



Home Office

**REVIEW OF:**

**THE ADVISORY COUNCIL ON THE MISUSE OF  
DRUGS**

**THE ANIMALS IN SCIENCE COMMITTEE**

**AND**

**THE NATIONAL DNA DATABASE ETHICS  
GROUP**

# Review Stage 1 - Functions

## Introduction

It is Government policy that a non-departmental public body (NDPB) should only be set up, or remain in existence, where the model can be clearly evidenced as the most appropriate and cost-effective way of delivering the function in question.

In April 2011, Cabinet Office announced that all NDPBs still in existence following the reforms brought about by the Public Bodies Act 2011 would have to undergo a substantive review at least once every three years. The first year of these reviews would be 2011-12. These triennial reviews would have two purposes:

1. to provide a robust challenge of the continuing need for individual NDPBs – both their function and their form, employing the ‘three tests<sup>1</sup>’ discipline; and
2. where it is agreed that a particular body should remain as an NDPB, to review the control and governance arrangements in place to ensure that the public body is complying with recognised principles of good corporate governance.

All triennial reviews are carried out in line with Cabinet Office guidance “Guidance on Reviews of Non Departmental Public Bodies”. This guidance states that reviews should be: proportionate; timely; challenging; inclusive; transparent; and value for money. Where ‘views’ are expressed they are from the result of the evidence gathering that formed part of the review process.

## Background on the bodies being reviewed

This review considers the three Home Office sponsored Advisory NDPBs that provide the Home Secretary with advice on scientific issues: the Advisory Council on the Misuse of Drugs (ACMD); the Animals in Science Committee (ASC); and the National DNA Database Ethics Group (NDNADEG).

Oversight and a secretariat function for these bodies are provided by the Science Secretariat in the Home Office. The team comprises: one Grade 7; two Senior

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<sup>1</sup> it performs a technical function which needs external expertise to be delivered for example a function that could not be delivered in a department by civil servants, and where it would not be appropriate to recruit staff with the necessary skills to the department to undertake the function; its activities need to be, and be seen to be, delivered with absolute political impartiality – for example where political involvement, or perceived involvement, could adversely affect commercial considerations, growth, or the financial markets, or could lead to criticism of partiality; or it needs to act independently of Ministers to establish facts and/or figures with integrity – for example in the compilation of National Statistics.

Executive Officers; one Senior Scientific Officer, two Higher Executive Officers, and two Executive Officers.

These NDPBs employ no staff and do not have costs relating to IT or estates. Expenditure on the bodies relates to facilities for committee meetings and travelling expenses, including hotel accommodation where required, for committee members. The members are not paid. For the period 2013-2014, government funding for all three bodies was £84,000 and expenditure was £83,509.

All members are appointed through fair and open competition by Home Office Ministers in accordance with the Commissioner for Public Appointments' Code of Practice. Appointment terms are for an initial three year term.

### **Advisory Council on the Misuse of Drugs (ACMD)**

The Advisory Council on the Misuse of Drugs (ACMD) is an advisory non-departmental public body of the Home Office, established under the Misuse of Drugs Act 1971.

ACMD's terms of reference are:

- It shall be the duty of the Advisory Council to keep under review the situation in the United Kingdom with respect to drugs which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem, and to give to any one or more of the ministers, where either council consider it expedient to do so or they are consulted by the minister or ministers in question, advice on measures (whether or not involving alteration of the law) which in the opinion of the council ought to be taken for preventing the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the council, ought to be taken.
- A further duty is placed on the Advisory Council to consider any matter relating to drug dependence or the misuse of drugs which may be referred to it by any government minister (as defined in the Act).
- Ministers - ordinarily the Home Secretary - are obliged to consult the Advisory Council before laying orders before parliament or before making regulations (or any changes to the same) under the Act.

The work of the ACMD includes work commissioned by the Home Secretary and the relevant Home Office Minister with the remainder initiated by the ACMD itself.

There are currently 25 ACMD members including the Chair Professor Les Iversen. Their areas of expertise include: pharmacology, policing, toxicology, chemistry, criminology and psychiatry.

There are two meetings a year of the full Council with committees and working groups meeting throughout the year to take forward the Advisory Council's work. The last full meeting was held on 24 November 2015. Previous open meetings were 2 July 2015 and 12 June 2014.

The ACMD publishes its annual report on [www.gov.uk](http://www.gov.uk) at:

<https://www.gov.uk/government/organisations/advisory-council-on-the-misuse-of-drugs>

### **Animals in Science Committee (ASC)**

The Animals in Science Committee is an advisory non-departmental public body of the Home Office. It is responsible for providing impartial, balanced and objective advice to the Secretary of State, to Animal Welfare and Ethical Review Bodies (AWERBs) and sharing information with other National Committees within the European Union on the evaluation of project licences and on the operation of AWERBs on issues relating to the Animals (Scientific Procedures) Act 1986 as amended.

The ASC was established by the Animals (Scientific Procedures) Act 1986 as amended to comply with Directive EU 2010/63/EU which came in to force on 1 January 2013. Article 49 of this Directive requires each EU member state to establish a National Committee for the Protection of Animals used for Scientific Purposes. In the United Kingdom the committee is the Animals in Science Committee and superseded the Animal Procedures Committee (APC).

The Animals in Science Committee role is:

- to advise the Secretary of State on all matters concerning the use of animals in scientific procedures;
- to advise animal welfare bodies on sharing best practice within the UK; and
- by exchanging information within the European Union to co-ordinate best practice.

The ASC has 12 members plus the Chair Dr. John Landers. Members include those with relevant expertise in biology, neuroscience, neuropharmacology, animal welfare and veterinary medicine together with lay members to meet its obligations under the Act.

The full Committee meet around five times a year. In addition, there are a number of ad-hoc Sub-Committees and Working Groups. The latest ASC meetings were held on 26 October 2015 and 6 July 2015.

The ASC will publish its annual reports on [www.gov.uk](http://www.gov.uk) at:  
<https://www.gov.uk/government/organisations/animals-in-science-committee>.

### **The National DNA Database Ethics Group**

The National DNA Database Ethics Group (EG) is an advisory Non-Departmental Public Body (NDPB). It was established in 2007 to provide Home Office Ministers with independent ethical advice on the operation and practice of the National DNA Database (NDNAD).

It comprises nine members from a range of disciplines and professions (biologists, genetics, managing directors, judges) led by an independent chair: Christopher Hughes OBE.

In 2013, the EG held four meetings of the whole group. In addition, the EG members contributed to meetings with the Minister for Criminal Information, the National DNA Strategy Board, the HO Chief Scientific Advisor, the National Policing Improvement Agency, the Forensic Science Regulator, the NDNAD Delivery Unit. Those meetings covered a wide range of issues.

They presented papers at seminars, gave advice on the use of NDNAD (on how to identify a missing person, for example), and participated in relevant briefings and visits.

The Ethics Group publishes its annual reports and minutes of meetings on [www.gov.uk](http://www.gov.uk), at: <https://www.gov.uk/government/organisations/national-dna-database-ethics-group>

The EG works closely with the National DNA Strategy Board, which acts as the delivery agent for the recommendations of the EG. The EG Chairman sits on the Strategy Board as an ex-officio member, and the other EG members with lead responsibilities for specific issues are involved in the related Strategy Board Programme.

These are some of the work programmes led by EG members:

- advise on the implementation of the Protection of Freedoms Act 2012 : since the Act received Royal Assent, the EG gave advice on how to monitor the impact of the legislative changes and gather evidence that underpins the effectiveness of the NDNAD;
- monitor, advise, and review the implementation of the deletion of profiles from the NDNAD;
- provide ethical advice on elimination databases;

- ensure all police and supplier databases containing DNA information are subject to robust governance requirements;
- provide support and advice on ethical matters to the Biometrics Commissioner and others as required;
- monitor developments on crime scene DNA testing and other new technology;
- international exchange of DNA;
- monitor the treatment of children and young people in relation to DNA sampling and retention with a view to ensuring that they are safeguarded and that their distinct rights are recognised;
- monitor and assess potential disproportionate or discriminatory effects of the use and operation of the NDNAD may have on ethnic minority groups and vulnerable people; and
- support the NDNAD Strategy Board in developing more transparent, ethical and user friendly information about the forensic use of DNA and the database.

## Review Process

The review was conducted on behalf of the Secretary of State and was overseen by Chris Batchelor, Head of the Home Office Cross Cutting Team, who is independent of the body and sponsorship function. The review was divided into two stages.

For both stages, the review team consisted of:

Tom Dooley (Head of Public Bodies and Devolution Team) – lead reviewer

Ben Foyle (Public Bodies Team) – reviewer

Maria Bassoli (Cross Cutting Team) – reviewer

Cabinet Office – external challenge

In addition to the review team and Cabinet Office, oversight and challenge has been provided by Professor David Wark FRC<sup>2</sup> who is independent of the Home Office and the bodies under review.

The review team invited stakeholders for all three bodies to participate in an on-line call for evidence; which was also available to the public. In addition, the lead reviewer interviewed the Chair of each body. Annexes B, C and D provide the responses received from the call for evidence.

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<sup>2</sup> David Wark is a distinguished particle physicist with an international reputation for his research and leadership. He has a strong record of chairing and leading important committees and groups in the scientific area, such as the Physics committee of the Royal Society and the review of the Long Baseline Neutrino Experiment of the USA, and of membership of scientific advisory committees such as the senior scientific advisory committee at CERN. He is currently Director of the Particle Physics Department at the Rutherford Appleton Laboratory and also a Professor of Physics at Oxford.

## Continuing need for the functions of the ACMD, ASC and NDNADEG.

Part one of the Triennial Review has to consider whether the body under review is still performing a necessary function and if so, whether the current delivery model is the best one for the delivery of that function. The findings for each of the three bodies are given below.

The functions of each body have been considered by reference to the Cabinet Office guidelines on reviews of NDPBs (referred to as ‘the guidance’).

Annex A sets out the consideration of each delivery model.

### Advisory Council on the Misuse of Drugs (ACMD)

The review concludes that the ACMD is performing a necessary function that requires input from qualified and independent experts and needs to remain independent of Government. It is further recommended that in order to discharge its duties it should continue to function as an advisory NDPB.

This review found that the activities of the ACMD remain relevant, especially in the context of new drugs coming onto the market.

Evidence was received on the continued growth and development of new drugs, including New Psychoactive Substances (NPS). The view on the majority of respondents was that the ACMD remains an effective mechanism to provide timely advice on the harmfulness of such drugs<sup>3</sup>.

A number of the responses to the call for evidence proposed that the ACMD should advise on issues that go beyond its current remit; in particular that it should comment on drugs in relation to social policy and possible legislative responses. Since 2011 the ACMD have a working protocol that established its working framework. It is that the ACMD advises on the situation in the United Kingdom with respect to drugs that may be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem, and to give advice as to what measures, in their opinion, ought to be taken to prevent the misuse of such drugs. It is also clear that being mandated as it currently is, provides a clear line between governmental responses and actions and the need to obviate subjective discourse on social policy with its drugs advisor. It is not recommended therefore that the remit of the ACMD should be expanded.

With regards to the question of alternatives to the ACMD there were a number of suggestions: Drugscience.org, CLEAR UK and the Commission for Medicine.

Drugscience.org, cover a wide area of expertise but also advise on intervention actions as well as the core remit of the ACMD which is drug harms.

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<sup>3</sup> Annex B, Question 4.

CLEAR UK is mainly concerned with promoting the legalisation of cannabis and its benefits both as a drug and the use of hemp.

Commission for Medicine, advises on adverse reactions to medicines and medicinal products.

There was no evidence to suggest that any of the three bodies listed above could, as currently constituted, deliver the advice provided by the ACMD without the risk of that advice being compromised by their other interests or being so perceived to be.

Drugs are often the cause and / or part of criminal activity. Reducing the impact that certain drugs have on society also reduces the amount of crime associated with it; the reduction of crime is at the heart of Home Office business. The counter argument, that criminalising drugs just adds to the amount of criminal activity and leaves the drugs market open to be exploited by organised crime, was seen to have merit. However, the ACMD advises on the harmfulness of drugs and the Government decides how to act on that advice. The question of any form of legislative response regarding drugs is therefore outside the remit of this review and the ACMD.

Drugs and drug harms are a problem world wide, it is therefore logical that Government controls, regulates and prohibits certain drugs in furtherance of the wider benefits to society. Opinions can be polarised around the benefits and harms of certain drugs (cannabis being an example) and as such it is important that decisions that are made on restriction of those drugs are made in a way where the process is as open as possible. That would seem to necessitate clear advice that is based on the available data and scientific views. As discussed above, this is best seen as being delivered independent of Government. The ACMD provides that function. Further we could not see any other type of delivery model for this service; to be provided by a private company would be open to accusations of bias, this is not a service that could be self funding, so could not be a public corporation and the evidence points to the merits of having individuals on the ACMD based on their expertise alone and no other affiliations. There is a clear need for this function to be part of central Government but to operate at 'arms length' of Ministers.

Consideration of the delivery models in full is at Annex A. There is a compelling case for the ACMD to remain as an advisory NDPB; it is therefore necessary to apply the Three Tests as outlined earlier.

### **Assessment against the 'Three Tests' mandated by the Cabinet Office Guidance**

#### **1. Does the ACMD perform a technical function it needs external experience to deliver?**

Yes. A vast majority of respondents to the call for evidence all agreed strongly or tended to agree that the work of the ACMD performs a technical function. Understanding the use and effects of drugs requires technical knowledge and



experience to be able to advise on the harmful effects of drugs. This is the type of expert knowledge that would not be practicable to be provided internally by Government 'in house' resources.

**2. Does the ACMD deliver a function which needs to be, and seen to be, delivered with absolute political impartiality?**

Yes. Once again the overwhelming majority of respondents felt that political impartiality was an absolute necessity. This is an area that is seen as highly controversial and can attract a wide spread of opinion. The ACMD has been seen as bringing objective reason to this field of work.

**3. Does the ACMD deliver a function which needs to be delivered independently of Ministers to establish facts and/or figures with integrity?**

No with respect to facts and figures. However, respondents felt that provision of advice with integrity was an essential part of what the ACMD does. The use and misuse of drugs is emotive and can attract criticism what ever your view may be of a particular substance. Having non political advice as to the possible harmful effects of a drug means that the remedy or action taken by government in a political context can be independent of the advice received but also be seen to be informed by that same advice. The ACMD does not establish facts and /or figures.

## Animals in Science Committee (ASC)

The review concludes that the ASC is performing a necessary and expert function and that it should continue to perform its duties as an advisory NDPB that is, and is seen to be, independent of government.

The remit of the ASC is wider than that of its predecessor (the APC). It provides advice in an area that is seen as highly controversial and where opinion is often polarised. This review did not ask about whether animals should or should not be used in scientific research and testing. It is a stated government commitment to work to reduce the number and use of animals in "scientific research". To this end an advisory body of independent experts is seen as essential.

The review concludes that members should continue to be appointed in an individual capacity, based on personal expertise<sup>4</sup>. They should not be representative of a group or organisation where their judgement could be perceived to be coloured by such membership<sup>5</sup>.

Independence from government was considered important, allowing the ASC to consider a range of evidence and opinion from both within and outside of government. This independence was considered key to reinforcing confidence in the

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<sup>4</sup> Annex C, Question 5.

<sup>5</sup> Annex C, Questions 6 and 7

government and how it regulates a controversial area of business. The UK is viewed as being ahead of the rest of Europe in the development of regulation and sharing of best practice; this is attributable to the work done by the ASC and its predecessor, the APC.

The evidence received was firmly of the belief that there needs to be a body advising Government on the issues around animal testing and procedures. This is an area which commands strong feelings and points of view. Feedback indicated that Government regulation provides an essential role in the control, including replacement, refinement and reduction, of the use of animals in scientific procedures. This is also the thinking behind the EU Directive which seeks to establish bodies of this nature across Europe. So there does need to be a body advising Government on the use of animals in scientific procedures. Advice also needs to come from qualified persons who are appointed independently of affiliations elsewhere – this ensures objectivity in terms of advice given.

### **Should the ASC report to the Home Secretary?**

Article 49 of European Directive 2010/63/EU requires each Member State to establish a national committee for the protection of animals used for scientific purposes to advise the national competent authority and the local AWERBs required at each establishment (under Article 26) on the acquisition, breeding, accommodation, care and use of animals in procedures and to ensure sharing of best practices.

The EU directive makes it clear that this body needs to have a 'national' reach and the Home Secretary; unlike the Department for Food and Rural Affairs (DEFRA) or Business Innovation and Skills (BIS) has that reach. The legislation also makes the ASC answerable to the Home Secretary, but does not explain why responsibility rests with the Home Office.

In response to the above, evidence was provided that explained the need for the ASC to be removed from the obvious alternative sponsor departments. BIS is primarily concerned with promoting business and research. The needs for both activities could be seen to have a clash of interests. Likewise DEFRA has research work that it sponsors and conducts. The work of the ASC straddles the needs for science to be able to deliver, the business needs for such experimentation, the political and ethical issues balanced with the need for proportionate animal welfare. By bringing all these elements together in the Home Office it could be argued that the body is reporting free from the influence of business and scientific delivery. This in turn is able to give the public confidence that all factors relevant in the area of animal scientific procedures are being given equal prominence. For those reasons the report finds that the ASC should continue to be sponsored by the Home Office.

There were three bodies that were suggested as alternative providers of the advice from the ASC.

The Farm Animal Welfare Committee which provides a similar advisory role to the DEFRA. Its focus is though on farm animals and it is not a statutory body. Its remit and expertise would not readily be able to pick up the quite different work of the ASC.

The Companion Animal Welfare Council<sup>6</sup> which was set up in 1999 to provide advice on and to carry out studies about companion animal welfare. As such their remit is limited to how animals are best treated who are companions to people. As with the Farm Animal Welfare Committee their expertise is not constituted around animals being used in scientific experiments.

The National Council for the Replacement, Refinement and Reduction of Animals in Research (the NC3Rs) which commissions research into the 3Rs of its title. Its concern is clearly analogous to the work of the ASC and could be considered a viable alternative to the ASC. It has links with and need to have the trust of the scientific community. It is co-sponsored by interested business and government departments including BIS and the Home Office.

Evidence offered explained that the NC3Rs needs to be seen as a purely scientific body, it promotes the better use of animals in science with the aim to reduce their use and make experiments as humane as possible. It does not look at the wider ethical and political factors that are necessary to provide rounded advice to Government. Further as it is currently constituted it would not be able to provide the advice required of the ASC and as set out in legislation.

### **Assessment against the 'Three Tests' mandated by the Cabinet Office Guidance**

#### **1. Does the ASC perform a technical function it needs external experience to deliver?**

Yes. Current members possess a range of expertise in relevant disciplines and areas including statistics and experimental design, clinical research, animal behaviour and welfare science, law, ethics, philosophy, the pharmaceutical industry, fundamental research and animal husbandry. In order to be able to advise on matters of animal testing it needs to be able to demonstrate that it has considered all relevant aspects – as such its work is seen by all respondents as technical either tending to agree or strongly agreeing. The breadth of experience needed can only

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<sup>6</sup> Details on the Companion Animal Welfare Council can be found at <http://www.cawc.org.uk/companion-animals>

The phrase 'companion animals' covers the whole spectrum of species which might otherwise be considered as 'pets'. The CAWC explains that the use of the phrase 'companion animal' is preferred to that of 'pet' as not only does the latter tend to be pejorative, implying a lack of any utility, but is also fails to provide an adequate description of the relationship that may grow between man and animals that otherwise mainly do perform utilitarian tasks, for example horses.

properly be provided by experts in their field; being an internal expert would also call into question the independence of the advice. Further it is hard to envisage a full time role for such experts within the employ of the Home Office or Government; therefore it has to be externally provided.

**2. Does the ASC deliver a function which needs to be, and seen to be, delivered with absolute political impartiality?**

Yes. Evidence received suggested this was demonstrated by the fact that members were appointed on an individual basis. We also had evidence that some members used their position to advocate the view(s) of their organisations. However, it was still felt that the wider concerns of such a large industry were best served being delivered independent of political interference. The issues which the ASC looks at are always controversial and subject to be swayed by political opinion. Any association with a particular employer or organisation, which could be inferred to have a political leaning, has to be demonstrated to have been removed for the advice given to have objective credibility.

**3. Does the ASC deliver a function which needs to be delivered independently of Ministers to establish facts and/or figures with integrity?**

No. However, the majority agreed strongly or tended to agree that, with respect to the provision of advice, this function of the ASC needed to be delivered independently of ministers. The ASC though does not establish facts or figures but provides expert advice.

## National DNA Ethics Group (EG)

The review concludes that the EG is performing a necessary function that should continue to be delivered by independent experts within an advisory NDPB. Evidence was also received that suggested that the remit of the body should be mandated to incorporate other related areas of work. It is therefore recommended that the scope of the EG should be broadened to include a number of the ethical issues related to the use of forensic identification techniques, such as, facial recognition technology and fingerprinting.

Reviewing the public call for evidence results and the interviews it became clear that the work of the EG is seen as essential. This is an area of work where there was little or no guidance on ethical issues that may arise.

The evidence was unanimous that there needs to be a body advising in this area that is independent of government<sup>7</sup>. The responses were also overwhelmingly in favour of having individuals being appointed in a personal capacity<sup>8</sup>.

With regard to whether another organisation could provide this service, only one alternative put forward: The Nuffield Council on Bioethics<sup>9</sup>. It was noted however that; *'Medical ethics bodies have some similarity but do not have the prevention of crime dimension which the NDNADEG must take account of'*.

The review agrees and cannot therefore recommend a viable alternative to the EG.

Evidence from the interviews also suggested that the EG could be closed down and replaced with single- issue expert advisory panels, as and when needed. This approach has been used before, for example, an expert panel was set up to look at a government New Psychoactive Substances to sit alongside the ACMD. However, the vast majority of respondents advocated retention of the body as it stands. Also the existence of a standing body means matters can be referred immediately to the EG for consideration. This should enable timely advice from the EG. For these reasons it is not recommended that the EG should be closed down.

Evidence was received that the remit of the EG should be widened to include other ethical issues. The reasons advanced are persuasive. The nature of the advice provided by the EG on ethical matters around identity could be of value in fields such as facial recognition technology and fingerprinting. This could be as it is currently set up or by drafting in specialists to assist in these new areas. It was suggested also that the EG could look at the use and collection of DNA forensic evidence from scenes of crime and look at the wider use of biometrics. However, both of these subjects are already covered within the existing remit of the EG.

**From the evidence received it is recommended to extend the remit of the EG to cover the ethical issues associated with all forensic identification techniques including, but not limited to, facial recognition technology and fingerprinting.**

The retention of a person's DNA is a subject that has concerned many people and organisations. The State's ability to use 'evidence' in the most appropriate manner, without infringement of civil liberties and even human rights raises obvious ethical issues. Whilst it is possible for any Government to decide how it intends to do this, it would be open to criticism of potential bias in favour of retention and possible further use. Therefore, it is more transparent to have an independent body providing advice on such matters. Such advisers need to have expertise in their field in order to bring credibility to that advice. Such a body could be ad hoc and set up as and when

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<sup>7</sup> Annex D, Question 2

<sup>8</sup> Annex D, Question 3

<sup>9</sup> Annex D, Questions 4-6

needed, but for reasons given above regarding ‘timely’ advice it is not recommended to take that approach.

The review has also identified other areas where the work of the EG could be of significant value; therefore the case for this body to continue is well made.

The collection, storage, retention and use of DNA are core activities in convicting the guilty and helping to prove who is innocent. It is an essential part of the crime fighting ability of the police and criminal justice system. It is therefore central to the core Home Office business of reducing crime.

The type of delivery model was also looked at. The EG provide advice that is of a very specific nature and requires experts to provide that advice. It needs to be independent of Government to add the requisite credibility to that advice. No other organisation was identified who could provide this advice without the possibility of ‘self interest’ being raised as an issue. There are no commercial funding streams here either and so a Public Corporation would not be viable. It is a function that falls clearly within the legitimate work of central Government and work that needs to be independent of Government Ministers.

Consideration of the delivery models in full is at Annex A. There is a well founded case for the EG to remain as an advisory NDPB; it is therefore necessary to apply the Three Tests.

### **Assessment against the ‘Three Tests’ mandated by the Cabinet Office Guidance**

#### **1. Does the NDNADEG perform a technical function it needs external experience to deliver?**

Yes. All but one of the respondents strongly agreed that the EG provided a technical function, the other tended to agree. This is an area of science that has given rise to a number of ethical issues as the science has developed and as such most aspects of their work will have to be informed by the technical information that an expert would need to advise on. Whilst it is not unfeasible that an expert in ethics could be employed internally, it would not be practicable and also run the risk of calling into question the independence of that ethical opinion. The same applies to the other disciplines that the EG encompasses.

#### **2. Does the NDNADEG deliver a function which needs to be, and seen to be, delivered with absolute political impartiality?**

Yes. All of the respondents agreed strongly that that the work of the NDNADEG had to be politically impartial. With a concept such as ethics it is imperative that such advice could not be called into question on grounds such as political affiliation, business interest or any other such allegiance.

The EG is seen as being apolitical, with members being appointed on merit through the public appointment process and therefore not representing any other interest.

Amongst the evidence offered was that the availability of minutes of meetings, minutes and annual reports on their web site has also contributed to their profile as being politically impartial.

### **3. Does the NDADEG deliver a function which needs to be delivered independently of Ministers to establish facts and/or figures with integrity?**

No as an advisory public body the EG does not establish facts or figures. However, with respect to the advice it provides, all of the respondents felt that they strongly agreed that the EG had to deliver such advice independent of Ministers. To be able to advise across the issues all members have to be free of political considerations and avoid accusations of such political bias in their findings.

#### **The Question of merger of the Home Office Science Bodies.**

All three of these bodies provide advice on Home Office business of a scientific nature. Therefore the question of whether these functions could or should be merged has to be addressed.

The areas of work covered by the three advisory NDPB's are in different fields of science and they need to have specialist experience to be able to sit on each of those bodies – there would be very little transference of those disciplines. That would mean if one science body was formed, we would still need to have three groups sitting as possibly sub groups of a large overarching body. While this would enable them to continue to fulfil their functions, as constituted, there is no obvious reason for doing so from a financial or efficiency point of view. Indeed, it is likely that with such a large overarching body, sub groups and a secretariat for each body, it would be less efficient and effective than the current arrangements.

All of the bodies have completely different remits, terms of reference and policy customers. They have also been established under differing statutory provision. Whilst that of itself would not preclude amalgamation, there are no evident advantages for so doing for the reasons as stated above.

Further the secretariat has already been merged into a single function which has realised the savings from economies of scale, but will be examined further under stage 2 of this review.

## **Conclusion**

**In evaluating the delivery model of all three Home Office, science bodies and assessing their functions against the three tests; it was the conclusion of part 1 of this Triennial Review that the ACMD, NDADEG and the ASC should all continue to fulfil their functions as advisory NDPBs.**

## Review Stage 2

Stage 2 of the review of the Animals in Science Committee (ASC), Advisory Council on the Misuse of Drugs (ACMD) and National DNA Database Ethics Group (EG) considers the control and governance arrangements and efficiency.

As the ACMD, ASC and EG all provide scientific advice to Government, stage 2 of the review must also assess compliance with the:

- Principles of Good Corporate Governance for Advisory NDPBs (the Governance Principles); and
- Code of Practice for Scientific Advisory Committees (the Code) and the Principles of Scientific Advice to Government (the Principles of Scientific Advice).

The Code is intended for use by Scientific Advisory Committees (SACs) (Chairs and members), their secretariats and departments. The purpose of the Code is to provide guidance on the establishment, management and conduct of SACs and their relationship with the department they advise.

Stage two of the review followed Cabinet Office's standard "comply or explain" approach when assessing compliance. To determine compliance with the Governance Principles, the Chair of each body and the Secretariat were asked to complete the checklists at Annex A. Compliance with the Principles of Scientific Advice and the Code was assessed through the checklists at Annex A, on-line research and discussions with the Secretariat and policy officials. Where any of the bodies or the secretariat does not comply with a principle, an explanation has been provided.

The report groups its findings into three broad categories: how each body works with the Home Office; Accountability; and Transparency.

The review recommends that all recommendations should be implemented within six months of the publication of this report, unless stated otherwise.

### **Working with the Home Office**

This section looks at how each body meets the Principles of Scientific Advice, the Governance Principles and the Code in respect to how they should work with the Home Office, their independence, transparency and openness, purpose and expertise, and membership.



The ACMD and ASC have a published Code of Practice<sup>10 11</sup> which includes a Joint Working Protocol. The Code of Practice outlines the role, remit and responsibilities of the Chair, members, secretariat and sponsor. The joint working protocol sets out the key principles intended to support effective engagement between the committees and Ministers and Policy sponsors. Comparable documentation has been agreed by the EG and is expected to be published by 1 March 2016. The secretariat has assured the review team that the Codes of Practice of all three bodies will be reviewed annually. Publication will provide parity across all three committee. The protocols make specific reference to the Code and the Principles of Scientific Advice. Below is an extract from the ACMD protocol:

In discharging their respective responsibilities:

(i) The ACMD and its members will continue to work under the Code of Practice for Scientific Advisory Committees, incorporating the Seven Principles of Public Life (the Nolan Principles) and the ACMD's own Code of Practice. In particular, the ACMD Chair and its members will act in the public interest and observe the highest standards of public office – including impartiality, integrity and objectivity whilst being accountable through Ministers to Parliament and the public; and

(ii) Ministers will continue to work under the Guidelines on Scientific Analysis in Policy Making and the Ministerial Code. The Ministerial Code, updated in May 2010, states that Ministers “should have regard to the *Principles of Scientific Advice to Government*”.

The priorities of all three bodies are guided by Ministers, who give each body specific commissions. For each, this accounts for around 70% of their work and informs each committee's programme of work; the remainder being work of the committee's own volition.

The bodies inform the Minister how they intend to take forward their work and set out timelines<sup>12</sup>. If they foresee or encounter any difficulties in providing or prioritising advice, the Chair discusses reasons with the Minister.

In all cases, the Chair determines how a decision will be arrived at. When providing their advice to Ministers, the Chair is clear how that advice was developed for

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<sup>10</sup> ACMD

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/119041/workingprotocol.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/119041/workingprotocol.pdf)

<sup>11</sup> ASC

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/312511/ASC\\_Working\\_Protocol.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/312511/ASC_Working_Protocol.pdf)

<sup>12</sup> For the ACMD, this is informed by their statutory Terms of Reference.

example, through a working group. Their advice is wholly independent, neither influenced by government nor representing the interests of stakeholders or industry.

The Chair, when providing advice to Ministers, provides balanced advice i.e. if not all members agreed with the advice, what the differences of opinion were, and how the final decision was reached.

All three committees also receive specific “in year” requests for advice. An example of such requests is the need for temporary class drug orders. The protocol sets out the type of commissions that will be dealt with by the ACMD.

There is a standing arrangement that should there be a need for urgent advice, each body will react as required.

For both the ASC and ACMD, the protocol is clear that the Minister will not pre-judge the advice in advance of receiving it. Ministers will give appropriate consideration before issuing a response and, if they are not minded to accept the advice, the Minister will offer the opportunity for a discussion with the Chair or nominated representative. If key recommendations are not to be accepted, the Minister will write to the Chair setting out their reasons for rejection in advance of any public comment by the Home Office. The same process is operational for the EG and will be reinforced once their Code of Practice and Working Protocol is published in March 2016.

Advice is published concurrently with its presentation to Ministers, unless there are pressing reasons not to, such as issues of national security, the safety of individuals, prevention of crime or protection of property.

The mechanisms for the advisory bodies reviewing previously offered advice have not been formalised by putting them in writing. If there is a need to review advice in light of new evidence, each body provides advice to Ministers either of their own volition or following a commission from Ministers. This is evidenced by the ACMD being receptive to, in light of new evidence, reviewing advice on Ketamine.

Performance of all three bodies is reviewed by the science secretariat quarterly. This is reported to the Chief Scientific Advisor and Management Board quarterly. Performance issues are dealt with as they arise.

### Balance of expertise

The Code of Practice of the ACMD and ASC sets out the balance of expertise required and we expect this information will also be available for the EG when their protocol is published in March 2016. Balance is reviewed at the commencement of each recruitment exercise.

The members of the ASC and EG are appointed by a Home Office Minister of State, whilst ACMD members are appointed by the Home Secretary. All appointments are made, following a campaign that is compliant with the principles of the Commissioner for Public Appointments. The Chair, CSA and Ministers are involved in identifying

and agreeing required expertise for all three bodies in advance of any recruitment campaign.

New members have been appointed recently to both bodies, particularly the ASC who has entirely new membership since it replaced the Animals Procedures Committee. All current members of the EG have been appointed or reappointed since January 2014.

The review recognises that there are limits to the size of each body to ensure they are able to operate effectively and within any necessary statutory requirements; ACMD is required to have 20 members in order to be properly constituted. This is managed by the secretariat and each body by co-opting additional experts as required.

### Role of the secretariat

The Chairs of each committee were inducted by the Home Office Chief Scientific Adviser, supported by the science secretariat. The Chairs are supported by the secretariat in the induction of new members to the committee. All chairs and members have been provided with suitable and sufficient induction.

The secretariat supports the work of the committees, their Chairs and members enabling them to discharge their responsibilities effectively and efficiently. Each of the committees comprises specialist and laypersons<sup>13</sup> able to operate at a strategic level. In the case of the EG all members are laypersons in the sense that none are experts in the very specific discipline of the practical operation of the forensic use of DNA profiles. Members do however, share a common interest in the implications of the retention and use of DNA profiles and bring a wealth of experience from many different disciplines, including philosophy, bioethics, genetic research and law.

The induction process is utilised to introduce those less familiar with government operation to the advisory process and that of policy development. The secretariat provides further input as required.

Minutes of meetings are agreed by the committee and ratified by the Chair to ensure that they provide an accurate audit trail showing how decisions were reached. The secretariat provides handling information with all of the information that it circulates to committee members.

### Relationship with the sponsor department

The protocols of the ASC and ACMD, and the EG when it is published, set out the frequency of meetings between the Chair of each body and Home Office Ministers. The ASC Chair should meet the relevant departmental Minister twice a year whilst the ACMD Chair should meet with the relevant departmental Minister on a regular scheduled basis and the Home Secretary annually. The EG Chair should meet with

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<sup>13</sup> Persons that do not have specialist knowledge in a particular field.

Ministers once a year. All three have an open invitation to meet with Ministers if there is a need to.

At the time of writing this report, the following meetings have taken place over the last 12 months:

- The ACMD Chair met with the Rt Hon Lynne Featherstone (Minister for Crime Prevention<sup>14</sup>) in December 2014 and March 2015, the Rt Hon Mike Penning MP (Minister for Policing, Crime and Criminal Justice) in September 2015, and the Home Secretary in June and September 2015.
- The ASC Chair met with Lynne Featherstone in February 2015 and Lord Bates (Home Office Lords Minister) in July 2015.

The EG Chair has not met with Ministers in the last 12 months.

- **It is recommended that, in line with the Principles, the Chair of the EG meets with a Home Office Minister in the next 12 months.**

#### Dealing with confidential information

All members have security clearance and comply with the Nolan principles. No member has been required to sign the Official Secrets Act. They are only given sight of documents that their security clearance allows.

No member has signed non-disclosure agreements<sup>15</sup> but principles are applied and all members have agreed to them. These are not compulsory for Scientific Advisory Bodies and it is open to the Home Office to require their use if deemed necessary.

### **Accountability**

This section looks at how each body meets the principles in the Principles of Scientific Advice, the Governance Principles and the Code in respect to how they work openly and transparently, their working practices and roles and responsibilities of members.

Advice and correspondence from the ACMD, including minutes from open meetings, are routinely published on gov.uk. There has however, not been an annual report published since 2010/11. This is due to a lack of resource in the secretariat and that the ACMD's advice is placed in the public domain as a matter of course. The review team has noted that the last published annual report included a summary of recommendations, consultations, reappointment and recruitment, forward look, working protocol and details of meetings held. As this information is already in the public domain, the review team considers that it should be possible for an annual

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<sup>14</sup> From November 2014 until May 2015.

<sup>15</sup> <https://www.gov.uk/government/publications/non-disclosure-agreements/non-disclosure-agreements>

report to be published now that contains this information. At the time of drafting, the review team is aware that consideration is being given by the ACMD and secretariat to producing a report.

Minutes of ASC meetings are published on gov.uk (most recently from the meeting of 6 July 2015) but as yet, no annual report has been published. The review has noted that there is a considerable amount of information on gov.uk about the ASC including the protocol, register of interests and background information on the members, in addition to various transparency publications co-ordinated by Cabinet Office.

It is good practice to publish an annual report and as such, the secretariat, ACMD and ASC need to agree on the content of an annual report and publish one that covers the 2015/16 reporting year.

The EG has published an annual report every year since 2008. The latest report to be published covers values of the EG, membership, workstreams completed and developed during the year, advice provided, a review of implementation of previous recommendations, and a future work plan.

- **This review recommends that an annual report is published for both the ASC and ACMD at the end of the reporting year 2015/16. These reports could be modelled on the EG report which provides a summary of activity and recommendations made over the year, details of appointments made, the remit and values of the group and a short biography of members.**

#### Members rights and responsibilities

The role and responsibilities of members are set out in the recruitment pack, the terms of appointment (which all members are required to sign) and the protocol. All three documents set out clearly the requirement to abide by the “seven principles of public life”. Members of all three bodies, including the Chairs, receive an induction when they are appointed.

The Chairs are responsible for the output of their NDPB. Annual performance appraisals take place for all Chairs and include 360 feedback. The Chair of the ASC and EG reviews the performance of members annually. Due to the size of the ACMD (currently 25 members), assessing the performance of members is split with the sub-committee Chairs who assess performance of their members.

### **Transparency**

This section looks at how each body meets the Principles of Scientific Advice, the Governance Principles and the Code in respect to transparency and openness, including communicating with the public and declaration of interests of members.

Information including contact details, details of remuneration, terms of reference and the Chief Executive/secretary are publically available. In addition, biographies of each member are published alongside a register of interests.

The Principles of Scientific Advice and the Governance Principles regard open meetings as a means of Advisory NDPBs demonstrating a commitment to openness and transparency. All three bodies demonstrate such a commitment through the publication of advice to Ministers, minutes of meetings, register of interests of members and contact details for the secretariat. In addition to this, the ACMD holds open meetings that members of the public can apply to attend through gov.uk.

The section of this report on Accountability refers to the annual reports of all three bodies and makes a recommendation on their publication, which will support greater transparency. Contact details for the secretariat are on gov.uk for all three bodies. Members of the public are able to write to the secretariat and submit requests under the Freedom of Information Act.

#### Declaration of interests

All three bodies have a published register of interests on gov.uk. All state when they were last updated. An update of declarations of interests is sought at the commencement of each committee meeting. In addition the secretariat undertakes an annual review.

#### Communications

Across the three bodies, there is a different approach to what information is communicated to the public. Minutes of ACMD meetings that are closed to the public are not published given that discussions concern the development of advice that is published and given to the Minister concurrently in line with procedures set agreed within the joint Working Protocol. Minutes of the meetings that are open to the public have been published. These meetings include an opportunity to provide feedback and participate in a question and answer session.

The ASC publishes minutes of meetings but not agendas. As the meetings are not open to the public, there is no scope for the public to contribute, and the minutes give a good account of the meetings, there seems little value in publishing an agenda.

The last published minutes from the EG are from the meeting held on 27 November 2015. As the meetings are not open to the public and the minutes cover what was discussed, there seems little value in routinely publishing agendas.

#### Communication with the media

Media handling officers are in place to support the independent operation of each committee.

## **Conclusions**

After considering the evidence above, this review concludes that the control and governance arrangements are robust and compliant with the principles set out in the Principles, the Code and Principles of Scientific Advice. Key to this is a code of practice that is (or will be shortly for the EG) available to the public, ensuring working practices are consistent across the three bodies. The balance of expertise is managed well in all three bodies, with additional expertise brought in as required. In terms of transparency and accountability, there are improvements that could be made and the review has made specific recommendations on these, but these should not detract from the considerable amount of information put in the public domain via gov.uk, including advice to Ministers, minutes of meetings, register of interests of members and contact details for the secretariat.

## Efficiency

An assessment of efficiency is a key part of a triennial review. Any assessment must be proportionate to the size and role of the ACMD, ASC and EG.

<b>Core area</b>	<b>Assessment</b>
Cost of running the estate	The ACMD, ASC and EG do not hold any property.
Cost of corporate services	<p>The three bodies do not employ staff and members are not employed by the Home Office. There is therefore, no requirement for the members of these bodies to access to corporate services.</p> <p>The Home Office provides a secretariat employed by the Home Office and, as such, have access to press office and shared services support.</p> <p>None of the three bodies procure common goods or services.</p>
Cost of IT	<p>All three bodies have web pages on gov.uk, the content of which is managed by the secretariat.</p> <p>All three operate digital by default.</p> <p>None of the members are provided with laptops or desktop computers or telephony equipment. Consequently, no savings can be identified here.</p>
Cost of people	<p>None of the members are remunerated but they are entitled to claim reasonable expenses. This is clear in the job specification and terms of appointment. The rules around claiming expenses are consistent with Home Office policies.</p> <p>The Home Office Science Secretariat provides the secretariat function for the ACMD, ASC and EG. In addition to this, they provide support to the Home Office Chief Scientific Advisers Scientific Advisory Committee and a secretariat</p>



	<p>function to the Forensic Science Regulators Forensic Science Advisory Committee and 7 regulatory committees Policy sits outside of the secretariat.</p> <p>Any savings in terms of workforce reductions will be identified as part of the wider spending review.</p> <p>The way public appointments are managed was changed in the Home Office in 2014, with the creation of a central team that will manage appointment campaigns. With the considerable number of members in the ASC, ACMD and EG, this will have generated some efficiencies across the department.</p>
<p>Finance, including commercial relationships and debt.</p>	<p>Funding for all three bodies was approximately £84,000 for 2013-14. Of that, the EG reported an allocation of approximately £25,000 for costs associated with the provision of facilities for meetings and expenses incurred by members.</p> <p>None of the three bodies are delegated a budget or able to enter into commercial relationships.</p>
<p>Costs of the Home Office bodies compared to similar bodies for 2013/14</p>	<p>For the period 2013-2014, government funding for all three bodies was £84,000 and expenditure was £83,509.</p> <p>Below is a comparison against other Advisory NDPBs that provide scientific advice to government and are of broadly the same size in terms of membership to the ACMD, ASC and EG:</p> <p>Council for Science and Technology Government funding: £0 Total Gross Expenditure: £159,838</p> <p>Science Advisory Council Government funding: £29,900 Total Gross Expenditure: £29,900</p> <p>Science Advisory Committee on the</p>

	<p>Medical Implications of Less-Lethal Weapons Government funding: £52,000 Total Gross Expenditure: £48,225</p> <p>Defence Scientific Advisory Council Government funding: £226,000 Total Gross Expenditure: £130,000</p>
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## Consideration of delivery models

Status	Key features	Advisory Council on the Misuse of Drugs	Animals in Science Committee	National DNA Database Ethics Group
<b>Advisory NDPB</b>	<p>Members appointed in a personal capacity based on individual skills and experience</p> <p>Open recruitment process necessary</p>	<p>Yes. Members are appointed as individuals. This allows for advice to be provided to Ministers that is independent of government, companies and pressure groups, which is essential for this body. 58% of respondents agreed that that this remain the case for this body.</p> <p>Yes. Members are appointed on merit through fair and open competition.</p> <p>The members are not paid but can claim expenses.</p>	<p>Yes. Members are appointed as individuals that are independent of government, companies and pressure groups, which is essential for this body. 92% of respondents agreed that this remain the case.</p> <p>Yes. Members are appointed on merit through fair an open competition.</p> <p>The members are not paid but can claim expenses.</p>	<p>Yes. Members are appointed as individuals which allows for advice to be provided to Ministers that is independent of government, companies and pressure groups, which is essential for this body. 86% of respondents agreed that this remain the case for this body.</p> <p>Yes. Members are appointed on merit through fair an open competition.</p> <p>The members are not paid but can claim expenses.</p>

Status	Key features	Advisory Council on the Misuse of Drugs	Animals in Science Committee	National DNA Database Ethics Group
	<p>Members can be paid</p> <p>Can be supported by civil servants (secretariat) but is independent and arms length</p> <p>Usually set up administratively (although some are set up by Statute) to provide independent, expert advice to Ministers.</p> <p>Ministers are answerable to</p>	<p>Yes. The Home Office provides a secretariat function that is separate from the body which is independent of the Department's policy area.</p> <p>Established by the 1971 Misuse of Drugs Act.</p> <p>Yes. Home Office ministers are accountable for the body and</p>	<p>Yes. The Home Office provides a secretariat function that is separate from the body which independent of the department.</p> <p>Established to by the Animals (Scientific Procedures) Act 1986 as amended to comply with Directive EU 2010/63/EU which came in to force on the 1st January 2013.</p> <p>Yes. Home Office ministers are accountable for the body and have the power to abolish.</p>	<p>Yes. The Home Office provides a secretariat function that is separate from the body which independent of the department.</p> <p>The body is not set up by statute.</p> <p>Yes. Home Office ministers are accountable for the body and have the power to abolish.</p>

Status	Key features	Advisory Council on the Misuse of Drugs	Animals in Science Committee	National DNA Database Ethics Group
	Parliament for the body and have the power to wind it up	have the power to abolish.		
<b>Executive NDPB</b>	<p>They carry out administrative, commercial, executive and regulatory or technical functions which are considered to be better delivered at arm's length from ministers.</p> <p>Executive NDPBs are usually established in bespoke legislation or under the Companies Act.</p> <p>They have a regional or</p>	<p>No. The primary purpose of the body is to provide advice to Ministers.</p> <p>It does not carry out administrative, commercial, executive or regulatory functions. There is a clear need for advice to be provided to Ministers.</p> <p>Yes. Established by the 1971 Misuse of Drugs Act.</p>	<p>No. The primary purpose of the body is to provide advice to Ministers.</p> <p>It does not carry out administrative, commercial, executive or regulatory functions. There is a clear need for advice to be provided to Ministers.</p> <p>Yes. Established to by the Animals (Scientific Procedures) Act 1986 as amended to comply with Directive EU 2010/63/EU which came in to force on the 1st January 2013.</p>	<p>No. The primary purpose of the body is to provide advice to Ministers.</p> <p>It does not carry out administrative, commercial, executive or regulatory functions. There is a clear need for advice to be provided to Ministers.</p> <p>No. This body is not established by legislation.</p>

<b>Status</b>	<b>Key features</b>	<b>Advisory Council on the Misuse of Drugs</b>	<b>Animals in Science Committee</b>	<b>National DNA Database Ethics Group</b>
	<p>national remit.</p> <p>They have varying degrees of operational autonomy and independence from ministers and the sponsoring department - but all work within a strategic framework set by ministers. They are directly accountable to ministers who, in turn, are accountable to Parliament and the public for its performance.</p> <p>They are headed by boards comprising of an independent, non-executive chair and a majority of non-</p>			

<b>Status</b>	<b>Key features</b>	<b>Advisory Council on the Misuse of Drugs</b>	<b>Animals in Science Committee</b>	<b>National DNA Database Ethics Group</b>
	<p>executive members.</p> <p>Generally, the board will appoint a CEO with day-to-day responsibility for managing the body. The CEO and staff are not usually civil servants.</p> <p>They do not have their own Estimate.</p> <p>Many executive NDPBs generate additional income through other sources. Some are funded by levies on particular sectors and receive no central funding.</p>			

<b>Status</b>	<b>Key features</b>	<b>Advisory Council on the Misuse of Drugs</b>	<b>Animals in Science Committee</b>	<b>National DNA Database Ethics Group</b>
	<p>They are accountable for their own budget and publish their own annual report and accounts. Each will have a sponsor department with whose accounts the NDPB's will be consolidated.</p>			
<b>Executive Agency</b>	<p>Defined business units within a government department headed by a chief executive (CEO) who is often supported by a management board.</p> <p>They operate with a degree of autonomy from ministers and the main department but Ministers are directly accountable to</p>	<p>No. The primary purpose of the body is to provide advice to Ministers. There is no requirement or calls for these bodies to provide a service. Agency status would be clearly inappropriate.</p>		



Status	Key features	Advisory Council on the Misuse of Drugs	Animals in Science Committee	National DNA Database Ethics Group
	<p>Parliament and the public for the overall performance of the agencies.</p> <p>They typically deliver a service.</p> <p>They do not have a separate legal personality.</p> <p>They are staffed by civil servants.</p> <p>They typically deliver a service.</p> <p>They are included within</p>			

Status	Key features	Advisory Council on the Misuse of Drugs	Animals in Science Committee	National DNA Database Ethics Group
	<p>the 'parent' department's Estimate. They publish their own annual report and accounts. Accounts are consolidated into those of the parent department.</p>			
<p><b>Tribunal NDPB</b></p>	<p>They are concerned with the rights and obligations of individuals in relation to a branch of government or other public authority.</p> <p>do not employ their own staff but are supported by civil servants from the sponsoring department</p> <p>Ministers are answerable to Parliament for these bodies and have the</p>	<p>No. This classification does not fit with the purpose of the body, of which there is no call or need to change.</p>		

Status	Key features	Advisory Council on the Misuse of Drugs	Animals in Science Committee	National DNA Database Ethics Group
	<p>power to wind them up.</p> <p>They do not usually incur expenditure on their own account nor prepare separate accounts. Instead, where bodies incur expenditure, they are accounted for through the accounts of the sponsoring department.</p>			
<b>Independent Monitoring Boards</b>	<p>Comprise lay volunteers appointed by the Secretary of State.</p> <p>do not employ their own staff but are supported by civil servants from the sponsoring department.</p>	No. This classification does not fit with the purpose of the body, of which there is no call or need to change.		

<b>Status</b>	<b>Key features</b>	<b>Advisory Council on the Misuse of Drugs</b>	<b>Animals in Science Committee</b>	<b>National DNA Database Ethics Group</b>
	<p>They do not usually incur expenditure on their own account nor prepare separate accounts. Instead, where expenditure is incurred, it is accounted for through the accounts of the sponsoring department.</p> <p>The role of IMBs is to satisfy themselves as to the state of an establishment: the premises, the administration, and the just and decent treatment of prisoners and detainees.</p>			
<b>Temporary Advisory</b>	Has a lifespan of less than 3 years	No. Each body has been in existence for longer than three years (including the APC which preceded the ASC).		

Status	Key features	Advisory Council on the Misuse of Drugs	Animals in Science Committee	National DNA Database Ethics Group
<b>Bodies</b>	<p>Set up quickly to provide independent expert advice to government on a specific issue</p> <p>Membership is drawn from the wider public sector and/or voluntary organisations and/or private sector.</p>			
<b>Stakeholder Advisory Panel</b>	<p>All members are sitting as representatives of an organisation or sector – not on basis of individual skills and experience.</p> <p>Stakeholder organisations are approached to provide members not individuals</p>	<p>No. There is a clear need for members to be appointed as individuals. Although the Chair will be independent and members will be independent of government, they will not be entirely independent of the views and opinions held within their organisations. This was key for the majority of respondents. In addition, it will likely be difficult to agree on membership of the panel and who should be represented.</p>		




<b>Status</b>	<b>Key features</b>	<b>Advisory Council on the Misuse of Drugs</b>	<b>Animals in Science Committee</b>	<b>National DNA Database Ethics Group</b>
	<p>The role of these bodies is to have engagement and consultation with specific sectors, industries and communities and to listen to their views and concerns</p> <p>Members are not paid – other than by the stakeholder group they represent</p>			
<b>Public Sector Working Group</b>	<p>Majority of members (at least two thirds) are civil servants or public sector representatives</p> <p>They attend on an 'ex</p>	<p>No. While the Chair can be independent, members need to be appointed in a personal capacity and have a range of skills that ensures that the government receives advice that benefits from a range of skills and perspectives. A majority of public sector and civil service representatives is unlikely to be able to provide this.</p>		

Status	Key features	Advisory Council on the Misuse of Drugs	Animals in Science Committee	National DNA Database Ethics Group
	<p><i>officio</i> basis</p> <p>Independent external members are permissible</p> <p>Can have an independent chair</p> <p>Members unlikely to be paid as attend '<i>ex officio</i>'</p>			
<b>Internal Advisory Committees</b>	Generally concerned with the internal management and administration of departments/executive agencies or the coordination of	No. Purpose of this body does not concur with the remit of the panel. The body needs to be and be seen to be independent of government.		

<b>Status</b>	<b>Key features</b>	<b>Advisory Council on the Misuse of Drugs</b>	<b>Animals in Science Committee</b>	<b>National DNA Database Ethics Group</b>
	<p>government business</p> <p>There is no (or negligible) ministerial involvement</p> <p>Members often serve as 'ex officio' although some individuals may be appointed in a personal capacity</p> <p>Members are usually unpaid</p>			









## Survey results for the Advisory Council on the Misuse of Drugs







1. To what extent do you agree or disagree that there is a need for a body to provide advice to Government on the control of dangerous or otherwise harmful drugs?			Response Percent	Response Total
1	Strongly agree		82.35%	28
2	Tend to agree		14.71%	5
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		2.94%	1
			answered	34
			skipped	11

2. To what extent do you agree or disagree that the advice should be independent of government?			Response Percent	Response Total
1	Strongly agree		94.12%	32
2	Tend to agree		2.94%	1
3	Neither agree nor disagree		2.94%	1
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	34
			skipped	11

**3. Members of the Advisory Council on the Misuse of Drugs are appointed by Ministers from outside government in a personal capacity, because of their skills and experience in a relevant field. To what extent do you think that members should be appointed in a personal capacity? When answering this question, please consider alternatives, such as members representing organisations, the private, voluntary or third sector, or government departments, and whether any of those alternatives might be more appropriate. The various alternatives are set out in more detail in the Cabinet Office document Categories of Public Bodies: a guide for departments.**

			Response Percent	Response Total
1	Strongly agree		29.41%	10
2	Tend to agree		29.41%	10
3	Neither agree nor disagree		23.53%	8
4	Tend to disagree		2.94%	1
5	Strongly disagree		8.82%	3
6	Don't know		5.88%	2
			answered	34
			skipped	11

**4. To what extent do you agree or disagree that the role of the Advisory Council on the Misuse of Drugs could be provided by a different organisation?**

			Response Percent	Response Total
1	Strongly agree		14.71%	5
2	Tend to agree		8.82%	3
3	Neither agree nor disagree		20.59%	7
4	Tend to disagree		17.65%	6
5	Strongly disagree		29.41%	10
6	Don't know		8.82%	3
			answered	34

**4. To what extent do you agree or disagree that the role of the Advisory Council on the Misuse of Drugs could be provided by a different organisation?**

	Response Percent	Response Total
	skipped	11







**5. To what extent do you agree or disagree that the role of the Advisory Council could be provided in a different way, for example, from within a government department, or by the third/voluntary sector, or the private sector?**

	Response Percent	Response Total
1 Strongly agree	5.88%	2
2 Tend to agree	11.76%	4
3 Neither agree nor disagree	17.65%	6
4 Tend to disagree	26.47%	9
5 Strongly disagree	35.29%	12
6 Don't know	2.94%	1
	answered	34
	skipped	11

**6. Are you aware of any other bodies that perform similar functions?**

	Response Percent	Response Total
1 Yes	33.33%	11
2 No	45.45%	15
3 Don't know	21.21%	7
	answered	33
	skipped	12

**7. To what extent do you agree or disagree that the Advisory Council could be merged with a similar body?**

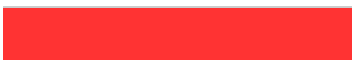




			Response Percent	Response Total
1	Strongly agree		8.82%	3
2	Tend to agree		2.94%	1
3	Neither agree nor disagree		14.71%	5
4	Tend to disagree		26.47%	9
5	Strongly disagree		35.29%	12
6	Don't know		11.76%	4
			answered	34
			skipped	11




**8. There are three key reasons for why a non-departmental public body should exist at arm's length from government. In order to be a NDPB, a public body must have met at least one of the following three criteria: • it performs a technical function • its activities require political impartiality • it needs to act independently to establish facts. In 2010 the Government concluded that the Advisory Council on the Misuse of Drugs should be retained because it performs a technical function which needs external expertise to be delivered independently of Government. To what extent do you agree or disagree that the Advisory Council meets each of the criteria?**

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know	Response Total
it performs a technical function	70.6% (24)	17.6% (6)	2.9% (1)	2.9% (1)	5.9% (2)	0.0% (0)	34
its activities require political impartiality	82.4% (28)	5.9% (2)	0.0% (0)	2.9% (1)	8.8% (3)	0.0% (0)	34
it needs to act independently to	79.4%	11.8%	2.9%	0.0%	5.9%	0.0%	34

8. There are three key reasons for why a non-departmental public body should exist at arm's length from government. In order to be a NDPB, a public body must have met at least one of the following three criteria: • it performs a technical function • its activities require political impartiality • it needs to act independently to establish facts. In 2010 the Government concluded that the Advisory Council on the Misuse of Drugs should be retained because it performs a technical function which needs external expertise to be delivered independently of Government. To what extent do you agree or disagree that the Advisory Council meets each of the criteria?

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know	Response Total
establish facts	(27)	(4)	(1)	(0)	(2)	(0)	
						answered	34
						skipped	11

8.1. it performs a technical function			Percent	Total
1	Strongly agree		70.59%	24
2	Tend to agree		17.65%	6
3	Neither agree nor disagree		2.94%	1
4	Tend to disagree		2.94%	1
5	Strongly disagree		5.88%	2
6	Don't know		0.00%	0
			answered	34

8.2. its activities require political impartiality			Percent	Total
1	Strongly agree		82.35%	28
2	Tend to agree		5.88%	2
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		2.94%	1

8.2. its activities require political impartiality			Percent	Total
5	Strongly disagree		8.82%	3
6	Don't know		0.00%	0
			answered	34

8.3. it needs to act independently to establish facts			Percent	Total
1	Strongly agree		79.41%	27
2	Tend to agree		11.76%	4
3	Neither agree nor disagree		2.94%	1
4	Tend to disagree		0.00%	0
5	Strongly disagree		5.88%	2
6	Don't know		0.00%	0
			answered	34

## Annex C

### Survey results for the Animals in Science Committee

1. To what extent do you agree or disagree that there is a need for a body to provide advice to Government on all matters concerning the use of animals in scientific procedures?				
			Response Percent	Response Total
1	Strongly agree		92.86%	13
2	Tend to agree		7.14%	1
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0

**1. To what extent do you agree or disagree that there is a need for a body to provide advice to Government on all matters concerning the use of animals in scientific procedures?**

		Response Percent	Response Total
6	Don't know	0.00%	0
		answered	14
		skipped	7



**2. To what extent do you agree or disagree that there is a need for a body to advise animal welfare bodies on sharing best practice within the UK?**

		Response Percent	Response Total
1	Strongly agree	78.57%	11
2	Tend to agree	21.43%	3
3	Neither agree nor disagree	0.00%	0
4	Tend to disagree	0.00%	0
5	Strongly disagree	0.00%	0
6	Don't know	0.00%	0
		answered	14
		skipped	7

**3. To what extent do you agree or disagree that there is a need for a body to co-ordinate best practice by exchanging information within the European Union?**

		Response Percent	Response Total
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**3. To what extent do you agree or disagree that there is a need for a body to co-ordinate best practice by exchanging information within the European Union?**




			Response Percent	Response Total
1	Strongly agree		92.86%	13
2	Tend to agree		7.14%	1
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	14
			skipped	7

**4. To what extent do you agree or disagree that the advice should be independent of government?**



			Response Percent	Response Total
1	Strongly agree		100.00%	14
2	Tend to agree		0.00%	0
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	14
			skipped	7



**5. Members of the Animals in Science Committee are appointed by ministers from outside government in a personal capacity, because of their skills and experience in a relevant field. To what extent do you agree or disagree that members should be appointed in a personal capacity? When answering this question, please consider alternatives, such as members representing organisations, the private, voluntary or third sector, or government departments, and whether any of those alternatives might be more appropriate. The various alternatives are set out in more detail in the Cabinet Office document Categories of Public Bodies: a guide for departments.**

			Response Percent	Response Total
1	Strongly agree		69.23%	9
2	Tend to agree		23.08%	3
3	Neither agree nor disagree		7.69%	1
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	13
			skipped	8

**6. To what extent do you agree or disagree that the role of the Animals in Science Committee could be provided by a different organisation?**

			Response Percent	Response Total
1	Strongly agree		0.00%	0
2	Tend to agree		0.00%	0
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		14.29%	2
5	Strongly disagree		85.71%	12
6	Don't know		0.00%	0

**6. To what extent do you agree or disagree that the role of the Animals in Science Committee could be provided by a different organisation?**

		Response Percent	Response Total
		answered	14
		skipped	7




**7. To what extent do you agree or disagree that the role of the Animals in Science Committee could be done in a different way, for example, from within a government department, or by the third/voluntary sector, or the private sector?**

		Response Percent	Response Total
1	Strongly agree	0.00%	0
2	Tend to agree	0.00%	0
3	Neither agree nor disagree	0.00%	0
4	Tend to disagree	7.14%	1
5	Strongly disagree	92.86%	13
6	Don't know	0.00%	0
		answered	14
		skipped	7

**8. Are you aware of any other bodies that perform similar functions?**

		Response Percent	Response Total
1	Yes	14.29%	2
2	No	85.71%	12

8. Are you aware of any other bodies that perform similar functions?				
			Response Percent	Response Total
3	Don't know		0.00%	0
			answered	14
			skipped	7

9. To what extent do you agree or disagree that the Animals in Science Committee could be merged with a similar organisation?				
			Response Percent	Response Total
1	Strongly agree		0.00%	0
2	Tend to agree		7.14%	1
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		14.29%	2
5	Strongly disagree		78.57%	11
6	Don't know		0.00%	0
			answered	14
			skipped	7




**10. There are three key reasons why a non-departmental public body should exist at arm's length from government. In order to be a NDPB, a public body must have met at least one of the following three criteria: • it performs a technical function • its activities require political impartiality • it needs to act independently to establish facts. In 2010 the Government concluded that the Animals in Science Committee should be retained on the basis that it performs a technical function which needs external expertise to be delivered. To what extent do you agree or disagree that the Animals in Science Committee meets each of the criteria?**

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know	Response Total
it performs a technical function	64.3% (9)	35.7% (5)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	14
its activities require political impartiality	92.9% (13)	7.1% (1)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	14
it needs to act independently to establish facts	71.4% (10)	14.3% (2)	14.3% (2)	0.0% (0)	0.0% (0)	0.0% (0)	14
						answered	14
						skipped	7



10.1. it performs a technical function			Percent	Total
1	Strongly agree		64.29%	9
2	Tend to agree		35.71%	5
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	14

10.2. its activities require political impartiality			Percent	Total
1	Strongly agree		92.86%	13
2	Tend to agree		7.14%	1
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0

10.2. its activities require political impartiality			Percent	Total
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	14

10.3. it needs to act independently to establish facts			Percent	Total
1	Strongly agree		71.43%	10
2	Tend to agree		14.29%	2
3	Neither agree nor disagree		14.29%	2
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	14

### Survey results for the National DNA Database Ethics Group




1. To what extent do you agree or disagree that Is there is a need for a body to provide advice on ethical issues surrounding the operations of the National DNA Database to Home Office ministers?			Response Percent	Response Total
1	Strongly agree		85.71%	6
2	Tend to agree		14.29%	1
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	7
			skipped	4

2. To what extent do you agree or disagree that the advice should be independent of Government?			Response Percent	Response Total
1	Strongly agree		100.00%	7
2	Tend to agree		0.00%	0
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0

**2. To what extent do you agree or disagree that the advice should be independent of Government?**

	Response Percent	Response Total
	answered	7
	skipped	4

**3. Members of the National DNA Database Ethics Group are appointed by ministers from outside government in a personal capacity, because of their skills and experience in a relevant field. To what extent do you agree or disagree that members should be appointed in a personal capacity? When answering this question, please consider alternatives, such as members representing organisations, the private, voluntary or third sector, or government departments, and whether any of those alternatives might be more appropriate. The various alternatives are set out in more detail in the Cabinet Office document Categories of Public Bodies: a guide for departments.**

		Response Percent	Response Total
1	Strongly agree		42.86% 3
2	Tend to agree		42.86% 3
3	Neither agree nor disagree		14.29% 1
4	Tend to disagree		0.00% 0
5	Strongly disagree		0.00% 0
6	Don't know		0.00% 0
		answered	7
		skipped	4

**4. To what extent do you agree or disagree that the role of the National DNA Database Ethics Group could be provided by a different organisation?**

			Response Percent	Response Total
1	Strongly agree		14.29%	1
2	Tend to agree		0.00%	0
3	Neither agree nor disagree		14.29%	1
4	Tend to disagree		28.57%	2
5	Strongly to disagree		42.86%	3
6	Don't know		0.00%	0
			answered	7
			skipped	4

**5. To what extent do you agree or disagree that the role of the National DNA Database Ethics Group could be provided in a different way, for example, from within a government department, or by the third/voluntary sector, or the private sector?**

			Response Percent	Response Total
1	Strongly agree		0.00%	0
2	Tend to agree		0.00%	0
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		42.86%	3
5	Strongly disagree		42.86%	3
6	Don't know		14.29%	1
			answered	7
			skipped	4





6. Are you aware of any other bodies that perform similar functions?				
			Response Percent	Response Total
1	Yes		14.29%	1
2	No		85.71%	6
3	Don't know		0.00%	0
			answered	7
			skipped	4


7. To what extent do you agree or disagree that the National DNA Database Ethics Group could be merged with a similar body?				
			Response Percent	Response Total
1	Strongly agree		0.00%	0
2	Tend to agree		14.29%	1
3	Neither agree nor disagree		14.29%	1
4	Tend to disagree		14.29%	1
5	Strongly disagree		42.86%	3
6	Don't know		14.29%	1
			answered	7
			skipped	4

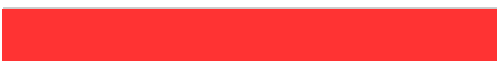
**8. There are three key reasons why a non-departmental public body should exist at arm's length from government. In order to be a NDPB, a public body must have met at least one of the following three criteria: • it performs a technical function • its activities require political impartiality • it needs to act independently to establish facts. In 2010 the Government concluded that the National DNA Database Ethics Group should be retained on the basis that its activities need to be, and seen to be, delivered with absolute political impartiality. To what extent do you agree or disagree that the National DNA Database Ethics Group meets each of the criteria?**

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know	Response Total
it performs a technical function	85.7% (6)	14.3% (1)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	7
its activities require political impartiality	100.0% (7)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	7
it needs to act independently to establish facts	100.0% (7)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	0.0% (0)	7
						answered	7
						skipped	4

<b>8.1. it performs a technical function</b>			Percent	Total
1	Strongly agree		85.71%	6
2	Tend to agree		14.29%	1
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	7

<b>8.2. its activities require political impartiality</b>			Percent	Total
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8.2. its activities require political impartiality			Percent	Total
1	Strongly agree		100.00%	7
2	Tend to agree		0.00%	0
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	7

8.3. it needs to act independently to establish facts			Percent	Total
1	Strongly agree		100.00%	7
2	Tend to agree		0.00%	0
3	Neither agree nor disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
6	Don't know		0.00%	0
			answered	7

## Annex XXXX

### Advisory NDPBs: Principles of Good Corporate Governance

<b>1</b>	<b>ACCOUNTABILITY:</b> The Minister is ultimately accountable to Parliament and the public for the overall performance, and continued existence, of the ACMD.		
1.1	Do the Minister and sponsoring Department exercise appropriate scrutiny and oversight of the ACMD?	ACMD	Yes
		ASC	Yes
		EG	Yes
1.2	Do they have oversight of any public monies spent by, or on behalf of the ACMD?	ACMD	No
		ASC	No
		EG	No
1.3	Are the appointments to the ACMD made in line with any statutory requirements (Code of Practice issued by the Commissioner for Public Appointment)?	ACMD	Yes
		ASC	Yes
		EG	Yes
1.4	Has the Minister appointed the Chair and all board members of the ACMD?	ACMD	Yes
		ASC	Yes

		EG	Yes
1.5	Does the Minister meet the Chair on a regular basis?	ACMD	Yes
		ASC	Yes
		EG	Yes
1.6	Has an annual report been published?	ACMD	Last annual report published for 2010/11
		ASC	No
		EG	Yes
1.7	Is the ACMD compliant with the Data Protection legislation?	ACMD	N/A
		ASC	Yes
		EG	N/A
1.8	Is the ACMD subjected to the Public Records Act 1958 and 1967?	ACMD	N/A
		ASC	N/A
		EG	N/A

## 2. ROLES AND RESPONSIBILITIES

### Role of the Sponsoring Department

The departmental board ensures that there are appropriate governance arrangements in place with the

## 2. ROLES AND RESPONSIBILITIES

ACMD.

There is a sponsor team within the department that provides appropriate oversight and scrutiny of, and support and assistance to, the ACMD.

2.1	Does the departmental board's agenda include scrutiny of the performance of the ACMD proportionate to its size and role?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.2	Is there a document in place which sets out clearly the terms of reference of the ACMD?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.3	Is there a dedicated sponsor team within the sponsor Department, with a clearly defined role?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.4	Is there an ongoing dialogue between the sponsoring Department and the ACMD?	ACMD	Yes
		ASC	Yes
		EG	Yes
<p><b>Role of the Chair</b></p> <p>The Chair is responsible for leadership of the ACMD and for ensuring its overall effectiveness</p>			
2.6	Is the ACMD led by a non-executive Chair?	ACMD	Yes
		ASC	Yes

## 2. ROLES AND RESPONSIBILITIES

		EG	Yes
2.7	Is there a formal, rigorous and transparent process for the appointment of the Chair (Compliant with the Code of Practice issued by the OCPA)?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.8	Are the role and responsibilities, term of office and remuneration (if only expenses) of the Chair set out clearly?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.9	Does the Chair represent the ACMD in any discussions with Ministers?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.10	Does the Chair advise the Home Office and Ministers about member appointments and the performance of members?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.11	Does the Chair ensure that the members have a proper knowledge and understanding of their role and responsibilities?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.12	Does the Chair ensure that new members undergo a proper	ACMD	Yes

## 2. ROLES AND RESPONSIBILITIES

	induction process?	ASC	Yes
		EG	Yes
2.13	Does the Chair ensure that the ACMD, in reaching decisions, take proper account of guidance provided by the Home Office or ministers?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.14	Does the Chair ensure that the ACMD carries out its business efficiently and effectively?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.15	Does the Chair represent the views of the ACMD to the general public, when required?	ACMD	Yes
		ASC	Yes
		EG	Yes
<b>Role of other members</b>			
The members should provide independent, expert advice.			
2.16	Is there a formal, rigorous and transparent process for the appointment of members to the ACMD?  This should be compliant with the Code of Practice issued by the Commissioner for Public Appointments	ACMD	Yes
		ASC	Yes
		EG	Yes



## 2. ROLES AND RESPONSIBILITIES

2.17	Are members properly independent of the Home Office and of any vested interest (unless serving in an ex-officio or representative capacity)?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.18	Have the members been drawn from a wide range of diverse backgrounds?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.19	Does the ACMD as a whole have an appropriate balance of skills, experience, independence and knowledge?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.2	Do they have knowledge and expertise in the field within which the body has been set up to advise Ministers?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.21	Does the ACMD operate in an open, accountable and responsive way?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.22	Are the duties, role and responsibilities, terms of office and remuneration of members set out clearly and formally defined in writing?	ACMD	Yes
		ASC	Yes

## 2. ROLES AND RESPONSIBILITIES

		EG	Yes
2.23	Are Terms and Conditions in line with Cabinet Office guidance and with any statutory requirements?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.24	Do all members allocate sufficient time to the ACMD to discharge their responsibilities effectively?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.25	Is there a proper induction process for new members?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.26	Is the induction process led by the Chair?	ACMD	Yes
		ASC	Yes
		EG	Yes
2.27	Are there regular reviews by the Chair of individual members' training and development needs?	ACMD	Yes
		ASC	Yes
		EG	Yes

### 3. COMMUNICATIONS

The ACMD should be open, transparent, accountable and responsive.

3.1	Does the ACMD operate in line with the statutory requirements and spirit of the Freedom of Information Act 2000?	ACMD	Yes
		ASC	Yes
		EG	Yes
3.2	Does the ACMD make an explicit commitment to openness in all its activities?  i.e, where appropriate, does it establish clear and effective channels of communication with key stakeholders? Does it engage and consult with the public on issues of real public interest or concern? (This might include holding open meetings or annual public meetings).	ACMD	Yes
		ASC	Yes
		EG	Yes
3.3	Does the ACMD publish the results of reviews or inquiries?	ACMD	Yes
		ASC	Yes
		EG	Yes
3.4	Does the ACMD proactively publish agendas and minutes of its meetings?	ACMD	Minutes of open sessions are published on the website.
		ASC	Minutes are published, agendas are not
		EG	Minutes are published, agendas are not
3.5	Is there a robust and effective system in place to ensure that the ACMD is not, and is not perceived to be, engaging in political lobbying?	ACMD	Yes
		ASC	Yes
		EG	Yes

3.6	Are there restrictions on members attending Party Conferences in a professional capacity?	ACMD	Yes
		ASC	Yes
		EG	Yes

#### 4. CONDUCT AND BEHAVIOUR

Members should work to the highest personal and professional standards. They should promote the values of the ACMD and of good governance through their conduct and behaviour.

4.1	Is there a Code of Conduct in place setting out the standards of personal and professional behaviour expected of all members?  (This should follow the Cabinet Office Code. All members should be aware of the Code. The Code should form part of the Terms and Conditions of appointment)	ACMD	Yes
		ASC	Yes
		EG	Yes
4.2	Are there clear rules and procedures in place for managing conflicts of interest?	ACMD	Yes
		ASC	Yes
		EG	Yes

4.3	Is there is a publicly available Register of Interests for members and is this regularly updated?	ACMD	Yes
		ASC	Yes
		EG	Yes
4.4	Are there clear rules in place governing the claiming of expenses?	ACMD	Yes
		ASC	Yes
		EG	Yes
4.5	If there are clear rules in place for the claiming of expenses, are these published?	ACMD	Claiming is in line with Home Office published guidance
		ASC	Claiming is in line with Home Office published guidance
		EG	Claiming is in line with Home Office published guidance
4.6	If applicable, are there effective systems in place to ensure compliance with these rules?	ACMD	Yes
		ASC	Yes
		EG	Yes
4.7	Are there clear rules and guidelines in place on political activity for members and are there effective systems in place to ensure compliance with any restrictions?	ACMD	Yes
		ASC	Yes
		EG	Yes
4.8	Are there rules in place for members on the acceptance of appointments or employment after	ACMD	Yes
		ASC	Yes

	resignation or retirement?	EG	Yes
4.9	Are these rules enforced effectively?	ACMD	Yes
		ASC	Yes
		EG	Yes