

JOINT COMMITTEE ON VACCINATION AND IMMUNISATION

Protocol for the work of the JCVI and a Code of Practice for JCVI members and members of its Sub-committees (‘Code of Practice’)

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Introduction

1. The Joint Committee on Vaccination and Immunisation (JCVI, the Committee) is a statutory body with power to regulate its own procedure. This Code of Practice has been adopted by the Committee and will be reviewed as appropriate.
2. This Code of Practice gives information on the status, role, responsibilities and procedures of the JCVI, and its Sub-committees; the terms of appointment of members of the Committee; and the roles and responsibilities of the members of the Committee and Sub-committees.
3. This Code of Practice does not have legal force, but all members and prospective members are required to signal their acceptance of the provisions set out in this Code of Practice by signing the Declaration (Annex 3) as indicated.
4. The Secretary of State is required to appoint the Secretary of the Committee. The Secretariat is provided by officials from the Department of Health. The JCVI can be contacted at:

JCVI Secretariat,
Department of Health,
Area 506 Wellington House,
33-155 Waterloo Road.
London,
SE1 8UG

Telephone: 020 7972 4953
e-mail: JCVI@dh.gsi.gov.uk

Terms of reference

5. The JCVI is a statutory advisory committee. It is a Standing Advisory Body established under section 250 of the National Health Service Act 2006 by the NHS (Standing Advisory Committees) Order 1981 (SI 1981/597). That order specified that it is constituted for the purpose of advising on 'The provision of vaccination and immunisation services being facilities for the prevention of illness.'

6. The JCVI's terms of reference as defined in legislation are:

"To advise the Secretary of State for Health and Welsh Ministers on matters relating to the provision of vaccination and immunisation services, being facilities for the prevention of illness.

The Committee must advise the Secretary of State for Health and Welsh Ministers on matters relating to vaccination and immunisation as the Committee considers appropriate and on any questions referred to it by the Secretary of State or Welsh Ministers. In particular, under the provisions of the Health Protection (Vaccination) Regulations 2009 which implements the NHS Constitution in England, upon request of the Secretary of State, the JCVI must make recommendations relating to new provision for vaccination (other than vaccination relating to travel or occupational health) under a national vaccination programme or to changes to existing provision under such a programme, that are based on an assessment which demonstrates cost-effectiveness."

The Committee may also provide advice to Scottish and Northern Irish ministers.

7. The JCVI's approach to its role is:

"The Committee focusses on vaccination and immunisation against infectious diseases. In formulating any advice and recommendations,

the Committee's aim is to ensure that the greatest benefit to public health is obtained from the most appropriate vaccination and immunisation strategies. The Committee will therefore appraise available evidence from a comprehensive range of sources, including evidence on the burden of disease and the impact of vaccines, the safety, efficacy and quality of vaccines, and strategies for their use."

8. Scottish Ministers and Northern Ireland Ministers may request advice from the Committee and are also made aware of all JCVI advice through their observers. Observers from the UK Governments/Administrations (ie officials from the Devolved Administrations) attend JCVI meetings and receive committee papers.

Statutory basis of JCVI

9. The Committee was originally an advisory board for polio immunisation that became the JCVI in 1963. It was put on a statutory footing when it became a Standing Advisory Committee, established in England and Wales under the NHS Act 1977. It sat under the Central Health Services Council until 1980. The NHS (Standing Advisory Committees) Order 1981 (SI 1981/597) established the JCVI in its current form as the Standing Advisory Committee on Vaccination and Immunisation.
10. The statutory basis upon which the Committee exercises its functions in relation to Wales is covered in section 189 of the National Health Service (Wales) Act 2006. Set out below is an explanation as to how the functions transferred to Welsh Ministers. Under the National Health Service (Standing Advisory Committee) Order 1981, which was prior to the devolution settlement, the Committee provided advice to the Secretary of State in relation to Wales as well as England. Under the National Assembly for Wales (Transfer of Functions) Order 1999 the functions of the Secretary of State set out in section 6 of the NHS Act 1977 exercisable in relation to Wales, transferred to the National

Assembly for Wales. Section 6 was repealed and replaced by section 250 of the NHS Act 2006 as regards England and section 189 of the NHS (Wales) Act 2006 for Wales. Paragraph 1 of Schedule 2 to the NHS (Consequential Provisions) Act 2006 provides that any subordinate legislation made under provisions in the 1977 Act has effect as if made or done under or for the purposes of the corresponding provision in the 2006 Act. By operation of this paragraph, the 1981 Order is to be treated as an order made under section 189 as well as section 250. Functions of the National Assembly subsequently transferred to Welsh Ministers under the Government of Wales Act 2006.

11. The JCVI has no statutory basis for providing advice to Scotland or Northern Ireland. However, Ministers from these countries may choose to accept the Committee's advice or recommendations which the Secretariat makes available to all UK Governments/Administrations as soon as possible. Specific advice given by the JCVI in response to a request from Scottish or Northern Ireland Ministers is not binding on any Minister (of the Devolved Administrations or UK Government).
12. The Secretary of State is accountable to Parliament for the JCVI as a public body. The Minister for Health and Social Services of the Welsh Assembly Government has equivalent accountability to the National Assembly for Wales.

JCVI advice and recommendations

13. The JCVI must give advice to the Secretary of State for Health and Welsh Ministers on matters relating to vaccination and immunisation as the Committee considers appropriate and on any questions referred to it by the Secretary of State or Welsh Ministers.¹ JCVI provides advice

¹ National Health Service Act 2006, section 250.

based on consideration of scientific and other evidence (see paragraphs 53 – 62) that is used by Government to inform, develop and make policy. JCVI is not a policy maker in its own right and has no regulatory function.

14. Since 1 April 2009 the Health Protection (Vaccination) Regulations 2009 place a duty on the Secretary of State for Health in England to accept and, so far as is reasonably practicable, make arrangements to secure the implementation of recommendations from the JCVI, where those recommendations:

- a) relate to new provision for vaccination under a national vaccination programme² or to changes to existing provision under such a programme and
- b) are in response to a question referred to the JCVI by the Secretary of State and
- c) are based on an assessment which demonstrates cost-effectiveness and
- d) do not relate to vaccination in respect of travel or occupational health.

15. The JCVI can provide advice to the Secretary of State on travel vaccines or occupational health vaccines, as well as advice on vaccines, or the use of vaccines within certain clinical risk groups, that while clinically appropriate cannot be shown to be cost effective. In these situations, the Secretary of State is not bound by the advice of the Committee under the Health Protection (Vaccination) Regulations but can choose to accept and implement it.

16. In assessing whether a vaccination programme may or may not be cost effective, JCVI uses similar methodology and similar criteria as the National Institute for Health and Clinical Excellence (NICE). Using the

² A national vaccination programme is any programme implemented nationally in England that does not relate to travel vaccination or occupational health vaccination. National vaccination programmes include universal programmes like MMR and DTap/IPV as well as targeted programmes like Flu (over 65 and at risk groups), HPV (for girls only) and Hep B (at risk groups).

NICE approach, a vaccination programme can be considered to be cost effective if their health benefits are greater than the opportunity costs measured in terms of the health benefits associated with programmes that may be displaced to fund the new vaccination programme. In other words, the general consequences for the wider group of patients in the NHS are considered alongside the effects for those patients who may directly benefit from the vaccination programme of interest.³

Appointment of JCVI members

17. The power to appoint JCVI members is held by the Secretary of State for Health and Welsh Ministers.⁴ The Committee consists of such number of members as the Secretary of State for Health and Welsh Ministers determine.⁵ The Secretary of State for Health has delegated his appointment functions to the Appointments Commission (see Directions attached at Annex 1).
18. The Appointments Commission makes appointments on merit, usually after advertising each vacancy and specifying the qualities required. Therefore, membership is not determined on a geographical basis but on suitability for the role.
19. Members of the JCVI play a critical role in ensuring its continued standing as an internationally recognised leading body in the field of immunisation. They bring relevant knowledge, skills and experience to the Committee and contribute to the provision of high quality and well considered advice to UK health ministers.
20. Members are appointed for a term of up to 4 years, ending on 31 March. Reappointment of members is not automatic. Subject to

³ NICE (2008) Guide to the methods of technology appraisal.

⁴ <http://www.nice.org.uk/media/B52/A7/TAMethodsGuideUpdatedJune2008.pdf>

⁵ National Health Service Act 2006, section 250.

⁵ SI 1981/101

conditions including satisfactory appraisal, members can be reappointed for a second term without the post being advertised but, in accordance with current provisions about public appointments, members cannot serve on the Committee for more than 10 years.⁶

21. The Appointments Commission plays no role in the appointment of the Chair except in his capacity as a member of JCVI. The Chair must be a member of the Committee for the entire period of his chairmanship and is elected by the Committee to serve as Chair.⁷ The period for which the Chair may serve as a member of the Committee is determined by the Appointments Commission with reference to the Commissioner for Public Appointments' Code of Practice.
22. If the Chair is absent or otherwise unavailable to chair a meeting then the members present shall decide which member will temporarily deputise for the chair. The Chair may indicate a preference.
23. All members including the Chair must go through an appraisal process once every 12 months. The Chair appraises members and the head of the JCVI Secretariat signs off the appraisal of the Chair on behalf of the Department of Health.
24. Appointments may be suspended or terminated by the Appointments Commission, without compensation, in the event that a member fails to fulfil his obligations or for conduct which renders the member unfit to remain in office.
25. JCVI has determined to admit observers to its meetings and agreed that they may be provided with committee papers as determined by the Chair in consultation with the secretariat. It is standard practice that observers from the UK Governments/Administrations will attend all JCVI meetings (and meetings of its Sub-committees), be party to all

⁶ The Commissioner for Public Appointments' Code of Practice
www.publicappointmentscommissioner.org/Code_of_Practice/

⁷ National Health Service Act 2006, Schedule 19.

communication between the secretariat and the whole Committee and that they will receive committee papers as they are circulated to the Committee itself.

JCVI Sub-committees

26. The JCVI may appoint Sub-committees as it considers appropriate, and as are approved by the Secretary of State, to consider and report on questions referred to it. The Secretary of State's powers in this regard are exercised by Department of Health civil servants. These Sub-committees may include individuals who are not members of JCVI. The chair of each Sub-committee is appointed by the Committee and is a member of JCVI. The Committee may delegate to the JCVI Chair its powers to appoint the Sub-committee Chair and, usually in consultation with the Sub-committee Chair, members of Sub-committees.
27. Sub-committees allow the Committee to delegate initial consideration of some of the specific issues which require an in depth consideration and that may need substantial input from experts who may not sit on the JCVI. The JCVI Chair may also chair any Sub-committee.
28. Exceptionally, the JCVI may consider information and evidence jointly with another body for the purpose of providing advice. In such cases, the responsibilities of JCVI members and Sub-committee members will be as described in this Code of Practice.
29. All members and prospective members of a Sub-committee are required to signal their acceptance of the provisions set out in this Code of Practice by signing the Declaration (Annex 4) as indicated.

Responsibilities of Committee and Sub-committee members

30. All members of the Committee and its Sub-committees ('members') must demonstrate high standards of conduct.

31. In exercising their duties, members must observe the 'Seven Principles of Public Life' set out by the Committee on Standards in Public Life (the Nolan Committee):

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

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

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

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

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

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

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

32. In addition, members must undertake on appointment to comply at all times with this Code of Practice including:

- acting in good faith and in the best interests of the Committee;
- not using information gained in the course of their membership in any way incompatible with the Seven Principles of Public Life or for political purposes

33. The Chair should provide effective leadership, in particular:

- ensuring that the committee carries out its functions effectively and does not exceed its powers or functions
- ensuring that the minutes of meetings and any reports accurately record the views of the committee, including guidance in the 'Green Book' *Immunisation against infectious disease*
- ensuring that views of the committee are accurately represented when providing information to the general public and press
- assessing applicants during the recruitment of new members to the committee
- ensuring that new committee members receive appropriate induction
- providing performance management of committee members

Conflicts of interest

34. There must be no perception of conflict between members' private interests and their responsibilities as members of the JCVI or a JCVI Sub-committee. All members of the JCVI and its Sub-committees must therefore follow the rules regarding Declarations of Interest (see later).

35. Members must declare all their interests at the time of their appointment and must promptly notify the Secretariat of any changes. Before or at the start of every meeting members will be asked to declare any changes to their interests and the minutes of each meeting

will include up to date Declarations of Interest. In addition, it is the responsibility of each member to indicate if they have an interest in any item of business at the appropriate time.

36. In accordance with the provisions below, the Chair will determine whether a member should take part in any discussion or decision on an issue.

37. The role of the Chair necessitates that he/she cannot have any interests that may conflict with his or her responsibilities to JCVI, and the same applies for the Chairs of Sub-committees. Therefore, the JCVI Chair and Sub-committee chairs cannot have interests that could conflict with the issues under consideration by the JCVI or Sub-committee respectively.

38. If, exceptionally, the JCVI Chair or Sub-committee chair has an unresolved conflict of interest then he/she shall step aside until that is resolved. He/she may still take part in the proceedings of the committee according to the rules set out below. In the case of JCVI, members present at the meeting shall decide which member will temporarily deputise. In the case of a Sub-committee, the JCVI Chair may either chair the Sub-committee in the absence of its chair or appoint another Sub-committee member to do so.

Declarations of Interest

39. JCVI members and Sub-committee members must abide by the following rules when deciding whether to declare an interest.

Personal pecuniary⁸ interest

If a member has in the last 12 months received, or plans to receive a financial payment or other benefit from a business or representative

⁸ Pecuniary is a financial payment or other benefit.

body relating to vaccines or any other product or service that could be under consideration by JCVI or a Sub-committee including:

- holding a directorship, or other paid position
- carrying out consultancy or fee paid work
- having shareholdings or other beneficial interests
- receiving expenses (e.g. travel to, or registration for, conferences) and hospitality

the member must declare this interest.

If this interest is specific to an agenda item and the payment or other benefit is connected specifically with the product under consideration, the member will be required to absent him/herself from the discussion and any subsequent vote.

If this interest is not specific to the agenda item (i.e. if the payment relates wholly to other products), the member will be able to participate in the discussion but not in any subsequent vote.

Personal family interest

In the last 12 months, if one of a Member's family received, or plans to receive, a financial payment or other benefit from a business or representative body relating to vaccines or any other product or service that could be under consideration by JCVI or a Sub-committee including:

- holding a directorship, or other paid position
- carrying out consultancy or fee paid work
- having shareholdings or other beneficial interests
- receiving expenses and hospitality over and above the equivalent level provided by the Department of Health to JCVI members for travel and subsistence (see section on expenses)

then the Member must declare this interest.

If the payment is connected with a product or service under consideration, the Member will be required to absent him/herself from the discussion and any subsequent vote.

If this interest is not specific to the agenda item (i.e. if the payment relates wholly to other products), the Member will be able to participate in the discussion but not in any subsequent vote.

Non-personal pecuniary interest

If a Member has senior responsibility for a department or organisation that has received or plans to receive a financial payment, or other benefit in the last 12 months from a business or representative body relating to a product or service under consideration, including:

- a grant or fellowship or other payment to sponsor a post, or contribute to the running costs of the department
- commissioning of research or other work

then the Member must declare this interest.

If the payment or benefit is connected with a product under consideration, the Member will still be able to participate in the discussion, unless the chair rules otherwise, but not any subsequent vote.

If the payment or benefit relates wholly to other products, the Member will be able to participate in the discussion and any subsequent vote.

Personal non-pecuniary interest

If a Member has acted in a way such that the public might reasonably believe that he or she will not consider evidence in a fair and unbiased manner, such as active advocacy, in the last 12 months, on behalf of an organisation with a clear opinion on the matter under consideration then the Member must declare this interest. The Member will be able to participate in the discussion and decision according to the Chair's ruling.

40. The Chair and Sub-committee Chairs will not normally have any personal interests to be declared. If the Chair or Sub-committee chair has any unresolved conflict of interest of any kind then he must stand aside until that matter is resolved. This may require another member to temporarily deputise for the chair (as set out in paragraph 21).

Confidentiality

41. JCVI and its Sub-committees deal with confidential information and meetings are not open to the public. Procedures to provide strict confidentiality are required, although the JCVI aims to publish (as soon as practicable) the information and evidence considered in the development of its advice and recommendations. Members are asked to take particular care to avoid premature or selective disclosure of the Committee's deliberations. All JCVI and Sub-committee members are required to confirm their agreement to the confidentiality provisions of this Code of Practice (by the declaration attached at Annex 3).

42. Members must not, without authority, disclose any information which has been communicated in confidence to them in their capacity as a member of JCVI or a Sub-committee.

43. Members may receive documents with protective markings applied by the secretariat in accordance with the Government Protective Marking System. Such markings may include "PROTECT" and "RESTRICTED".⁹ Instructions for the handling of such documents are given in Annex 4 and must be adhered to strictly.

44. Members should not speak to the media as a member or voice of the JCVI. All enquiries from the press should be directed to the Chair of the JCVI. Members should inform the Chair and secretariat of all

⁹ Information about the criteria used for Government protective markings is available at www.cabinetoffice.gov.uk/spf.aspx

relevant contacts with the media. A JCVI member may discuss with the media, an issue that has also been discussed at JCVI, but should take care to explain that he/she is discussing it in an individual professional capacity and not as a member of JCVI or on behalf of JCVI. The member should not divulge information that is only available to JCVI members. In addition, the member will need to consider whether such discussions could constitute an interest (for example a personal non-pecuniary interest) for the purpose of their declaration.

45. Committee members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation.

Accountability

46. JCVI Members are expected to disclose details of any political activity as part of the appointment and reappointment process. The details of this are handled by the Appointments Commission. Members are free to maintain associations with trade unions, co- operative societies, trade associations etc. to the extent that such associations do not conflict directly with the interests of the Committee. If members have any doubt about any of these matters, advice should be sought from the Secretariat.

47. Any legal proceedings initiated by a third party are likely to be brought against the Committee as a whole, although in exceptional cases proceedings (civil or, in certain cases, criminal) may be brought against the Chairman or other individual Committee members.

48. In response to a recommendation in the Neill Committee's report on "Public liability in public service organisations" (published in the summer of 1998) the Treasury reviewed the means of legal protection available to appointees in Non-Departmental Public Bodies (NDPBs).

It was required to “*ensure that, if such protection continues to be provided in the form of a standard indemnity, its terms accord with the protection which would be afforded under a commercial insurance policy*”.

49. As a result of the review, Treasury Ministers have agreed that wider indemnity than that previously provided should be offered to Committee members in the following terms: “*The Government has indicated that an individual Committee member who has acted honestly and in good faith will not have to meet out of his own personal resources any personal civil liability which is incurred in the execution or purported execution of his Committee function, save where the person has acted recklessly.*”
50. On 19 January 1999 Departmental Accounting Officers were asked by HM Treasury to issue suitable indemnities to their Committee members consistent with the text above. In line with this request a copy of the indemnity offered to JCVI members is attached at Annex 2. Each new member is asked to sign acceptance of the indemnity on appointment to the Committee. The indemnity is also be offered to members of JCVI Sub-committees covered by the Code of Practice.
51. If members are at any time unclear whether their actions are classified as duties as members of JCVI or its Sub-committees they should clarify this with the Secretariat.
52. The JCVI has a duty to advise the Secretary of State for England and Welsh Ministers and also advises Scottish and Northern Ireland ministers. Any legal challenge to any action taken on the advice or recommendations of the Committee will be the responsibility of the Minister of that country rather than the JCVI.

Development of JCVI advice and recommendations

53. JCVI gives advice to Ministers based on the best evidence reflecting current good practice and/or expert opinion. The process involves a robust, transparent, and systematic appraisal of the available evidence from a wide range of sources.
54. Identification of evidence involves searching for papers and information from a wide range of sources. The aim is to generate a comprehensive body of evidence that will allow the relevant question to be answered, and highlight any important gaps in the evidence. This body of information will often include submissions on the safety and effectiveness of, and other information on, specific vaccines from vaccine manufacturers that may be commercially confidential.
55. The JCVI secretariat and Committee identifies and collates relevant papers for the Committee. Papers can be compiled in a manner of ways including a systematic literature review which involves searching a wide range of medical and scientific databases. This allows JCVI to be confident that it has examined all the currently available relevant evidence.
56. The Committee may also request and the Department of Health may commission additional work or information, for example a UK based cost effectiveness review or qualitative research to give feedback on public and professional acceptability and appropriateness of a new vaccine or immunisation for the UK and the information needs of the target audience. The results are then presented to JCVI (or a Sub-committee) for consideration.
57. Once papers and information have been identified, an appraisal process assesses and interprets the evidence by considering its
- quality

- validity
- results and
- relevance

58. Key experts in the relevant fields are involved in the review process.

They may be aware of unpublished work or ongoing research, which could be included or considered. These experts are identified in consultation between the JCVI and/or the JCVI Chair and the Department of Health. Expert review may involve review of the available evidence by a Sub-committee, or writing to key experts on a particular issue for their opinion. All available relevant data (published and unpublished) are evaluated and knowledge gaps or research needs identified. As part of this review process, recommendations or advice from international and national bodies (e.g. WHO, ACIP, IoM or NICE) may also be considered.

59. Papers summarising the evidence base for a recommendation(s) are provided to JCVI for its consideration.

60. The contribution of JCVI members to advice or recommendations given by the committee are governed by this Code of Practice.

61. Advice or recommendations are normally formulated during the course of meetings. If a matter requires an urgent response the secretariat, with the agreement of the JCVI chair, may seek the relevant advice by correspondence with the Committee or a Sub-committee.

62. Additional invited observers with a particular expertise or role may be present at JCVI or Sub-committee meetings. They may not participate in committee's discussions unless invited by the Chair to do so to provide additional information or to correct points of fact. Invited observers must note that the JCVI's views are not finalised until the full range of information has been discussed and a formal statement or

minutes published. Given this, and the confidentiality of some information and evidence, all invited observers (other than those subject to the Civil Service Code) are required to sign a confidentiality agreement prior to attending a meeting.

Communications with Ministers

63. Communications between the Committee and Ministers will usually be through the Chair, except where the Chair or Committee has agreed that an individual member should act on its behalf. Nevertheless, any member has the right of access to Ministers on any matter that he or she believes raises important issues relating to his or her duties as a Committee member. In such cases both the Secretariat and the Chair should be informed, who will inform the rest of the Committee.
64. Ministers may request urgent advice from the Committee by requesting an urgent meeting or consultation by correspondence.

Publication Scheme

65. The JCVI and its Sub-committees must comply with the Freedom of Information Act 2000 (FOIA) which came into force on 1st January 2005. This includes abiding by a model publication scheme that has been approved by the Information Commissioner's Office.
66. The committee is committed to making as much of its work open to public scrutiny as possible. However, some information discussed by JCVI is not in the public domain and the default position is that JCVI will meet in closed session. This allows members to have free and open debate before coming to any conclusions, which will be fully and clearly explained in minutes or statements.

67. JCVI advice and recommendations are published in the minutes of meetings. Where advice or recommendations relate to a new vaccination programme, or a revisions to an existing vaccination programme, these are also published in a JCVI statement. JCVI advice and recommendations inform revisions to the 'Green Book' *Immunisation against infectious disease*. The updated 'Green Book' is available on the Department of Health website.
68. The agenda for a JCVI meeting is published at least one week before the meeting. Draft minutes are published within 6 weeks of the meeting. Final minutes are agreed at the following meeting and these are published replacing the draft version.
69. Agendas for Sub-committees are published one week before the meeting. Minutes are normally published following approval for accuracy by the Sub-committee and their adoption by the JCVI at its next meeting. Where there are items of business which are urgent and need to be dealt with through correspondence before the next scheduled JCVI or JCVI Sub-committee meeting, the minute of the subsequent JCVI meeting will note that the issue has been discussed and what the conclusions were.
70. The Committee publishes a biennial report. The report includes details of membership of the Committee and Sub-committees together with a summary of issues considered throughout the two years.
71. From 2009, the Committee aims to publish papers considered in meetings to the same schedule as draft minutes (i.e. within six weeks of the meeting). All those invited to provide papers for the Committee or Sub-committees will be made aware of this publication process. However, this does not mean that confidential papers will necessarily be published. Under the FOIA, except where an absolute exemption applies, material should be disclosed unless the public interest in maintaining the exemption in question outweighs the public interest in

disclosure.

72. Summary reasons will normally be given why particular papers are being withheld from routine publication, in line with exemptions available under the FOIA. Examples are:

- 'Published' – s.32 'information accessible to applicant by other means'
- 'Pre-publication' - s.22 'information intended for future publication' or s.41 'information provided in confidence'
- 'Commercial' – s.43 'commercial interests'
- 'Policy' - s.35 'formulation of government policy, etc'

73. Further releases of information about papers considered may be made subsequently, either following a review or decisions on a specific request under the FOIA. In these circumstances, papers may be published with redactions to withhold information in line with provisions of the FOIA.

74. If papers contain commercially sensitive information or information about named individuals, the general principle of common law duty of confidentiality will apply, except in cases where the information was provided under legislation which deals specifically with disclosure and non-disclosure.

75. The JCVI may be asked to comment, prior to publication, on unpublished research, draft risk assessments, draft guidelines, draft pre-publication material. Premature disclosure of unpublished research may prejudice publication in scientific or medical journals. There is a generic requirement for scientific advisory committees to treat unpublished research in confidence until it has been peer-reviewed and published in the scientific or medical literature, unless the investigators give specific permission for pre-publication release.

76. Similarly draft assessments or cost effective analyses may, in some cases, be treated as confidential until finalised and published. There may be a delay between JCVI's review of a draft assessment and publication of the committee's advice to allow the appropriate Government departments to develop risk management strategies. In these cases, relevant papers, minutes and statements (or parts thereof) may need to be temporarily withheld, pending publication.

77. JCVI may be asked to provide scientific advice early in the drafting process when Government departments revise or produce new guidelines/advice on policy issues. As Ministers may wish to have the opportunity to consider new or revised guidelines/advice before these are finalised and placed in the public domain, the committee may be asked to provide advice on draft guidelines in confidence.

78. In addition, Government rules prevent departments discussing issues surrounding policy development in public during an election period. This is from the date a general election is announced until the election is completed.

79. In summary, JCVI publishes the following documents:

- JCVI Code of Practice, including Terms of Reference
- JCVI Meeting Agendas and Minutes
- JCVI Statements
- JCVI papers from 2009 (if not withheld in line with FOIA exemptions)
- JCVI Sub-committee Agendas and Minutes
- JCVI Sub-committee papers from 2009 (if not withheld in line with FOIA exemptions)
- Register of JCVI members' Interests
- Biennial Reports of JCVI

All the documents detailed above will be made available on the JCVI Website www.dh.gov.uk/ab/jcvi

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80. The Publication Scheme is reviewed from time-to-time, and at least every two years, in line with the decisions of the Information Commissioner. Thus, this Scheme will be reviewed no later than August 2011.

Expenses

81. The JCVI has no budget. Although members are not remunerated, they are eligible to claim expenses in accordance with central Department of Health rules for travel, subsistence and overnight accommodation as set out in Annex 5. All reasonable receipted childcare and carer expenses will be reimbursed where applicable. The expectation is that JCVI members will not benefit financially from their membership of the committee. Expenses will be published for each member in JCVI's biannual report.

HEALTH ACT 2006

Directions to the Appointments Commission in relation to the Joint Committee on Vaccination and Immunisation 2007

The Secretary of State for Health gives the following Directions in exercise of the powers conferred on her by sections 58(1) and (4), 62(4), 67(2)(c) and 70 of the Health Act 2006⁽¹⁰⁾.

In accordance with section 59(2) of that Act, she has consulted the National Assembly for Wales.

Application, commencement and interpretation

1. (1) These Directions apply to the Appointments Commission⁽¹¹⁾.
- (2) These Directions apply in relation to England and Wales.
- (3) These Directions come into force on .
- (4) In these Directions—
 - “the JCVI” means the Joint Committee on Vaccination and Immunisation⁽¹²⁾;
 - “the Commission” means the Appointments Commission; and
 - “member” means a member of the JCVI.

Functions of the Commission

2. (1) The Secretary of State directs the Commission to exercise in relation to the JCVI the functions specified in paragraphs (2) and (3).
- (2) The functions under this paragraph are the functions of the Secretary of State relating to the appointment of members.
- (3) The functions under this paragraph are the functions of the Secretary of State relating to—
 - (a) providing advice and mentoring to the members with respect to their role as a member;
 - (b) securing that the members receive training and other assistance with respect to the performance of their functions as a member; and
 - (c) developing procedures for appraising the performance of the members and carrying out such appraisals of their performance as the Secretary of State may request.

Exercise of functions

3. (1) In exercising any function specified in article 2, the Commission is to—
 - (a) use and have regard to—
 - (i) such descriptions of the role and duties of the members; and
 - (ii) such criteria and process for appointment of the members,as may be determined by the Secretary of State;

⁽¹⁰⁾ 2006 (c.28).

⁽¹¹⁾ The Appointments Commission was established by section 57(1) of the Health Act 2006.

⁽¹²⁾ The JCVI is a non-departmental public body first established in 1963 by the Secretary of State. It is a statutory expert Standing Advisory Committee constituted in England and Wales under the National Health Service Act 1977 (c.49) and the National Health Service (Standing Advisory Committees) Order 1981 as the Standing Advisory Committee on Vaccination and Immunisation.

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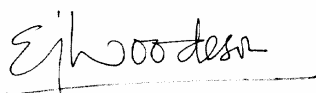
- (b) have regard to guidance given by the Secretary of State with respect to the exercise of functions by the Commission; and
- (c) ensure that the procedures for appointment operated by the Commission are open and transparent.

Reports and information

4 (1) The Commission is to record, hold, update and keep updated information in connection with the exercise of its functions under article 2.

(2) The report to be prepared by the Commission under section 67(1) of the Health Act 2006 in respect of a financial year must include the names of the members as at 1st April in that financial year.

Signed by authority of the Secretary of State for Health

A handwritten signature in black ink, appearing to read 'E. Woodson', written over a horizontal line.

Elizabeth Woodson

Director of Health Protection
Member of the Senior Civil Service
Department of Health

Date: **19 April 2007**

Annex 2 – Indemnity letter

INDEMNITY OFFERED TO MEMBERS OF JCVI INDEMNITY BY THE SECRETARY OF STATE FOR HEALTH TO MEMBERS OF THE JOINT COMMITTEE ON VACCINATION AND IMMUNISATION AND RELATED SUB-COMMITTEES.

The Secretary of State for Health hereby undertakes with each of the members of the Joint Committee on Vaccination and Immunisation and all of its Sub-committees covered by the code of practice ("the members") to indemnify them, their estates and their heirs against all personal civil liabilities in respect of any action or claim which may be brought, or threatened to be brought, against them either individually or collectively by reason of or in connection with the performance at any time of their duties as members, whether before or after the date of this indemnity, including all costs, charges and expenses which the members or any member may properly and reasonably suffer or incur in disputing any such action or claim.

The members or any member shall as soon as reasonably practicable notify the Secretary of State if any action or claim is brought or threatened to be brought against them or any of them in respect of which indemnity may be sought pursuant to paragraph 1. If any action or claim is brought the Secretary of State shall be entitled to assume the defence. The Secretary of State shall notify the members or member as soon as practicable if the Secretary of State intend to assume the defence and the members or member shall then provide such information as the Secretary of State reasonably requests, subject to the Secretary of State reimbursing all out of pocket expenses properly and reasonably incurred by members or any of them. The Secretary of State shall, where reasonable and practicable, consult with and keep the members or any of them informed of the progress of the action or claim. Where the Secretary of State does not assume the defence, members or any of them shall keep the Secretary of State fully informed on its progress and any consequent legal proceedings and consult with the Secretary of State as and when reasonably required by them or any of them concerning the action or claim.

The indemnity contained in paragraph 1 shall not extend to any losses, claims, damages, costs, charges, expenses or any other liabilities:

- a) in respect of which members are indemnified by or through any defence organisation or insurers; or
- b) which may result from bad faith or wilful default or recklessness on the part of the members; or
- c) which may result from any of the following circumstances (without the prior written consent of the Secretary of State having been obtained such consent not to be unreasonably withheld):

- any settlement made or compromise effected of any action or claim brought, or threatened to be brought, against them; or
- any admission by the members of any liability or responsibility in respect of any action or claim brought, or threatened to be brought, against them; or

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- members taking action that they were aware, or ought reasonably to have been aware, might prejudice the successful defence of any action or claim, once the members had become aware that such an action or claim had been brought or was likely to be brought.

Annex 3 - Declaration of agreement to Code of Practice, including confidentiality provisions

This declaration is for the use of all members of the Joint Committee on Vaccination and Immunisation (JCVI, the Committee), all members of its Sub-committees and all invited observers other than those who are subject to the Civil Service Code in their work with JCVI or its Sub-committees.

The JCVI Code of Practice has been adopted by the Joint Committee on Vaccination and Immunisation, in accordance with its powers to regulate its own procedures. Among other provisions, it contains:

- the Seven Principles of Public Life
- rules for the declaration of interests by JCVI members and members of Sub-committees
- a binding requirement that members must not, without authority, disclose any information which has been communicated in confidence to them in their capacity as a member of JCVI or a Sub-committee.

DECLARATION

I have read and understood the JCVI Code of Practice, including the provisions mentioned above.

I agree that I will abide by the provisions of the JCVI Code of Practice for
(a) the period of time I am a JCVI member / a Sub-committee member / an invited observer, and
(b) in respect of confidentiality, thereafter for such periods of time as information communicated in confidence is not disclosed by authority

SIGNED

SURNAME (BLOCK LETTERS)

FORENAME(S) (BLOCK LETTERS)

DATE

TITLE OF SUB-COMMITTEE (IF RELEVANT)

Annex 4

Handling documents with protective markings

1. Any JCVI paper with a protective marking (for example, PROTECT or RESTRICTED) should not be shared further with others. Please contact the secretariat with any queries.
2. Protectively marked JCVI papers must be stored only in a locked container. They must not be left out on an unoccupied desk.
3. Keep protectively marked JCVI papers in your possession at all times when carrying them outside your own office or home.
4. Protectively marked JCVI papers may be disposed of by cross-cut shredding or they can be torn up small and mixed with other waste. Unwanted papers may also be returned to the secretariat for disposal.
5. All JCVI papers will be reviewed for publication. This may result in the publication in redacted form of some papers with protective markings. In that case, the original papers retain their original protective marking. If the protective marking of a complete paper is changed (ie deleted) then JCVI members will be informed of the change.

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Annex 5

Department of Health standard rates for member expenses

Day subsistence rates

Duration of duty	Normal rate £'s	Alternative rate
Over 5 hours	5.00	one receipted train meal
Over 10 hours	10.00	or two receipted train meals
Over 12 hours	15.00	or £10 plus actual cost of 3rd meal up to £12.50

Night subsistence rates

When staying at a hotel: Up to £80.00 per night of receipted costs. Plus a flat rate £22.50 for meals and residual expenses for each night away.

Alternatively if you stay anywhere else but a hotel (e.g. staying with friends) you are allowed a flat rate allowance of £27.50 per night.

Travel expenses

Travel by public transport

Rail and Air tickets - You may claim all reasonable receipted expenses at 1st class rail, economy air.

Taxis - May be used for local journeys and must be receipted

.

Travel by private transport

Private Car - Business journeys in your own care are reimbursed at the single rate of 30p per mile. There is a passenger supplement of 2p per mile for one and 1p per additional passenger per mile.

Overseas travel and subsistence

Overseas subsistence rates are set separately for each country and expressed in the currency of the country. For more details contact your committee secretary.