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1.0 INTRODUCTION

1.1 The Home Office Biometrics and Forensics Ethics Group (BFEG) is an Advisory Non-Departmental Public Body (NDPB). The BFEG provides strategic independent support, advice and challenge ensuring that the evidence underpinning biometrics and forensics policy development within the Home Office is robust.

1.2 This code of practice (CoP) provides guidance on the establishment, management and activity of the BFEG. The information summarises good practice set out by the Code of Practice for Ministerial Appointments to Public Bodies (CoPMAPB), the Code of Practice for Science Advisory Committees, Cabinet Office Principles of Good Corporate Governance and The Nolan Principles of Public Life.

1.3 This CoP supports and complements the Working Protocol between the Home Secretary and the Home Office BFEG (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 Group provides that:
   i. Its role is to provide independent advice to ministers;
   ii. It will comprise a chairperson with up to fourteen appointed members plus co-opted members;
   iii. It will be supported by staff in the Science Secretariat;
   iv. Its costs will be met by the Home Office within affordability constraints;
   v. Its chair will have a seat on the Forensic Information Databases Strategy Board (FIND SB), or any successor;
   vi. Any formal reports will be submitted to ministers, through the Home Office/Chief Scientific Advisor (CSA).
2.0 TERMS OF REFERENCE

2.1 PURPOSE

2.1.1 The Home Office BFEG is an Advisory Non-Departmental Public Body that provides independent advice to Home Office Ministers.

2.1.2 The BFEG’s focus is strategic and broad complementing the legal and regulatory functions of the Biometrics Commissioner\(^1\) and the Forensic Science Regulator\(^2\). The BFEG’s remit includes consideration of the ethical impact on society, groups and individuals of the capture, retention and use of human samples\(^3\) and biometric identifiers\(^4\) for purposes which fall within the purview of the Home Office, including the differentiation between, or identification of, individuals.

2.1.3 The remit will include, but will not be limited, to consideration of the ethical aspects of:

- the application and operation of technologies which produce biometric and forensic data and identifiers;
- services currently provided and techniques employed and proposals for new services and techniques;
- applications for research involving access to biometric or forensic data;
- other matters relating to the management, operation and use of biometric or forensic data.

2.1.4 The BFEG may also, at the request of ministers, conduct inquiries into other ethical issues relating to scientific services provided to the police service and other public bodies within the criminal justice system.

2.2 COMMISSIONING

2.2.1 The BFEG’s function is both proactive and reactive. It is anticipated that approximately 70% of the BFEG work will be commissioned by the sponsor and that approximately 30% of the BFEG’s work will be determined by the group itself.

2.2.2 The BFEG will receive an annual commissioning letter from its sponsor which will set out the Home Office priorities for the BFEG for that year. In determining the key tasks and deliverables to be set out in the commissioning letter, the sponsor will consult with senior stakeholders including the Forensic Science Regulator, the Biometrics Commissioner and the chair of the FIND SB before seeking agreement from the chair and members of the BFEG.

\(^1\) The Biometrics Commissioner provides independent oversight of the Protection of Freedoms Act 2012 and keeps under review the retention and use by the police of DNA samples, DNA profiles and fingerprints.

\(^2\) The Forensic Science Regulator ensures that the provision of forensic science services across the criminal justice system is subject to an appropriate regime of scientific quality standards.

\(^3\) Human samples include biological samples of cells or tissues which originate from the human body and include, but are not limited to skin, blood, hair, saliva and semen.

\(^4\) These include, but are not limited to, DNA, fingerprints and facial images.
2.3 ACCOUNTABILITY

2.3.1 The BFEG is accountable to Home Office ministers and will provide ministers with objective, evidence-based and unbiased advice following appropriate ethical consideration of matters within its remit.

2.3.2 The BFEG works in accordance with best practice for public bodies with regard to openness, transparency, accessibility and timeliness. It operates in accordance with the Government Office for Science Code of Practice on Scientific Advisory Committee and the Nolan Principles of Public Life. The BFEG was established in accordance with the Commissioner for Public Appointments Code of Practice.

2.4 MEMBERSHIP

2.4.1 The BFEG comprises a chairperson and up to fourteen members. Members are appointed as individuals on the basis of their expertise, not as representatives of any organisation by which they are employed, nor as representatives of any particular employer, profession, organisation, or interest group.

2.4.2 The appointment to all posts is by open competition and in accordance with the requirements of the Office of the Commissioner for Public Appointments. The decision for all appointments rests with the minister.

2.4.3 As necessary and appropriate the expertise of members is supplemented by the co-option of subject experts.

2.4.4 The chair of the BFEG will have a seat on the FIND SB and the Home Office Science Advisory Council. The chair of the BFEG will meet with the minister once a year.
3.0 INDIVIDUAL RESPONSIBILITIES

3.1 MEMBERS

3.1.1 Members of the BFEG have collective responsibility for its effective operation. They should engage fully in the collective consideration of issues, taking account of the full range of relevant factors, including any guidance issued by the sponsor, the responsible minister or secretariat.

3.2.2 Each member of the BFEG is expected to attend meetings regularly and to have read meeting papers in advance of meetings. Much of the groups work will be undertaken by email correspondence, members are expected to participate fully in email exchanges.

3.2.4 In the event of a Subgroup being convened all appointed members may be called on to chair meetings of the Subgroup.

3.2 CHAIR

3.2.1 In addition to those responsibilities of a member the chair has particular responsibility for:

- providing effective leadership, ensuring that the views of all members are taken into account;
- working with members of the committee and the sponsor to set the agenda for meetings and develop the forward work plan of the BFEG;
- ensuring that group outputs, such as notes or reports, accurately reflect the discussions held and decisions taken. The chair will indicate that the notes of meetings accurately reflect proceedings by "signing-off" once the group has agreed them.

3.3 CO-OPTEES

3.3.1 The range of expertise required for the BFEG may change over time, and therefore, the balance of skills, expertise and experience of members may need to be supplemented. To enable this, the BFEG are able to co-opt experts, agreed by the BFEG and sponsor, for a time or subject limited period of time to provide input to a specific area of work.

3.4 SECRETARIAT

3.4.1 The secretariat is provided by the Home Office with travel expenses paid for by that department in line with Home Office policy.

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

- drafting and publishing the BFEG meeting notes, correspondence, reports, and responses, arranging meetings and visits;
- providing the interface and point of liaison between the BFEG and Home Office, including sponsor; and
- ensuring that the BFEG:
  - remains within its remit;
complies with e.g.:
  • the Code of Practice for Science Advisory Committees, guidance provided by the CoPMAPB and Cabinet Office.
  • the Freedom of Information Act 2000.

3.5 ROLE OF THE SPONSOR

3.5.1 The role of the sponsor includes, but is not limited to:

- co-ordinating an agreed annual commissioning letter, setting out key outputs required over the forthcoming year with reference to an agreed forward strategy.
- attending and contributing to BFEG meetings as required;
- brokering the role of the BFEG with senior stakeholders, ensuring sufficiently early engagement and that the work passed to the BFEG is of a strategic nature; and
- developing and facilitating mechanisms to enable information flow, from stakeholders across the Home Office and its operational partners, to the BFEG and vice versa.
4.0 APPOINTMENTS

4.1 TERMS AND REAPPOINTMENTS

4.1.1 Appointments and reappointments to the BFEG are made in line with the guidelines of 'The Commissioner for Public Appointments' Code of Practice\(^5\), which sets out the regulatory framework for the public appointments process.

4.1.2 Members must 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 members have left the BFEG.

4.1.3 Membership will comprise a chairperson with up to fourteen appointed members plus co-opted members.

4.1.4 All BFEG members will be required to undertake Counter-Terrorist Check security vetting, prior to appointment being approved.

4.1.5 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 and ethnicity.

4.1.6 Appraisals will be undertaken annually, only individuals that have performed satisfactorily will be considered for reappointment.

4.1.7 There is no presumption of reappointment. Reappointments, or extensions to appointments, will subject to compliance with the CoPMAPB.

4.2 NOTICE AND TERMINATION OF APPOINTMENT

4.2.1 Appointments may me 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 BFEG be dissolved, restructured or wound up during the period of members’ appointments, members’ appointments would cease with effect from that dissolution or such other date as specified by the minister.

4.2.4 The Department may terminate members’ appointments immediately by writing to members to that effect if:

• a member became bankrupt or made an arrangement with creditors (members are, in any event obliged to inform the Department if they are made bankrupt);
• a member’s estate has been sequestrated in Scotland or a member enters 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;
• a member has been absent from meetings of the BFEG for a period of more than 6 months without the permission of the chair;
• a member’s attendance becomes so erratic as to interfere with the good running of the BFEG;
• a member is disqualified from acting as a company director (members are, in any event obliged to inform the Department if they are disqualified from acting as a company director);
• a member has been convicted (whether before or after appointment) of a criminal offence, (members are, in any event obliged to inform the Department if they are convicted of a criminal offence), the conviction not being spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53);
• a member becomes subject to a debt relief order (members are, in any event obliged to inform the Department if they are subject to a debt relief order); or
• if a member is, 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 a member’s appointment prior to the expiry of the fixed term, the member 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 a member’s appointment is subsequently terminated the member 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 a member being notified that the Department is considering whether to terminate that member’s appointment pursuant to 4.2.5, the Secretary of State may require that the member does not carry out their role as a BFEG member.

4.3 TIME COMMITMENT

4.3.1 Commitment to BFEG activities for members is estimated as 10 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 BFEG 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 appointment.

5. 3 Invoices for reimbursement with supporting receipts should be sent to the:

BFEG secretariat,
14th Floor Lunar House,
40 Wellesley Road,
Croydon,
CR9 2BY

5. 4 Payments will be made in line with guidance set out by the Home Office (see Annex B for full guidance and Annex C for Frequently Asked Questions and Answers).

5. 5 Queries concerning claims should be referred to the secretariat.
6.0 ACCOUNTABILITY

6.1 RELATIONSHIP WITH MINISTERS

6.1.1 The Minister of State, Baroness Williams will act as the lead minister overseeing BFEG’s work; and will meet the BFEG chair once a year.

6.1.2 The Working Protocol (Annex A), agreed between the BFEG and ministers, 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 BFEG.

6.2 REPORTING

6.2.1 By the end of April each year, the BFEG will submit to ministers a report on its work during the preceding year.

6.2.2 Where the BFEG is invited to advise ministers on a particular issue, or where the Group decides to undertake an inquiry of its own volition, it will submit a report to the minister through the Home Office sponsor. The response will be provided by the minister after due consideration of the recommendations as outlined within the Working Protocol (Annex A).

6.2.3 Where the BFEG is invited to advise the FIND SB on a particular issue, it will submit a report to the Board, with a copy to the minister, through the Home Office sponsor. Any response will be provided by the Board, unless the minister is minded to intervene.

6.2.4 The BFEG will report to the Home Office sponsor on a routine working basis, who in turn will report to the Home Office Board on BFEG activities.

6.2.5 In addition, the CSA will report annually to the Network Executive BFEG and to the Government CSA on BFEG’s work, results and performance.

6.3 OPERATION

6.3.1 In the discharge of its functions the BFEG may undertake inquiries:

i. At the request of ministers or their delegated nominee;

ii. At the request of the Home Office sponsor;

iii. At the request of the FIND SB or chair; or

iv. On its own initiative, providing a simple majority of the Group resolves in favour of doing so. In the case of a tie, the chair will have a casting vote.

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.\textsuperscript{6}

7.0 CONDUCT

7.1 PUBLIC SERVICE VALUES

7.1.1 The chair, members and co-optees of the BFEG must, at all times:

- observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and to the management of this public body;
- be accountable for their activities and for the standard of advice they provide for ministers. The minister of the sponsoring Department is answerable to Parliament, and the public more generally, for the policies and performance of the BFEG; 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:

- 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 BFEG;
- 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 to the remit of BFEG.

https://www.gov.uk/government/publications/universal-ethical-code-for-scientists
7.3 LIABILITY

7.3.1 If legal proceedings are brought against any BFEG member, by a third party, the Home Office will meet any civil liability which is incurred in the execution or purported execution of their BFEG 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-Science.

7.4 POLITICAL ACTIVITY

7.4.1 As members hold a public role, they should be, and be seen to be, politically impartial. They should not occupy paid party-political posts or hold particularly sensitive or high roles in a political party.

7.4.2 Members 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 Council, members should not make political statements or engage in any other political activity.

7.4.4 In members' official capacity, they should be even-handed in all dealings with political parties.

7.4.5 Subject to the above, members may engage in political activity but should, at all times, remain conscious of their responsibilities as a Council Member and exercise proper discretion.

7.4.6 Members should inform the BFEG secretariat before undertaking any significant political activity.

7.4.7 Members should comply with the Cabinet Office’s rules on lobbying for NDPBs.

7.4.8 If members have any remaining doubts about their activities, they should seek advice from the BFEG secretariat prior to undertaking significant political activity.

7.4.9 Members are expected to inform the BFEG 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 members accept a nomination for election to House of Commons or European Parliament then members will resign the appointment on the BFEG.

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7.5 GIFTS AND HOSPITALITY

7.5.1 Members:
- must not accept any gifts or hospitality which might, or might reasonably putatively appear to, compromise their personal judgement or integrity or place them under an improper obligation.
- must never canvass or seek gifts or hospitality.
- should inform the BFEG 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

8.1 GROUP MEETINGS

8.1.1 The BFEG will meet four times per year.

8.2 SUBGROUPS

8.2.1 The BFEG may establish topic specific, time-limited, Subgroups to carry out in-depth studies and to take forward specific pieces of work.

8.2.2 Subgroups will be chaired by a member of the BFEG and may include co-opted members to increase the range of expertise available.

8.2.3 Other than in exceptional instances, the work of the Subgroup will be passed to the BFEG for review and ratification. On the occasions where recommendations are not reviewed by the BFEG, any reports or recommendations made by the Subgroup will be referred to as such.

8.3 AGENDA SETTING

8.3.1 The BFEG’s meeting agenda is set through discussion and agreement between the Home Office sponsor, members and the BFEG chair.

8.4 COMMISSIONING

8.4.1 At the beginning of each year, the BFEG chair and sponsor will agree the key tasks and deliverables for the forthcoming year. These tasks and deliverables will be maintained and under review throughout the year.

8.4.2 In formulating key tasks and deliverables the BFEG chair and sponsor will consult with the members and senior stakeholders including the Biometrics Commissioner and Forensic Science Regulator. Consultation will enable the BFEG and Home Office officials to identify opportunities for BFEG to engage in activities that will produce relevant and timely outcomes for the Home Office.

8.5 PUBLICATIONS

8.5.1 The BFEG will operate with 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 BFEG business documents will be published on the BFEG website, with the exception of those papers agreed as confidential.

8.5.3 The BFEG is subject to Freedom of Information (FOI) legislation, and the Data Protection Act 1998.
8.6 MEETING NOTES

8.6.1 Notes of BFEG meetings will be reported 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 notes of meetings within one week of the meeting for approval by the chair and these will be circulated to attendees for comment. 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 unless declared confidential. If a discussion is confidential, no record of the discussion will be made.

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

8.6.5 Meeting notes will be agreed and published within three months of a meeting.

8.7 ANNUAL REPORT

8.8.1 An annual report of BFEG work will be produced covering the reporting period January – December.
9.0 APPEARIALS

9.1 MEMBERS APPEARIALS

9.1.1 To comply with the Commissioner’s Code, an annual appraisal of BFEG members and chair will take place.

9.1.2 The appraisal process will:

- evaluates individual’s contributions against the appointment criteria and the individual’s actions to ensure the BFEG meets its aims and objectives.

- offers members an opportunity to receive feedback on their performance during the course of the appraisal period.

- provides 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 provide an evidence base for considering re-appointments.

9.1.3 In carrying out the appraisal the secretariat will, before the end of the appraisal period, ask members, to complete a self-assessment of their BFEG activities, including relevant evidence-based examples. The self-appraisal will then be shared with the chair of the BFEG 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 CHAIRS APPEARIAL

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

9.3 GROUP APPEARIAL

9.3.1 A process will be agreed and implemented to provide the minister, CSA and sponsor with assurance that the BFEG is operating in and 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 BFEG 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 BFEG 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 BFEG.

10.2 MEDIA

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

10.2.2 The BFEG 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 BFEG, CSA, secretariat, policy officials and sponsor will all follow a “no surprises” policy when dealing with the media. The mechanism for making announcements is detailed within the BFEGs working protocol.

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

10.2.5 Members should confer with the secretariat before accepting any invitation to attend meetings or speak on the behalf of the BFEG. If speaking on behalf of the group only information already within the public domain should be referred to.

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 Committees.10.

10.3 ACTIVITIES DURING AN ELECTION PERIOD

10.3.1 BFEG members will undertake their duties with due regard to the Cabinet Office guidance for civil servants during an election period.

10.3.2

11.0 RECORDING OF INTERESTS

11.1 DECLARATIONS OF INTERESTS

11.1.1 It is important to avoid the possibility of members of the BFEG 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 BFEG which may, or may 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 BFEG, for example the personal or business interests of close family members (personal partners, parents, children, brothers and sisters and the personal partners of any of these) they should declare those or approach the secretariat for advice.

11.2 DECLARATIONS OF INTERESTS AT MEETINGS

11.2.1 A declaration of any interest should be made at any BFEG meeting where it relates specifically to a particular issue under discussion. The secretariat will record this declaration in the minutes (and whether or not a member also withdraws from the meeting).

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.

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 members to inform the BFEG secretariat in advance of any new appointments which may impinge on their duties as a member of the BFEG.

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 HOME OFFICE BIOMETRICS AND FORENSICS ETHICS GROUP

1.0 BACKGROUND AND SCOPE

1.1 High quality ethical consideration and advice concerning the use of biometrics in the field of forensics is of the utmost importance to an evidence-based approach to policy making. For this reason, the Government values the work and independent advice of the Biometrics and Forensics Ethics Group (BFEG).

1.2 This working protocol looks to support the respective roles and responsibilities of the Government and the BFEG. It provides a framework under which the Government and the BFEG will continue to engage through the provision and receipt of advice on those matters within the remit of the BFEG.

1.3 This working protocol supports the BFEG in discharging its duty both to provide advice on matters referred to it by, or on the behalf, of ministers, and also to consider ethical issues of its own volition.

1.4 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 BFEG and the Government.

2.2 The BFEG and ministers are committed to providing objective and unbiased advice to Government as a result of appropriate ethical consideration of matters including the collection, retention and use of biometrics within the field of forensic science. In doing so, ministers acknowledge the independence of the BFEG.

2.3 In discharging their respective responsibilities:

(i) The BFEG and its members will work under the Code of Practice for Scientific Advisory Committees¹, incorporating the Seven Principles of Public Life (the Nolan Principles) and the BFEG’s own Code of Practice. In particular, the BFEG chair and members will act in the public interest and adhere to the highest standards of public office – including impartiality, integrity and objectivity; and,

(ii) Ministers will continue to work under the Guidelines on Scientific and Engineering Advice in Policy Making² and the Ministerial Code³ 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 ministers:

(i) The BFEG will work with best endeavours to the Government’s priorities for the BFEG that will be communicated by ministers, in writing at appropriate
intervals, as well as specific ‘in year’ requests for advice. The BFEG will also consider and take forward work it considers appropriate within available resources.

(ii) The BFEG will be guided by the relative priority given by ministers 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 BFEG will inform the minister how it intends to take forward the commissioned work and will set out putative timelines. In the event that the BFEG foresees or encounters difficulties in providing advice or prioritising that advice in the manner requested by the minister, the chair of the BFEG will discuss the BFEG’s reasons with ministers.

(iv) The BFEG 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, prevention of crime or protection of the rights of others, as well as for the protection of health or morals. This is a non-exhaustive list.

(v) The chair of the BFEG will report to the minister on progress against each of the priorities on an annual basis when they meet. It is expected that the BFEG’s annual report will reflect the BFEG’s on-going commitments and priorities as above.

(vi) It shall be the duty of the BFEG chair to bring to the attention of ministers any substantive matter pertaining to policy, considered by him/her or the BFEG, before making public statements thereof; this is exclusive of those matters under formal consideration by the BFEG, whether requested by the Government or of its own volition, where there is an expected publication procedure.

2.5 In commissioning work of the BFEG, ministers will take account of the BFEG’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 BFEG’s advice:

(i) The minister will not pre-judge the BFEG’s advice in advance of receiving advice;

(ii) The minister should meet with the BFEG chair on a regular scheduled basis;

(iii) Before issuing a response, the minister will give appropriate consideration to the BFEG’s advice;

(iv) If the minister is minded not to accept the BFEG’s advice, the minister will, before making a final decision, discuss with the chair of the BFEG, or nominated representative;

(v) If key recommendations are not to be accepted, the minister will write to the BFEG 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 BFEG recommendations, and to publish 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 BFEG will be informed of the reasons and a prospective date given; and,

(vii) The Home Office will provide the BFEG with the resource and support required, including press office media handling and advice. The provision of services will at all times preserve the independence of the BFEG – for example, where Press Officers are allocated to the BFEG for this purpose, operational direction will only be given by the BFEG chair or their nominated representative (which may include the Secretary to the BFEG acting on behalf of the chair).

3.0 EXPERTISE AND MEMBERSHIP

3.1 All members of the BFEG are appointed as individuals on the basis of their expertise, not as representatives of any particular profession, employer or interest group.

3.2 The BFEG need 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 BFEG should inform the Home Office of desired expertise based upon fulfilling ministers’ and its own work objectives.

3.3 The Home Office will seek the views of the BFEG to inform any recruitment campaign for BFEG 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.

3.4 For recruitment panels for new members (excluding the chair), the BFEG chair, or nominated representative chosen from among the membership of the BFEG, should sit on the panel. The panel makes recommendations, but the final decision on appointments remains with the minister.

3.5 Whilst it is anticipated that most of the expertise that the BFEG requires will be available from within its membership, it remains the understanding between the BFEG and the Government, that the BFEG is always able to consult, or co-opt, outside experts if for any reason it needs to draw on expertise not covered by current membership. When advising Government, the names of outside experts that have contributed to the evidence base will be made clear to the minister, and, if the advice is to be published, to the public. As with the chair and members, persons invited as co-opts will work under the Code of Practice for Scientific Advisory Committees¹, incorporating the Seven Principles of Public Life (the Nolan Principles) and the BFEG’s own Code of Practice.

3.6 Recommendations and final advice remain the responsibility of a quorum of BFEG members – decisions on such would not be relinquished to outside experts.

4.0 AGREEMENT

4.1 This working protocol will be agreed between the Minister of State, Baroness Williams and the chair of the BFEG.
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1. **Definition of 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.

<table>
<thead>
<tr>
<th>Flying Time</th>
<th>Class of Travel</th>
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<tbody>
<tr>
<td>Up to 5 hours</td>
<td>All journeys at public expense: Economy</td>
</tr>
<tr>
<td>5 hours – 10 hours</td>
<td>All journeys at public expense:</td>
</tr>
<tr>
<td>Over 10 hours total journey time **</td>
<td>All journeys at public expense:</td>
</tr>
</tbody>
</table>

*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.
3.6. **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.

3.7. **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 Appendix 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 or 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.

3.8. **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

3.9. 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.

3.10. 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 Appendix 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.

3.11. 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 are set out in Appendix 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 Appendix 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 ([FRUTAX@homeoffice.gsi.gov.uk](mailto:FRUTAX@homeoffice.gsi.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 subsistence allowances or payments for meals or accommodation are also taxable where these relate to the cost of staying where the duties are normally carried out.

5.3. **Arrangements for paying travel and subsistence net of tax**
The Home Office has an agreement with HMRC that it pays expenses and subsistence allowances exclusive of tax and makes arrangements to make a payment of the tax due directly to HMRC annually.
Appendix A

Meal and Temporary Accommodation Rates

The rates set out below are 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. 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.

### Daily Night Bed and Breakfast and meal rates

<table>
<thead>
<tr>
<th>Meal rate type</th>
<th>London</th>
<th>Elsewhere</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bed and Breakfast rate</strong></td>
<td>Up to £125 receipted</td>
<td>Up to £90 receipted</td>
</tr>
<tr>
<td><strong>24 hour rate subsistence allowance</strong></td>
<td>Up to £26 receipted *</td>
<td>Up to £26 receipted *</td>
</tr>
</tbody>
</table>

*Includes £5.00 Personal Incidental Expenses (PIE) – laundry, newspaper etc.

### Day Subsistence Allowance

<table>
<thead>
<tr>
<th></th>
<th>Lodging Allowance (normally paid after 30 nights Bed and Breakfast and meal rates)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 5 hours</td>
<td>Up to £4.25 London</td>
</tr>
<tr>
<td>Over 10 hours</td>
<td>Up to £9.30 Elsewhere</td>
</tr>
</tbody>
</table>

### Residential course allowance

<table>
<thead>
<tr>
<th></th>
<th>Retention of rooms allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>£5.00 per night</td>
<td>£6.20 per night</td>
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</tbody>
</table>

### Standard Rate Mileage rate

<table>
<thead>
<tr>
<th>All engine sizes</th>
<th>Up to 10,000 miles</th>
<th>Over 10,000 miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 p per mile</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Transport Rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All cars</td>
<td>23.8p per mile</td>
<td></td>
</tr>
</tbody>
</table>

### Official Car rate

<table>
<thead>
<tr>
<th>Engine capacity</th>
<th>Petrol</th>
<th>Diesel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1400 cc</td>
<td>14p per mile</td>
<td>11p per mile</td>
</tr>
<tr>
<td>1401 – 2000 cc</td>
<td>16p per mile</td>
<td>11p per mile</td>
</tr>
<tr>
<td>Above 2000 cc</td>
<td>24p per mile</td>
<td>17p per mile</td>
</tr>
</tbody>
</table>

### Motorcycle Standard rate

<table>
<thead>
<tr>
<th>All sizes and mileage</th>
<th>24p per mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger Supplement</td>
<td>Pedal cycle allowance</td>
</tr>
<tr>
<td>5p per mile per passenger</td>
<td>6.2p per mile</td>
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</tbody>
</table>

### Late Working Allowances (taxable (see paragraph 6.5.3 of the Inland Travel Manual)

<p>| | |</p>
<table>
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<tr>
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<tbody>
<tr>
<td>Higher rate</td>
<td>£12.75</td>
</tr>
<tr>
<td>Lower rate</td>
<td>£4.25</td>
</tr>
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</table>

### Financial Loss Allowance

<p>| | |</p>
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<tr>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Half day (not more than 4 hours)</td>
<td>£21.95</td>
</tr>
<tr>
<td>Day (more than 4 hours)</td>
<td>£43.70</td>
</tr>
</tbody>
</table>
FREQUENTLY ASKED QUESTIONS: TRAVEL AND SUBSISTENCE

CAN I CLAIM FOR FIRST CLASS RAIL TRAVEL?

No. Travel must be by standard fare.

WHAT ABOUT OPEN TICKETS?

Tickets should be booked at the earliest opportunity to take advantage of cheap travel offers and advance fares if they are available. Open and refundable 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 I BOOK OVERNIGHT ACCOMMODATION?

Yes, if approval is granted in advance. Approval will only be granted 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 Head of Secretariats can approve and book accommodation for committee members.

If you book accommodation yourself you must gain prior approval from the Head of Secretariats. Claims, with receipts, up to the following limits will be reimbursed:

<table>
<thead>
<tr>
<th>Daily Night Bed &amp; Breakfast and meal rates</th>
<th>London</th>
<th>Elsewhere</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast</td>
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</tr>
<tr>
<td>24 hour subsistence allowance</td>
<td>Up to £26</td>
<td>Up to £26</td>
</tr>
</tbody>
</table>

*Only receipted claims up to these limits will be reimbursed; costs in excess will be the responsibility of the claimant.
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.
1. It is the responsibility of the BFEG member to ensure that their entry in the BFEG register of members’ interests is accurate and up-to-date.

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