liability.pdf

- 7.4.4 In your official capacity, you should be even-handed in all dealings with political parties.
- 7.4.5 Subject to the above, you may engage in political activity but, at all times, should, remain conscious of your responsibilities as a Committee member and exercise proper discretion.
- 7.4.6 You should inform the Committee Secretariat before undertaking any significant political activity.
- 7.4.7 You should comply with the Cabinet Office's rules on lobbying for NDPBs.¹²
- 7.4.8 If you have any remaining doubts about your activities, you should seek advice from the Committee Secretariat prior to undertaking significant political activity.
- 7.4.9 You are expected to inform the Secretariat of any intention to accept a prominent position in any political party and to understand that appointment may be terminated if the Secretary of State feels that the positions are incompatible.
- 7.4.10 If you accept a nomination for election to House of Commons then you will resign the appointment.

7.5 Gifts and Hospitality

- 7.5.1 Members:
- shall not accept any gifts or hospitality which might, or might reasonably putatively appear to, compromise your personal judgement or integrity or place you under an improper obligation;
 - Shall never canvass or seek gifts or hospitality; and
 - should inform the Secretariat of any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the rules set by the body.
- 7.5.2 Members are responsible for their decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the public body into disrepute.

8.0 Structure of business and outputs

¹² www.gov.uk/government/uploads/system/uploads/attachment_data/file/62130/ndpbs-lobbying.pdf

8.1 Committee meetings

- 8.1.1 The full Committee shall normally meet four times per year; one will be a strategic planning meeting.
- 8.1.2 The Secretariat will schedule full Committee meetings 12 months in advance.
- 8.1.3 The Secretariat will schedule, within four weeks following each full Committee meeting, a meeting between the Committee Chair and Chairs of the Committee's subgroups, and a meeting between the Committee Chair, Subgroup Chairs and the ASC sponsor to discuss the prospective agenda for the subsequent ASC meeting, and if any specific input or assistance may be required from the sponsor to take forward Committee objectives.
- 8.1.4 ASC full committee meetings will begin and end with sessions at which only Committee members and members of the secretariat will be present.
- 8.1.5 Senior members of the Animals in Science Regulation Policy Unit (the Unit's Head and/or person nominated by them) will be invited to attend for the duration of Committee meetings, other than the opening and closing sessions referred to above. This person will be noted as 'attending' in the Minutes.
- 8.1.6 Other members of Animals in Science Regulation Policy Unit may be invited to attend for, and speak to, specific agenda items in order to present information to the Committee. Such persons will be minuted as 'attending' for that item in Minutes.
- 8.1.7 The Head of the Animals in Science Regulation and Policy Unit may request that specific members of the Unit be invited to be present for one or more agenda items in which they have an interest. Such persons will not participate in the discussion or sit at the table. They will be minuted as 'observers' for the relevant items.

8.2 Task and finish groups

- 8.2.1 The Committee may establish topic specific, time-limited, task and finish subgroups to carry out in-depth studies and to take forward specific pieces of work.
- 8.2.2 Task and finish subgroups shall be chaired by a Committee member, with the option to include co-optees to increase the range of required expertise for specific areas of work.
- 8.2.3 Other than in exceptional instances, the work of the subgroups shall be passed to the full Committee for review and ratification. On any occasion where recommendations are not reviewed, or ratified by the full Committee, this should be made clear in such reports or recommendations made by the task and finish group.

8.3 Agenda Setting

- 8.3.1 Committee meeting agendas are set through discussion and agreement between the Home Office Sponsor, Committee members, and the Committee Chair.

8.4 Commissioning

- 8.4.1 On an annual basis, and in addition to any ad hoc work tasks/planning meetings, the Committee Chair and Sponsor will agree key tasks and deliverables to be undertaken by the Committee on the initiative of the Sponsor or Ministers for the forthcoming year (or beyond). These tasks and deliverables will be maintained and under review throughout the year, by the Chair, in hand with the Secretariat, as will those undertaken on the Committee's own initiative.

8.5 Publications

- 8.5.1 The Committee will operate under a presumption of openness. Advice will be published and will be objective and independent of government. Where uncertainty exists, this will be reported alongside an evidence-based judgement, concerning the associated level of risk and uncertainty.
- 8.5.2 ASC business documents will be published on its website, with the exception of those papers agreed as confidential.
- 8.5.3 The Committee is subject to Freedom of Information (FOI) legislation, and the Data Protection Act 1998.

8.6 Meeting notes

- 8.6.1 Minutes of Committee meetings will be published on a non-attributable basis; except where there is explicit agreement, or need, to attribute a view or comment to an individual.
- 8.6.2 The Secretariat will aim to draft minutes of meetings within one week of the meeting and, after approval by the Chair, circulate to meeting attendees for comment. Comments from members will be sought within ten working days. The Secretariat shall incorporate comments as appropriate and pass the final note to the Chair for ratification by chairs action prior to publication.
- 8.6.3 Discussions at meetings will be open, i.e. noted in minutes for publication, unless declared confidential. If a discussion is confidential, no record of the discussion will be made.
- 8.6.4 Committee members may be approached by colleagues, or others known to them, requesting information on Committee discussions beyond that provided in the minutes. In these circumstances, members may amplify the general tenor of the discussion and the nature of the arguments advanced but should not specify the

details of any argument or statement made. Under no circumstances should arguments or statements be attributed to members by name.

8.6.5 On occasions when a consensus cannot be reached, the different opinions and reasons underpinning these views will be reported.

8.6.6 Full committee meeting notes will be agreed and published within three months of a meeting.

8.7 Annual report

8.8.1 An annual report of the ASCs work will be produced on a calendar basis, i.e., January – December.

9.0 Appraisals

9.1 Members Appraisals

9.1.1 To comply with the Commissioner's Code, an annual appraisal of Committee members and the Chair will take place.

9.1.2 The appraisal process:

- evaluates each individual members' contributions against their appointment criteria, and the individual's performance and commitment to ensure the Committee as a whole meets its aims and objectives;
- offers members a formal opportunity to receive feedback on their performance during the course of the appraisal period; and
- will provide Ministers with assurances that those appointed to Non Departmental Bodies are continuing to provide effective support to the bodies to which they are appointed, and an evidence base for considering reappointments.

9.1.3 In carrying out the appraisal the Secretariat will, before the end of an appraisal period, ask members to complete a self-assessment of their Committee activities that shall include relevant evidence-based examples. The self-appraisal will then be shared with the Chair of the Committee in advance of holding a 1:1 appraisal conversation with each member. After the appraisal conversation, the Chair will add their comments to the appraisal form before passing it back to members for concluding comments. Appraisals will be saved by the Secretariat, and form part of any consideration for reappointment

9.2 Chair's Appraisal

9.2.1 The appraisal of the Chair will include questions that are relevant to the responsibilities of the role. All members will be asked to provide feedback to the

Chair in advance of the appraisal conversation that will be held with the Home Office Chief Scientific Advisor. Appraisals will be saved by the Secretariat and form part of any consideration for reappointment

9.3 Committee Appraisal

9.3.1 A process will be agreed and implemented to provide the Minister, CSA, and Sponsor with assurance that the Committee is operating in an effective manner and that any concerns or impediments to functionality are addressed in a timely manner.

10.0 Communication

10.1 Ministers

10.1.1 The Secretariat should be made aware of any meetings between Committee members and Ministers or other government representatives. The Secretariat will advise the Home Office Chief Scientific Adviser (CSA) and the CSA (or a representative) should be invited to attend. A member of the Committee Secretariat may also attend to take a note of the meeting.

10.1.2 Members are not restricted from communicating with Ministers and others in their capacity as private individuals. However, if communication takes place in this individual capacity (for example, before a Parliamentary committee) it should be made clear that the individual's view is not necessarily that of the Committee.

10.2 Media

10.2.1 The Secretariat will usually be responsible for handling media enquiries about the Committee and its associated work. Members who are approached directly by the media with enquiries relating to ASC business should contact the Secretariat in the first instance, for advice on handling. The Secretariat will liaise with the Home Office press office, the Committee Chair, and the CSA will be informed as appropriate.

10.2.2 The Committee Chair will be the primary spokesperson for any contact with the media unless the Chair or the Secretariat has made other specific arrangements.

10.2.3 The Committee, CSA, Secretariat, policy officials, and Sponsor will all follow a "no surprises" policy when dealing with the media. Committee members should notify the Secretariat of any intention to communicate publicly on matters relating to the Committee's remit indicating whether reference will be made to their Committee membership. The mechanism for making announcements is detailed within the Home Secretary and the ASC's working protocol.

10.2.4 Committee members may, in the course of their Committee related 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 Committee.

- 10.2.5 Committee Chair and Members should confer with the Secretariat before accepting any invitation to attend meetings or speak on the behalf of the Committee. If speaking on behalf of the Committee, unless first discussed with the Chair/Secretariat, only information already within the public domain should be referred.
- 10.2.6 Further guidance concerning communication with the media can be found within the Government Office for Science's Code of Practice on Scientific Advisory Committees¹³.

10.3 Activities during an election period

- 10.3.1 Committee members will undertake their duties with due regard to the Cabinet Office guidance for civil servants during an election period. The guidance will be circulated to all members ahead of an election period

11.0 Recording of Interests

11.1 Declaration of Interests

- 11.1.1 It is important to avoid the possibility of members of the Committee 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 Committee 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 (see 7.5).
- 11.1.2 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 Committee, for example the personal or business interests of close family members (personal partners, parents, children or siblings and the personal partners of any of these) they should declare those or approach the Secretariat for advice.

¹³ <https://www.gov.uk/government/publications/scientific-advisory-committees-code-of-practice>

11.2 Declarations of interests at meetings

- 11.2.1 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.
- 11.2.2 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. The Secretariat will record whether a member subsequently withdraws from the meeting.

11.3 Register of interests

- 11.3.1 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.
- 11.3.2 It is the responsibility of any new Member to inform the Committee Secretariat in advance of their appointment that may impinge on their duties as a member of the Committee.
- 11.3.3 Further information about the Register of Interests can be found in Annex E.

ANNEX A

WORKING PROTOCOL BETWEEN THE HOME SECRETARY AND THE ANIMALS IN SCIENCE COMMITTEE

1.0 Background and scope

- 1.1 The use of animals in regulated scientific procedures raises ethical, animal welfare and scientific issues. It is essential that animal welfare ethical review bodies, practitioners, policy makers, and ministers have access to the best available evidence and advice to inform their interests in this field. For this reason, the Government values the work and independent advice of the Animals in Science Committee (ASC).
- 1.2 The ASC is an independent, non-executive, non-departmental public body set up under Sections 19 and 20 of the Animals (Scientific Procedures) Act 1986 as subsequently amended, hereinafter referred to as “the Act”. The ASC is responsible for providing impartial and objective advice to the Home Office and the Northern Ireland Department of Health, and to the animal welfare and ethical review bodies, on issues relating to the 1986 Act and their functions under it.
- 1.3 This working protocol supports the ASC in discharging its duty under the Act, both to provide advice on matters referred to it by Ministers, and matters considered under its own volition. The working protocol also provides a point of reference for those areas of expertise most likely to be relevant to the ASC.
- 1.4 The Home Secretary has entered into this protocol with the ASC, as the Secretary of State who sponsors the ASC as an advisory non departmental public body and discharges the responsibility for making appointments to the body. The Home Secretary will generally delegate responsibilities in this area to a designated Minister, referred to in this protocol as “the Minister”. This document will be reviewed as appropriate.

2.0 Engagement

- 2.1 The key principles set out below intend to support effective engagement between the ASC and the Government.
- 2.2 The ASC and Ministers are committed to ensuring that the best evidence-based advice is available to Government on the use of animals in science, working together with the common purpose of the effective application of ethical review and the “3Rs” (the Replacement, Refinement and Reduction of animals in research and testing), taking into account the legitimate requirements of science and industry, the protection of animals against avoidable suffering and unnecessary use in scientific procedures, and the Government’s commitments to end the testing of household products (including their ingredients) on animals and to work to reduce the use of animals in scientific research.

2.3 In discharging their respective responsibilities:

- i. The ASC and its members will work under the Code of Practice for Scientific Advisory Committees¹⁴, incorporating the Seven Principles of Public Life (the Nolan Principles). In particular, the ASC Chair and its members will act in the public interest and observe the highest standards of public office, including impartiality, integrity, and objectivity, whilst being accountable through Ministers to Parliament and the public.
- ii. Ministers will continue to work under the Guidelines on the Use of Scientific and Engineering Advice in Policy Making¹⁵ and the Ministerial Code¹⁶, which states that Ministers “should have regard to the Principles of Scientific Advice to Government.”

2.4 In continuing to provide its advice on the available evidence to the Minister:

- (i) The ASC will work with best endeavours to the Government’s priorities for the ASC that will be communicated by the Minister in writing at appropriate intervals, including any “in year” requests for advice. The ASC will also consider and take forward work of its own volition which it considers appropriate within available resources.
- (ii) The ASC will be guided by the relative priority given by the Minister to each of the specific commissioned areas of work to inform its programme of work, taking into account work that it may wish to undertake of its own volition.
- (iii) The ASC will inform the Minister how it intends to take forward commissioned work and will set out putative timelines. With due regard to the ASC’s duty to consider any matter referred to it by the Minister, and matters of its own volition, in the event that the ASC foresees or encounters difficulties in providing advice or prioritising that advice in the manner requested, the Chair of the ASC will discuss the ASC’s reasons with the Minister.
- (iv) The ASC will publish its advice concurrent with its presentation to the Minister, unless there are pressing reasons for not doing so. (Such reasons might include, for example, issues of national security or the safety of individuals, prevention of crime or the protection of property (including intellectual property or commercially sensitive information), or other sensitivity of documents or information.)
- (v) The Chair of the ASC will report to the Minister on progress against each of the priorities on a six-monthly basis when they meet. It is expected that the ASC’s annual report will reflect the ASC’s on-going commitments and priorities

¹⁴ <https://www.gov.uk/government/publications/scientific-advisory-committees-code-of-practice>

¹⁵ <https://www.gov.uk/government/publications/scientific-and-engineering-advice-guidelines-for-policy-makers>

¹⁶ <https://www.gov.uk/government/publications/ministerial-code>

as above. It shall be the duty of the ASC Chair to bring to the attention of the Minister any substantive matter pertaining to the use of animals in science, considered by him/her or the ASC, before making public statements thereof; this is exclusive of those matters under formal consideration by the ASC, whether requested by the Government or of its own volition, where there is an expected publication procedure.

- 2.5 In commissioning work of the ASC, the Minister will take account of the ASC's current work programme, including any work that it is undertaking of its own volition. In continuing to give careful consideration to all of the ASC's advice:
- i. The Minister will not pre-judge the ASC's advice in advance of receiving it;
 - ii. The Minister should meet with the ASC Chair on a regular scheduled basis, at least twice a year, and either the Minister or the Chair may request additional meetings at other times;
 - iii. Before issuing a response, the Minister will give appropriate consideration to the ASC's advice;
 - iv. If the Minister is minded not to accept the ASC's advice, the Minister will, before making a final decision, offer the opportunity for a discussion with the Chair of the ASC, or nominated representative;
 - v. If key recommendations are not to be accepted, the Minister will write to the ASC setting out the reasons for rejection in advance of any public comment by the Home Office on the matter;
 - vi. The Minister will look to provide a decision on all ASC recommendations, and to give a response (published subject to the same provisos as the advice itself) within 3 months of receipt. If a response is unlikely to be published within 3 months, the ASC will be informed of the reasons and a prospective date given; and,
 - vii. The Home Office will provide the ASC with the resources and support required to carry out its functions under the Act and the programme of work commissioned by the Minister, without in any way constraining the committee in the way it chooses to carry out its work.

3.0 Expertise and the Membership

- 3.1 The ASC needs to draw on a diverse range of expertise from within its membership in order to fulfil its duties. The relevant areas of expertise will vary according to issues under consideration at any time. The list below sets out what these are likely to include. This is not, nor is it intended to be, an exclusive or exhaustive list of likely relevant areas of expertise, but will be given due regard when appointments are made to the ASC.

- 3.2 The ASC should inform the Home Office of desired expertise based upon fulfilling the Minister's and its own work objectives. The Home Office will seek the views of the ASC to inform any recruitment campaign for ASC members before any recruitment process is undertaken. The Home Office Chief Scientific Adviser will advise the Minister on the balance of membership requirements appropriate to the available resource and the need for effective functioning.
- 3.3 For recruitment panels for new members (excluding the Chair), the ASC Chair, or nominated representative chosen from among the membership of the ASC, should sit on the panel. The final decision on appointments remains with the Home Secretary. The Code of Practice for Ministerial Appointments to Public Bodies, including the Seven Principles of Public Life, applies to all appointments to the ASC. All members of the ASC are appointed as individuals on the basis of their expertise, not as representatives of any particular profession, employer, or interest group.
- 3.4 While it is likely that most of the expertise required by the ASC to fulfil its remit will be available from within its membership, the ASC is always able to consult, or co-opt, outside experts if for any reason it needs to draw on expertise not covered by current committee members. When advising Government, it will make clear to the Minister (and, if the advice is published, to the public) the names of outside experts that have contributed to the evidence base. However, recommendations and final advice remain the responsibility of the ASC itself.
- 3.5 The relevant areas of expertise are likely to include:
- the use and welfare of non-human primates in scientific procedures;
 - the use of animals in the pharmaceutical industry, including the work of contract research organisations in a regulatory environment;
 - animal welfare¹⁷;
 - approaches and technologies for the replacement of animals in scientific procedures by non-animal alternatives;
 - statistics and experimental design;
 - veterinary science and practice;
 - ethics;
 - law (including the legislative process and an understanding of public policy);
 - the breeding, care and acquisition of animals;
 - the form, function and working of the local animal welfare and ethical review body;
 - clinical experience, with an understanding of the patient experience; and
 - the creation and use of animals containing human material

¹⁷ Animal welfare in general, as well as specific to the use, breeding and supply of animals protected under the Animal (Scientific Procedures) Act.

3.6 It is anticipated that the ASC membership will be drawn predominantly from those with expertise as listed above. The list of likely relevant expertise will be kept under periodic review by the ASC and the Government, acting in concert.

4.0 AGREEMENT

4.1 This working protocol was agreed between the Minister and the Chair and members of the ASC.

ANNEX B

EXPENSES FOR FEE PAID AND PART TIME OFFICE HOLDERS OR COMMITTEE MEMBERS

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1. Definition of an Office Holder

An Office Holder has been judicially defined as an individual who occupies a permanent substantive position which has an existence independent of the person who fills it and to which certain duties are attached (especially of a public character) – for example a person appointed chairman of a permanent body established by statute. Committee Members are included within this definition.

2. Fees paid to Office Holders and Committee Members

Departments and agencies are required to deduct tax under PAYE and Class 1 National Insurance on the remuneration or fees paid in respect of any office or employment.

3. Travel and Subsistence: Fee paid/Part Time Office Holders and Committee Members

3.1. Principle of Reimbursement

Claims should be limited to the actual fare for all necessary travel on public business. You must take advantage of cheap travel offers and advance fares, for example Apex tickets, and travel off peak where possible.

3.2. Entitlement

This section provides guidance on the reimbursement of expenses incurred by Fee paid and part time Office Holders or Committee Members.

The appointment division must make it clear to Office Holders or Committee Members that these travelling, and subsistence allowances are intended to meet expenses incurred and are in no sense a form of remuneration.

3.3. Receipts

All claims, including those for meals, refers to actual expenses incurred and must be supported by receipts.

3.4. Expenses when working away from the normal place of work

Office Holders and Committee Members are entitled to travelling expenses and subsistence allowances when they travel away from their normal place of work in the course of official duty.

3.5. Rail Travel

First class rail travel can only be booked with Director level approval. Standard class must be used where available.

If you travel overnight on official business you are entitled to occupy a sleeping berth at Home Office expense, but the cost will be restricted to 50% of the elsewhere night bed and breakfast rate (see Annex A).

3.6. Air Travel within and from the UK

Office Holders and Committee Members must travel by the most appropriate and

cost-effective means and class of travel. To comply with the Home Office sustainability agenda, options such as the use of Video or Tele Conferencing or other IT applications should be considered in the first instance. If travel is essential, train travel should be used as an alternative to domestic flights to assist the Home Office in the Greening Government Commitment to reduce its carbon footprint.

First class air travel can only be booked with Director level approval. Business class travel can now be booked for flights over 10 hours, with exceptions as set out below.

Flying Time	Class of Travel
Up to 5 hours	All journeys at public expense: Economy
5 hours – 10 hours	All journeys at public expense: Economy (but see * below)
Over 10 hours total journey time **	All journeys at public expense: Premium Economy / Business (subject to agreement with budget holder)

*Subject to the authority of Directors, the next higher class, including premium economy (but not first class) may be used:

- where strict application of the class-of-travel rules would not be cost effective;
- where the higher class of travel better suits the needs of the business, and the travel arrangements can be justified;
- for short duty visits out and back in a working day – Office Holders and Committee Members are not entitled if they stay overnight;
- when bookings are not available in the lower class and the timing or date of the journey cannot be changed;
- if Office Holders and Committee Members will be required to work within a few hours of arrival at either end of the journey;
- on disability/medical grounds recognised by HR.

** If there is a requirement to change flights, the total journey time includes the total time of the flight and any stop over. It does not include journey time to and from the airport, or any stop over for personal reasons.

3.7. Travel by Taxi

Taxi fares are not admissible except where heavy luggage has to be transported or from terminal stations where there is no other suitable method of public transport, or where the saving of official time is of paramount importance. Receipts must be

provided. Gratuities to porters, stewards etc cannot be reimbursed from public funds.

3.8. Subsistence allowance

The purpose of meal and temporary accommodation rates is to reimburse Office Holders and Committee Members for necessary additional expenditure incurred while away from home or the normal place of work on official business. Absence on official duty does not automatically create an entitlement. In general, if no extra expense is incurred, no reimbursement is due.

In all cases, where additional expenditure is incurred and day or night rates are claimed, you can only claim the actual amount spent and receipts must be submitted with the claim. Office Holders and Committee Members will not be able to claim for tips or gratuities save where the gratuity is part of the accepted price for the service – e.g. a service charge in a restaurant. Expenditure on alcohol cannot be claimed in any circumstances.

The maximum subsistence allowances payable set out in Annex A apply with the exception that unpaid Office Holders and Committee Members are entitled to the “over 10 hours” rate when they are absent for over 8 hours.

When lunch is provided at public expense, any entitlement to day or night subsistence allowance is reduced by the amount of the day subsistence allowance for an absence of 5-8 hours.

The Department will ask the Treasury to fix a special rate if an Office Holder or Committee Member is expected to spend more than 30 nights in one place.

3.9. Expenses when working at the normal place of duty

The Home Office may pay Office Holders’ or Committee Member’s travelling expenses for journeys between their residence and place of work (this does not apply to Civil Servants). The normal practice is as follows:

- **unpaid Office Holders or Committee Members.** Normally paid.
- **part-time paid Office Holders and Committee Members.** Paid at the discretion of the sponsor department in the light of the other terms of appointment.

The appointing division is advised to decide whether to pay travel expenses at the outset and to cover this in the individual's contract.

The general rules for claiming subsistence allowances are set out in 3.8 above.

Office Holders and Committee Members who are paid travel expenses for travelling to their normal place of duty may also be paid subsistence allowances, subject to the principles set out in 3.8. Guidance on income tax liability for these payments is given in 5.1

3.10. Use of private vehicles

Office Holders or Committee Members who use their own private motor vehicles for travel on official business should be treated in the same way as Civil Servants.

Departments and agencies need not, however, insist on comprehensive insurance.

The appointing division is advised to make clear to Office Holders or Committee Members concerned that no liability can be accepted in the event of any accident, damage, injury or death.

3.11. Financial loss allowance

An unpaid Office Holder or Committee Member is entitled to a financial loss allowance for certified loss of earnings (other than casual overtime) which result from:

- attendance at meetings or on other business of the commission or committee; or
- certified additional expenditure incurred by employing another person to perform their duties.

The rate of allowance depends on the length of the period during which the loss or expense is incurred. The rates are set out in Annex A

Note

This Financial Loss Allowance may also be paid in other circumstances. For example:

- membership of Health Authority;
- chairmanship or membership of administrative tribunal;
- jury service;
- service as Justice of the Peace;
- appearance as witness in a Court of Law;
- appearance as a witness of appellant at an administrative tribunal.

3.12. Payment to Witnesses

Witnesses who are summoned by public boards, committees or commissions are entitled to travel and subsistence allowances.

The responsible division is advised to make it clear to witnesses that these allowances are designed to meet expenses incurred and are in no sense a form of remuneration.

The maximum subsistence allowance payable is set out in Annex A with the exception that unpaid Office Holders and Committee Members are entitled to the "over 10 hours" rate when they are absent for over 8 hours.

The Department may also pay a Financial Loss Allowance at the rates set out in Annex A.

4. How to claim Fees and expenses

The process for claiming fees and expenses is set out in Annex B.

5. Taxation of Travel Expenses and Subsistence Allowances

5.1. Clarification of tax status

If there is any doubt as to the tax treatment of an Office Holder or Committee Member, or whether the individual is an Office Holder, please contact the Home Office tax team (TAXteam@homeoffice.gov.uk).

5.2. Liability for Income Tax and National Insurance

Income Tax and Class 1 National Insurance liability will arise on payments for the expenses of travelling between the Office Holders' or Committee Members' homes and the place where they normally carry out their duties. Any reimbursements or payments by the department for subsistence, meals or accommodation are also taxable where these relate to the cost of staying at or near the place where the duties are normally carried out.

5.3. Taxation of Financial Loss Allowance

There may be Income Tax and National Insurance liability to pay on the payment of Financial Loss Allowance in the following circumstances:

Where the recipient is self-employed, the amounts received are made for the purpose of filling a hole in the profits of the trade, profession or vocation and are taxable receipts of the business.

Where the payments are made to voluntary office-holders but those payments do more than compensate the person for lost employment income.

5.4. Arrangements for paying tax on travel and subsistence expenses

Following the withdrawal of the PAYE Settlement Agreement (PSA) on 5th April 2019, the Home Office now reports office holders' and committee members' taxable travel and subsistence expenses through payroll. Depending on individual contracts, the department or office holders will pay any associated tax liability.

If the department pays the tax, the reimbursed expenses will be grossed up and added as notional income through payroll and PAYE tax and national insurance deducted as appropriate. This may therefore affect their overall tax payments as well as any financial benefits they are entitled to.

If the office holders/committee members pay their own tax on taxable expenses, then it will be deducted from their pay.

Meal and Temporary Accommodation Rates

Meal and temporary accommodation rates to reimburse Office Holders and Committee members for necessary additional expenditure incurred while away from home or the normal place of work on official business are set centrally and can be obtained from the ASC Secretariat.

In all cases, where additional expenditure is incurred and day or night rates are claimed, you can only claim the actual amount spent and receipts must be submitted with the claim. Office Holders and Committee Members will not be able to claim for tips or gratuities save where the gratuity is part of the accepted price for the service – e.g. as with a taxi fare or service charge in a restaurant. **Expenditure on alcohol cannot be claimed in any circumstances.**

ANNEX C

FREQUENTLY ASKED QUESTIONS: TRAVEL AND SUBSISTENCE

CAN I TRAVEL FIRST CLASS?

No. Travel must be by standard fare.

WHAT ABOUT OPEN TICKETS?

Open tickets can only be used if there has been prior authorisation by the Head of Secretariats (who is acting under delegated authority from the Chief Scientific Adviser).

CAN I CLAIM FOR TAXI FARES?

By exception. Public transport must be used where possible. Claims for taxis will only be reimbursed where their use is justified by an absence of alternative, more economical, public transport or where personal risk or disability merits their use. Receipts, including justification for use, must be submitted.

DO I HAVE TO SUBMIT ALL RECEIPTS WITH MY EXPENSES CLAIM?

Yes. All receipts for actual expenses incurred must be sent to the secretariat in support of all claims made. The secretariat will retain the receipts for three years for tax and audit purposes.

AM I ALLOWED TO CLAIM FOR ALCOHOL WITH MEALS?

No. Only the cost of non-alcoholic beverages can be reimbursed.

CAN OVERNIGHT ACCOMMODATION BE PROVIDED?

Yes, if it is more economical for an individual to stop over than to travel on the day of the meeting, or if an early start or late finish precludes travel.

The Secretariat will usually book accommodation for committee members.

If you book accommodation yourself, you must gain prior approval from the Secretariat who will provide you with details of the cost limits for claims. Only claims with receipts will be reimbursed and only to the cost limit set centrally. Costs in excess will be the responsibility of the claimant.

ANNEX D

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.

ANNEX E

REGISTER OF MEMBERS' INTERESTS

1. It is the responsibility of each Committee member to ensure that their entry in the register of members' interests is accurate and up to date.
2. Committee Members should declare any financial or other interests, or any personal connections that arise during their term of appointment including those that could be seen as providing a conflict of interest – real or perceived – between their public duties and private interests.
3. When considering what interests should be declared, members should ask themselves whether a member of the public, acting reasonably, would consider that the interest in question might influence the member's words, actions, or decisions. The examples given below are not exhaustive.
4. Member interests may relate to:

4.1 FINANCIAL INTERESTS

4.1.1 These can include:

- directorships,
- shares or share options,
- consultancies,
- research grants and fee-paid work. In particular, the following should be declared:
 - current research commissioned directly by Home Office for which members are principal or co-investigators; and
 - current applications for research commissioned directly by Home Office for which members are principal or co-investigators.

4.2 NON-FINANCIAL INTERESTS

4.2.1 These can include non-financial private links with outside organisations or a high level of political activity.

4.2.2 Additional examples include:

- current positions in members' institutions that could benefit from information gained through the Committee;
- current positions in the wider research community that could benefit from information gained through the Committee;
- research interests of close family or colleagues who may benefit from information gained in Committee discussions; and
- board positions with other organisations that might be influenced, or influence information gathered from/shared with the Committee.