



## **Code of Practice for Members of Committees and Groups**

Including Networks, Grants Delivery Group, Standing Panels, Standing Advisory Groups,  
Steering Groups, and Commissioning Panels

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## **Introduction**

This Code of Practice sets out the basis on which the members of ESRC's Committees and Groups should seek to discharge their responsibilities.

## **Code principles**

The principles of public service on which this Code is based are those which apply to all public bodies. The Committees and Groups must at all times:

- observe the highest standards of impartiality, integrity and objectivity in relation to stewardship of public funds for which they are responsible
- in accordance with Government policy on openness, comply with all reasonable requests for information from Parliament, users of services and individual citizens
- be accountable to Parliament, users of services, individual citizens and staff for the activities of the ESRC, its stewardship of public funds and the extent to which key performance targets and objectives have been met
- maximise value for money through ensuring that services are delivered in the most efficient and economical way, within available resources, and within independent validation of performance achieved wherever practicable.

## **The role of Council**

The Council is the senior decision making body with executive responsibilities set up under the Science and Technology Act of 1965 and by Royal Charter, thus ensuring that it has separate legal status.

Council includes members from the business, voluntary and public sectors, as well as the academic community. From 2010 the membership was extended of public representatives who represent the interests of the wider public. All Council members have corporate responsibility for all of the Council's actions and those of the organisation's staff.

Council should decide on all issues of major importance including issues of corporate strategy, key strategic objectives and targets, major decisions involving the use of financial and other resources, and personnel issues, including key appointments. Responsibility for carrying out key strategy is delegated to the Chief Executive and his/her staff to the maximum extent possible.

## **The role of the Chair of Groups and Committees**

The Chair of the Group or Committee is the normal channel of communication between the Council and the Group or Committee. Individual members have the right of access to the Chief Executive on any matter which they believe raises important issues relating to his or her duties as a member of the Committee or Group. Day to day contact with the ESRC should be with the relevant Secretary of the Committee or Group.

The Chair and Secretary should ensure that all new members of the Committee or Group are properly briefed on the terms of their appointment, and on their duties and

responsibilities. They should also be provided with a copy of this Code and other key background materials such as the latest Strategic Plan, Annual Report and Accounts, documentation describing the ESRC's organisational structure, the statutory basis of operation and the rules and procedures of the Council. Members will normally attend an induction course on the duties relating to their responsibilities at the beginning of their appointment.

## **Corporate responsibilities of Committee and Group Members**

Individual members have corporate responsibility for ensuring that the Committee or Group complies with normal administrative requirements for the use of public funds. The main responsibilities include:

- overseeing the delivery of planned results by monitoring performance against agreed targets
- ensuring that, in reaching decisions, the Committee or Group has taken into account any guidance issued by the Department for Business, Innovation and Skills (BIS), HM Treasury and the Council brought to their attention by the Committee or Group Secretary
- ensuring that the Committee or Group operates within the limits of its delegated authority; and in accordance with any other conditions relating to the use of its allocated budget.

## **Responsibilities of individual Committee and Group Members**

Members have a duty to bring an independent judgement to bear on all issues considered by the Committee or Group and to comply at all times with this Code of Practice and with rules relating to the use of public funds. Members are expected to act in good faith and in the best interests of the ESRC. They should follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (the Nolan Committee). These are set out at Annex I.

Although any legal proceedings initiated by a third party are likely to be brought against the Council, in exceptional cases proceedings (civil or, in certain cases, criminal) may be brought against Committee or Group chairs or other individual members. For example, a member may be personally liable if he or she makes a fraudulent or negligent statement which results in loss to third party. A member who misuses information gained by virtue of his or her position may be liable for breach of confidence under common law or under insider dealing legislation. However, individual members who act honestly, and in good faith should not incur any liability in an individual capacity, save where the person has acted recklessly.

Members who require further advice should consult the Committee or Group Secretary.

The arrangements for appointing individual members normally make it possible to remove him or her from the Committee or Group if he/she fails to perform the duties required of a member to the standards expected of persons who hold public office.

Members should ensure that they understand fully the terms of their appointment, and their duties and responsibilities.

## **Conflicts of Interest of Members of Committees and Groups**

To observe the high standards of integrity expected by the public and Parliament, the proper conduct of public business requires the Chair and members of Committees and Groups to avoid situations in which their duties and other interests conflict or where there should be a suspicion of conflict (Annex 2). In the context of the ESRC business a conflict of interest can be defined in terms of close links with, or an interest in, a particular institution from which a studentship, grant or other funding application is being considered or a private or commercial interest in such an application or any other matter under consideration.

For Committees and Panels which either make awards under delegated powers within ESRC, or agree assessments on completed projects, then members must complete a short return to a Register of Interests (<http://www.esrc.ac.uk/about-us/governance-and-structure/register-of-interests-form/>) which indicates any substantive interest (eg membership, shareholding or employment) in institutions which might receive ESRC awards, or organisations which might receive sub-contracted work (eg market survey organisations). They must also declare at the start of any meeting any other interests which might possibly be seen to affect their impartiality on any item. This will include any interest of close family members, ie personal partners, parents, children, siblings or members of their immediate household.

The minutes of a meeting will record decisions about conflict of interest, any withdrawals for particular items and the reasons for these withdrawals. It is the responsibility of the Chair to ensure that this procedure is followed.

## **Confidentiality**

All papers and correspondence must be treated in confidence. The 'In Confidence' marking on all papers means that although the contents may be discussed as necessary with others who have received them, this should be done with discretion. When, exceptionally, a higher classification is necessary, special circulation arrangements will normally be made. Members must respect such classification.

Members should observe the requirement for confidentiality and are asked to keep secure papers that come to them in their official capacity and, when their term of office has come to an end, to make sure that all papers are returned or destroyed.

## **Communication of decisions**

The Chair or Secretary, or those members of staff authorised to act on their behalf, may communicate Committee or Group decisions or recommendations made to Council. In reporting Committee or Group business they will take special care to keep confidential any part played in discussion by individual members, to maintain the convention that any decision is the collective responsibility of the whole Committee or Group and to safeguard the anonymity of any referees. Members should resist any requests for information or for

explanation of how a particular decision was reached. All decisions should therefore be treated in confidence and any such requests referred to the Committee or Group Secretary.

## **Openness and responsiveness**

Members should ensure they can demonstrate that they are using resources to good effect, with probity, and without grounds for criticism that public funds are being used for private, partisan or party political purposes. Members and ESRC staff should conduct all their dealings with the public in an open and responsible way, following the Seven Principles of Public Life and ensuring full compliance with the Freedom of Information Act 2000.

## **Delegation**

The Committee or Group may also decide to delegate responsibility for specified matters to individual members, or sub-committees. Final decisions may only be made by those individuals or bodies with delegated authority from Council. Care must be taken to ensure the delegations do not in any way dilute the ultimate responsibility of the Committee or Group for actions undertaken by individual members, sub-committees or the staff of the ESRC. Where delegation takes place, the arrangements should be properly documented. The documentation should make clear matters reserved for decision by the Committee or Group. The latter are likely to include issues of strategy; key corporate objectives and targets; and decisions on funding as laid down by Council.

## **Accountability for public funds**

Members, under the guidance of the Committee or Group Secretary, have a duty to ensure that public funds received by the ESRC, which for this purpose should be taken to include all forms of receipts for fees, charges and other sources, are properly safeguarded. They should ensure that, at all times, the Committee or Group conducts its operations as economically, efficiently and effectively as possible, with full regard to the Charter and relevant statutory provisions.

## **Annex I: The Seven Principles of Public Life**

The Government endorses the Seven Principles of Public Life set out by the Nolan Committee for the benefit of all who serve the public in any way. These principles apply to all aspects of public life.

The principles are set out below:

### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of the public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

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

## **Annex 2: Conflicts of Interest of Members of Committees and Groups**

All members will be required, on taking up their appointments, to declare any private, professional or commercial interests that might be conceivably conflict with the interests of the ESRC. Such interests will include university, independent research establishment and company appointments, directorships, consultancies, visiting and honorary appointments. These interests will be registered centrally and updated annually, and used as indicated below. This register will be open for public inspection and is available on the ESRC website (<http://www.esrc.ac.uk/about-us/governance-and-structure/>)

Before each meeting, the Chair will be briefed on any potential conflicts of interest that might be generated by items on the agenda. The register of interests will be used as source material for the briefing. At the beginning of each agenda item the Chair will draw attention to any potential conflicts of interest and invite the Committee or Group to agree what action to take (eg a member with a conflict of interest should be required to leave the meeting for that item). In the case of studentships, grant or other funding applications it will be normal practice for any member whose own application is under consideration or who is from the same institution as an applicant, to withdraw from the meeting for that item. Members will also be expected to declare at meetings any interests that may be perceived as conflicting and which are not identified by the Chair.