



Department
for Environment
Food & Rural Affairs

Code of Practice of the Hazardous Substances Advisory Committee

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1. Introduction

The Hazardous Substances Advisory Committee (HSAC) is bound by the Government Code of Practice for Scientific Advisory Committees, which is itself underpinned by the Principles of Scientific Advice to Government and the Universal Ethical Code – Rigour, Respect and Responsibility which is a statement of the values and responsibilities of scientists. However, against this general background – it is good practice to set out specific elements of a bespoke Code of Practice for the HSAC. This Code of Practice therefore sets out the standards that members of the HSAC are expected to adhere to, the governance of committee business, and various other administrative and practical arrangements which need to be made transparent.

2. Role and purpose of Committee

The HSAC is an independent scientific advisory body providing expert advice on protecting the environment, and human health via the environment, from potentially hazardous substances, articles, and wastes. Its terms of reference, which have been agreed by Ministers, are:

To advise officials, UK Ministers, including Ministers in the Devolved Administrations, and other relevant bodies, on request or otherwise:

- On matters of relevance at a domestic, European and global level, relating to the protection of the environment, and human health via the environment, from potentially hazardous substances, articles and wastes, including advanced materials; including on future issues of concern, on new innovations, on impacts and on wider strategic linkages;
- On the assessment of risks associated with potentially hazardous substances, articles and wastes, including advanced materials;
- On research needs and other evidence gaps relating to potentially hazardous substances, articles and wastes, including advanced materials; including analysing, interpreting, and assessing the quality and relevance of, evidence.

To advise officials and UK Ministers, including Ministers in the Devolved Administrations, on request or otherwise, on policy development and evaluation, including the impact of different policy options; the assessment of new regulations and deregulation, and the development of voluntary initiatives, best practice advice and formal guidance, which are relevant to its remit.

3. Supporting Protocols

In addition to its Terms of Reference, the HSAC has two supporting protocols to capture its relationship with the Defra Chief Scientific Adviser, and with Defra Ministers.

Protocol on the relationship between The Defra Chief Scientific Advisor and the Hazardous Substances Advisory Committee:

- To report to, and engage with, the Defra Scientific Advisor and through them the Defra Science Advisory Council;
- To support the Defra Chief Scientific Adviser, as necessary, during emergencies;
- To operate in line with the Government's Principles for Scientific Advice and the Code of Practice for Scientific Advisory Committees.

Protocol on relationship between the lead Defra Minister and the Hazardous Substances Advisory Committee:

The lead Defra Minister will:

- Set Terms of Reference for the committee;
- Agree strategic work plans, receive reports and advice;
- Receive periodic reviews of the committee's functions and value for money;
- Consult the Devolved Administrations and other Departments as appropriate, about the committee and its work.

4. Standards for members

Members of the HSAC must at all times:

- Observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the management of this body;
- Be accountable to the sponsoring department for its activities and for the standard of advice it provides;
- Comply fully with the code of Practice on Access to Government Information;
- Follow the Seven Principles of Public Life (Annex);
- Comply with this code and ensure they understand their duties, rights and responsibilities and that they are familiar with the function and role of this body and any relevant statements of Government policy;

- Not misuse information gained in the course of their public service for personal gain or 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; and
- Not hold any paid or high-profile unpaid posts in a political party, and not engage in specific political activities on matters directly affecting the work of this body. When engaging in other political activities, board members should be conscious of their public role and exercise proper discretion.

5. Governance of committee business

5.1 Expertise of members

Members are appointed for their personal scientific expertise, and for the relevance of that expertise to the committee's remit and work programme. The expertise which members bring to bear on committee business will be recorded in the committee's annual reports.

5.2 Handling Conflicts of Interests

Members must not be influenced, or appear to be influenced, by their private interests in the exercise of their public duties. All HSAC members should therefore declare any personal or business interest which may or may not be perceived (by a reasonable member of the public) to, influence their judgement. This should include, as a minimum, personal direct and indirect pecuniary interests¹, and should normally also include, such interests of close family members and of people living in the same household. A declaration of any interest should also be made at any committee meeting if it relates specifically to a particular issue under consideration, for recording in the minutes (whether or not a committee member also withdraws from the meeting). HSAC members should not participate in the discussion or determination of matters in which they have an interest, and should normally withdraw from the meeting (even if held in public) if their interest is direct and pecuniary; or their interest is covered in specific guidance issued by this body or the sponsor department which required them to withdraw from the discussion or meeting. The Secretariat will publish details of interests declared in committee annual reports, and in records of meetings – which will be publicly available on the committee website.

¹ Indirect pecuniary interests arise from connections with bodies which have a direct pecuniary interest or from being a business partner of, or being employed by, a person with such an interest. Non-pecuniary interests include those arising from membership of clubs or other organisations. Close family members include personal partners, parents, children (adult and minor), brothers, sisters, and the personal partners of any of these.

5.3 What is expected of the HSAC Chair

The Chair has particular responsibility for providing effective leadership. In addition, the chair is responsible for:

- Ensuring that the committee meets at appropriate intervals, and that the minutes of meetings and any reports to Ministers accurately record the decisions taken and, where appropriate, the views of individual members;
- Participating in the process for the recruitment of committee members;
- Engaging with the Defra Chief Scientific Adviser and Defra Science Advisory Council;
- Representing the views of the committee to the general public; and
- Ensuring the new HSAC members are briefed on appointment and providing an assessment of their performance, on request, when members are considered for reappointment to the committee or for appointment to some other public body.

It is very rare that the committee is required to give urgent advice. The issues that it considers are not of an urgent nature and consequently most of its business is carried out during its meetings. However, in the unlikely event that urgent advice is required, it will fall to the Chairman to provide this initially.

5.4 What is expected of HSAC members

The members have collective responsibility for the operation of the HSAC. They should:

- Engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including guidance issued by the sponsor department or the responsible ministers;
- Ensure that the Code of Practice on Access to Government Information (including prompt responses to public requests for information) is adhered to;
- Respond appropriately to complaints, if necessary, with reference to the sponsor department; and
- Ensure that the committee does not exceed its functions.

Members are expected to read the meeting packs before each meeting and formulate a view on each item, as required, for discussion at the meeting. When there are very large or technically complex documents to review and summarise, the Chair may appoint one or more rapporteurs, drawn from the members, for this purpose. Occasionally, subgroups of HSAC members may be established to discuss specific issues and report back.

6. Other administrative and practical arrangements

6.1 Personal liability of HSAC members

Legal proceedings by a third party against individual committee members of advisory bodies are very exceptional. A 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 criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual 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 functions. Members who need further advice should consult the sponsor department.

6.2 Engagement with Ministers

The HSAC's purpose is to provide government with access to independent, impartial and expert advice, on request or otherwise. By adhering to the Code of Practice for Scientific Advisory Committees, the HSAC will remain independent of Ministers. Whilst most of the committee's engagement will be with officials, it has the right, where appropriate, to submit advice directly to Ministers. Communication between the HSAC and Ministers will generally be through the Chair except where the members have agreed that an individual member should act on their 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 member. In such cases the agreement of the rest of the committee should normally be sought. The involvement of Ministers in the process of appointments to the HSAC will be in accordance with the Code of Practice for Ministerial Appointments to Public Bodies.

6.3 Engagement with Defra Chief Scientific Adviser and Defra Science Advisory Council

The committee comes under the purview of the Defra Chief Scientific Adviser (CSA), and through them, the Defra Science Advisory Council which supports the CSA in oversight of all Defra scientific committees, and in providing advice and challenge on the science underpinning Defra policies. This scrutiny and co-ordination of the Defra bodies providing science advice to the department ensures that Defra's evidence programme meets the needs of the department.

6.4 Terms of Appointment

Members are appointed in accordance with the 1 April 2012 Code of Practice for Ministerial Appointments to Public Bodies. Terms of office will usually be for periods of three years and members may be reappointed for further terms. In accordance with rules laid down by the Office of the Commissioner for Public Appointments – the total length of service on the committee should not exceed ten years. Appointments may be terminated at a member's request, or by Ministers if members fail to perform as expected of them, with notice periods of not less than three months.

6.5 Financial arrangements

The Chairman and other members of the committee do not receive salaries. Members are, however, entitled to claim daily fees for the time they spend on HSAC business. This covers time spent on committee-related activities as well as attendance at virtual and face to face meetings. All fees paid are taxable. Members are expected to claim for a full daily rate to attend the meeting, plus reasonable time to assess the documents for discussion (usually half a day), but can claim more if they fulfil any additional duties requested of them, such as acting as a rapporteur. Committee members are entitled to claim reimbursement for costs incurred in travelling (standard class) to and from meetings, which are mostly held in London, including any necessary overnight stays, and for any necessary meals and refreshments covering the period of travel. All claims require supporting receipts, i.e. for hotels, meals, rail tickets, taxis, car parking etc. which are verified by the Secretariat. Financial information on the committee will be included in annual reports.

6.6 Meetings

The HSAC normally holds a mix of face to face meetings in London and virtual meetings, with members of the public able to attend. Occasionally, when confidential data is discussed, part of the meeting may be held in closed session. In addition to HSAC members and the Secretariat, attendance will usually include other officials from Defra, and other Government Departments, agencies and devolved administrations – as well as members of the specialist chemical press. Industry representatives and invited guests and speakers may also attend meetings. Members of other committees, such as the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) and the Expert Committee on Pesticides may also attend and collaborate with the HSAC.

6.7 Information about the HSAC and its work

Information about the HSAC and its work is published on the committee's dedicated website, hosted by Defra. Meeting agenda, papers, presentations and minutes will normally be published. There may be limited circumstances where information is not made available such as draft documents which are still in the process of development, or which contain commercially sensitive information. Any decision to withhold such information is taken in line

with the requirements of the relevant access to information legislation, including data protection rules.

6.8 Secretariat

The Secretariat is provided by Defra and can be contacted by emailing Chemicals@defra.gov.uk. It is responsible for ensuring compliance with relevant Codes and standards, for the good governance of committee business and for ensuring that the committee does not exceed its remit. The Secretariat is also the normal channel for communication between the committee and Ministers, and between the committee and other internal and external interests. It is responsible for delivering standard Secretariat services, including - arranging and recording meetings, circulating papers, maintaining the committee website, publishing committee advice and annual reports, handling claims for fees and travel & subsistence from members, dealing with Freedom of Information requests pertaining to the committee, liaising with external interests who wish to attend committee meetings.

Annex – The seven principles of public life

Selflessness

Holders of public offices should take decisions solely in terms of the public interest.

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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