

ACMD

Advisory Council on the Misuse of Drugs

Code of Practice

Confidentiality status: For Information

- For members' use only – do not show to or discuss with anyone else
- For information – may be shown freely or discussed with anyone

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Background

The ACMD have previously followed, in principle, the Code of Practice for Scientific Advisory Committees¹. Whilst adhering to this the attached document presents a more detailed code of practice specific for ACMD members.

¹ <http://www.dti.gov.uk/files/file9769.pdf>

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Introduction

1. This document sets out the Code of Practice for the Advisory Council on the Misuse of Drugs (ACMD), its working groups and sub-groups; based principally on the Code of Practice for Scientific Advisory Committees². It is a working document – subject to periodic review by the Council subsequent to:
 - Feedback from members
 - Feedback from stakeholders
 - New or updated guidance from Government.
2. Both ACMD members and individuals who may be appointed, or co-opted, to working groups and sub-groups, for short periods of time, are expected to comply at all times with the Code of Practice.

² It is here acknowledged that the ACMD's remit is broader than that of a purely 'Scientific' Advisory Committee *per se*; this is fully detailed in the ACMD's Terms of Reference.

Role and remit

3. The Advisory Council on the Misuse of Drugs is an independent, advisory non-departmental public body (NDPB), established in accordance with the Office of the Commissioner for Public Appointments (OCPA) Code of Practice and in line with the Nolan Principles of Public Life. It operates in accordance with Government Office for Science Code of Practice on Scientific Advisory Committees³, from which this Code of Practice, the ACMD's own code, has been developed.
4. The ACMD's Terms of Reference are detailed in a separate document⁴. These are drawn from Schedule 1 of the Misuse of Drugs Act 1971⁵.

Code of conduct (public service values)

5. Members of the ACMD (and its working groups) must at all times follow public service values by:
 - observing the highest standards of **impartiality, integrity** and **objectivity** in relation to the advice they provide;
 - being **accountable** through Ministers to Parliament and the public more generally for the activities of the ACMD and for the standard of advice that it provides;
 - in accordance with Government policy on **openness**, comply fully with the Secretary of State for the Ministry of Justice 'Code of Practice on the discharge of public authorities' functions under Part I of the Freedom of Information Act 2000 (FOIA)⁶.
6. The ministers of the sponsoring department (Home Office) are accountable to Parliament for the policies and performance of this Council, including the policy framework within which it operates.
7. Council members may be personally liable if, in the performance of their Council duties, they make a fraudulent or negligent statement, which results in a loss to a third party. They may also commit:
 - a breach in confidence under common law; or

³ <http://www.dti.gov.uk/files/file9769.pdf>

⁴ <http://www.drugs.gov.uk/drugs-laws/acmd/terms-of-reference/>

⁵ Misuse of Drugs Act 1971. London, HMSO

⁶ <http://www.foi.gov.uk/reference/impref/codepafunc.htm>

ACMD Code of Practice

- a criminal offence under insider dealing legislation, if they misuse information gained through their position on the ACMD;
 - individual members who have acted honestly, reasonably, in good faith and without negligence will not, however, have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their duties.
8. All members must:
- comply with this code of practice and ensure that they understand their duties, rights and responsibilities, and that they are familiar with the function and role of this body and relevant statements of Government policy regarding issues that stem from the Council's advice;
 - follow the Seven Principles of Public Life set out by the Nolan Committee on Standards in Public Life (see Annex 1);
 - 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 unpaid posts in a political party, or engage in specific political activities on matters directly affecting the work of the ACMD.

Responsibility and role of the Chair

9. The Chair of the ACMD shall be appointed for such periods as the Secretary of State may determine but no such period shall exceed three years and no person shall be re-appointed more than twice.
10. The Chair of the ACMD is appointed as an individual to fulfil the role of the Council, not as a representative of their particular profession, employer or interest group, and has a duty to act in the public interest. The Chair is appointed on a personal basis, even if they are a member of one or more stakeholder groups. If a Chair declares an organisation's views rather than a personal view, s/he should make it clear at the time of declaring that view.
11. The Chair is expected to attend at least 80% of full ACMD Council meetings.
12. The Chair has responsibility for providing effective leadership and:

ACMD Code of Practice

- chairing at least two full ACMD meetings a year (some of which are likely to be held in public);
- setting the strategic direction of the ACMD;
- providing effective leadership;
- the operation and output of the ACMD (in collaboration with the Secretariat);
- conducting of appraisals;
- ensuring that every member of the ACMD has the opportunity to be heard and that no view is overlooked or ignored;
- ensuring the ACMD meets at appropriate intervals;
- ensuring that any significant diversity of opinion among the ACMD members is fully explored and discussed;
- ensuring that the ACMD is operated under a presumption of openness;
- representing the ACMD to the public or the media as arranged by the secretariat. The Chair will have the responsibility of speaking on behalf of the ACMD to the press or to be interviewed by journalists and broadcast media;
- reporting the ACMD's advice to Government, and;
- ensuring the ACMD acts in accordance with this code.

Role of members

13. Members of the ACMD shall be appointed for such periods as the Secretary of State may determine but no such period shall exceed three years and no person shall be re-appointed more than twice.
14. Members of the ACMD are appointed as individuals to fulfil the role of the Council, not as representatives of their particular profession, employer or interest group, and have a duty to act in the public interest. Members are appointed on a personal basis, even when they may be members of stakeholder groups. If a member declares an organisation's views rather than a personal view, they should make it clear at the time of declaring that view.

ACMD Code of Practice

15. A member's role on the Council is not circumscribed by the expertise or perspective he or she was asked to bring to the ACMD. Any report or advice belongs to the Council as a whole. Members should regard themselves as free to question and comment on the information provided or the views expressed by any of the other members, notwithstanding that the views or information may not relate to their own area of expertise.
16. Members are expected to attend at least 60% of full ACMD Council meetings. It is also desirable that they contribute to one of the working groups, although this is not mandatory.
17. Members should satisfy themselves that the ACMD's advice is comprehensible from the point of view of a lay person and that the implications of any uncertainties concerning the basis of the ACMD's advice are fully explained.
18. All members have the responsibility for:
 - acting in the public interest;
 - contributing at ACMD Council meetings;
 - examining and challenging, if necessary, the assumptions on which advice is formulated;
 - ensuring that the ACMD has the opportunity to consider contrary views and where appropriate the concerns and values of stakeholders before a decision is taken;
 - sharing in the general responsibility to consider the wider context in which their expertise is employed;
 - acting with a presumption of openness, and;
 - ensuring that they act in accordance with this code.

Role of the Secretariat

19. The primary function of the Secretariat is to support the ACMD and its members by arranging meetings, assembling information and recording conclusions. The Secretariat will also advise the ACMD on process and procedure.
20. The Secretariat will bring emerging issues of concern to the attention of the ACMD so as to inform deliberations. It will, as far as is reasonably

ACMD Code of Practice

possible, identify all relevant and appropriate information and ensure that it is made available to the ACMD.

21. The Secretariat will make the ACMD aware of the existence of any information that has been withheld from the ACMD on grounds justified under the Code of Practice on Access to Government Information or the Freedom of Information Act, or that has been withheld on other grounds for information that is outside the influence of the Government.
22. The Secretariat will ensure that the proceedings of the ACMD are properly documented so that there is a clear audit trail showing how decisions were reached.
23. The Secretariat will be an impartial reporter, at all times respecting the Council's independence.

Role of officials observing meetings

24. Departmental representatives may be called to advise the ACMD on relevant developments in their departments in order to help the ACMD develop advice.
25. Officials from the Devolved Administrations will, as a matter of course, be invited to attend the ACMD's meetings and working groups;
26. Other officials may attend the ACMD meetings by invitation of the Chair.
27. In the event that observers are unable to attend in person, an appropriate deputy may be nominated to attend the ACMD meeting or ACMD working group/sub-working group. In the event of an observer, or nominated deputy, not being able to attend written submissions may be sent via the Secretariat.

Working groups of the ACMD

28. The ACMD may establish working groups, where appropriate, to carry out studies and undertake other work on the behalf of the Council. These will be chaired by a member of the ACMD and will not be time limited. Working groups may also include non-ACMD members to increase the range of expertise available. Co-optees are expected to adhere to the Code of Practice.
29. Sub groups of these working groups will be convened on an *ad hoc*, time limited, basis for the purposes of developing advice in specific areas. Sub-

ACMD Code of Practice

groups may also include non-ACMD members to increase the range of expertise available. Co-optees are expected to adhere to the Code of Practice.

30. To ensure that the ACMD can develop the best advice it is envisaged that experts may be sought from both the UK and internationally, as appropriate.
31. Representatives from Government Departments and the Devolved Administrations, may be invited to act as observers on relevant working groups and sub-groups.
32. The remit of working groups will be determined by the ACMD. The ACMD remains responsible for all work delegated to a working group. These groups will report directly to the ACMD and the ACMD will then provide advice to Ministers as appropriate. It is not anticipated that any working group, or sub-group thereof, will report directly to Ministers.
33. It is expected that working groups will produce a short, formal report to the ACMD at each meeting.
34. In general, it is expected that working groups will meet in private. However, the final report of the working group will be published (on the ACMD website) wherever possible, in accordance with the ACMD policy on openness and transparency.

Engagement with Ministers and officials

35. The ACMD offers written advice to Ministers which, wherever possible, will be subsequently published.
36. Communications between the ACMD and Ministers will usually be through the Chair, except where the Chair or the ACMD has agreed that an individual member should act on its behalf. Nevertheless, any member has the right of access to Ministers on any matter that he or she believes raises important issues relating to his or her duties as a Council member. In such cases both the Secretariat and the Chair should be informed, who will inform the rest of the ACMD.
37. Communications from the Chair of the ACMD, Chairs of working groups (and sub groups therein) to Ministers or any other senior Government officials about the work of the ACMD should be through the Secretariat.

How advice from ACMD will be presented

38. The advice of the ACMD will be published in writing. The advice will be objective and independent of Government.
39. Advice will be given clearly and, wherever possible, in terms that can be understood by a lay person. Any assumptions underlying the advice and the nature and extent of any uncertainty will be identified as far as is possible.
40. Where there is uncertainty the ACMD will identify these with any tensions or trade-offs between them, and may produce a range of options or interpretations as part of its advice. Reasons for producing a preferred option will be made clear.
41. The ACMD should not seek unanimity at the risk of failing to recognise different views on a subject. Any significant diversity of opinion among ACMD members will be recorded and published with the advice.
42. Reports and advice from the ACMD will make it clear where there are substantial gaps in the knowledge base, available data is inadequate or incomplete, complexity makes it impossible to predict the outcome of a policy or intervention with substantial certainty and where judgments have been made in the face of any of these forms of uncertainty. The ACMD will seek to highlight the source and extent of scientific uncertainty if possible, where evidence exists.
43. Reports and advice that are published will include enough detail that anyone scrutinising the work of the ACMD can identify the background information used and any assumptions made or criteria applied.

Communications with the media

44. The Chair of the ACMD will be the spokesperson for any contacts with the media unless other specific arrangements have been made by the Chair and Secretariat.
45. If a member receives an approach for an interview on behalf of the ACMD the request must be referred to the Secretariat for advice.
46. If a member is speaking or writing in a personal or professional capacity to the media (which they are entitled to do) and they are identified as a member of the ACMD, it should be made clear that the individual's view is not necessarily that of the ACMD.

47. All media inquiries to members should, when relevant to ACMD business, be routed through the Secretariat who will liaise with press office and the Chair.
48. Any media appearances that members have been asked to undertake on behalf of the ACMD, or which specifically cover the work of the ACMD, should be reported beforehand to the Secretariat, who will liaise with its press office and the Chair.
49. Any requests for articles, letters or other comments relating to the work of the ACMD that are intended for publication should be referred to the Secretariat and a copy of the text made available to the Secretariat as early as possible *prior* to its publication.

Policy on openness and transparency⁷

50. The ACMD will operate with a presumption of openness. The ACMD will comply with the requirements of the Freedom of Information Act 2000 (FOIA) and with the Environmental Information Regulations (EIR).
51. The ACMD will make public (through publication on the Home Office external website), and will continue to make public:
 - Details of the ACMD's terms of reference and code of practice;
 - Membership of the ACMD;
 - Members interests;
 - Meeting agendas (prior to meetings taking place) and minutes (after they have been formulated and agreed by the ACMD);
 - Formal reports and statements made by the ACMD;
 - Contact points for the secretariat;
 - An annual report.
52. Minutes of all ACMD meetings will be taken. These will accurately reflect the proceedings and discussions that take place and will be recorded on a non-attributable basis except where the views of one or more members need recording (for example, when declaring an interest).

⁷ See ACMD Publication scheme for details on classes of information available and formats

53. Minutes of working groups and sub-groups will not, as a matter of course, be published on the website since sub-group outputs will be presented at the ACMD meetings.
54. Wherever possible, final advice from the ACMD will be placed in the public domain when it is submitted to the Minister. Where advice cannot be made public, or cannot be made public for a period of time, this will be explained. It is not anticipated that there will be many occasions when there is a need to withhold information, but some examples might include: when there is a specific and significant risk that doing so would prove commercially, or financially sensitive, or where studies are sensitive in security terms.
55. The ACMD will hold meetings in public to demonstrate the transparency of its working. Parts of such meetings may remain restricted.
56. The ACMD will produce an annual report each year and this will be made public.

Code of conduct for observers⁸

57. Members of the public and officials attending ACMD meetings are asked to observe a code of conduct for observers⁹:
 - Observers may not participate in Council's discussions unless invited by the Chair to do so;
 - Observers are asked to refrain from attempting to influence members' views in the margins of the meeting;

Confidentiality of papers

58. The ACMD will operate in an open and transparent way in accordance with its policy on openness (as outlined). However, at times members will receive papers which should be treated as confidential. To ensure clarity in this area ACMD papers will be marked in one of three ways, as follows:
 - **'For Members' Use Only'**. These papers include draft minutes of meetings and draft reports or advice. This mark is also to be used for any commercially or other sensitive information released solely for the information of the ACMD. Papers with

⁸ Member of public, official or other

⁹ Further details on the Code of conduct for observers will be published, on the ACMD website, when a public meeting is announced

this marking are for the exclusive use of Members and should not be shown to, or discussed with, anyone else.

- **‘Not for Publication’**. These papers may be shown to professional colleagues for the purpose of furthering the ACMD’s work on a ‘need to know’ basis, but they are not for wider disclosure. They may be shown to, or discussed with, colleagues on a confidential basis. They should not normally be copied; but if for any reason they are, the copy should be returned to the member.
- **‘For Information’**. These papers may be shown freely or discussed with anyone. These papers will mostly be those containing published material (e.g. published research or agendas of meetings which will also be available to the public).

59. If documents are produced for eventual public release they should not be disclosed until they have been formally released by the ACMD.

Members’ interests

60. Members interests will be made available publicly as appropriate (publication on the website).

Personal liability of members

61. The Cabinet Office Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies is applicable to the ACMD:
“Legal proceedings by a third party against individual board members of advisory bodies are very exceptional. A board member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual board members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their board functions. Board members who need further advice should consult the sponsor department.”

General information

Recruitment

ACMD Code of Practice

62. There is a statutory requirement that membership includes representatives of the practices of medicine, dentistry, veterinary medicine and pharmacy, the pharmaceutical industry, and chemistry other than pharmaceutical chemistry; and people who have a wide and recent experience of social problems connected with the misuse of drugs.

Period of appointment for Chair and Members

63. Appointments, usually for a term of three years, are ordinarily made by the Home Secretary, in accordance with guidance issued by the Office for the Commissioner for Public Appointments (OCPA).
64. Pursuant to the OCPA guidance, members can serve a maximum period of 9 years in three, 3 year terms, (although no member can be re-appointed unless they have received a satisfactory performance appraisal).

Time commitment

65. The ACMD expects to hold a minimum of two one-day full Council meetings per year. Members should allocate appropriate time to study meeting papers in advance of these meetings. Additional time may be required to provide support for working groups (and sub-groups of these) that are likely to be established.

Travel and subsistence

66. Members will be reimbursed for their travel and subsistence, when on ACMD business.
67. In order to keep Secretariat records accurate, members should submit claims for expenses within one month of the expense being incurred.

Annex 1

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 rewards 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 interest 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 interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

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