

NOT FOR PUBLICATION

ADVISORY COMMITTEE ON DANGEROUS PATHOGENS

TERMS OF REFERENCE AND PROCEDURES

Note by the Secretariat

Introduction

1. The full terms of reference for the Committee are set out in the Annex.
2. The Committee's functions are described broadly in paragraph 13 of the report of the Working Group of Officials which preceded the establishment of the Committee as "a single source of authoritative advice in relation to dangerous pathogens on the closely related fields of responsibility of the Health and Safety Commission on the one hand and the Health and Agriculture Ministers on the other"
3. As will be seen from the terms of reference, the Committee is charged with giving advice to the following three Governmental groups:
 - (a) The Health Ministers, that is to say the Secretary of State for Social Services (in respect of England) and the Secretaries of State for Wales, Scotland and Northern Ireland.
 - (b) The Agriculture Ministers, that is to say the Minister of Agriculture, Fisheries and Food (in respect of England and, for some purposes, for the whole of Great Britain) and the Secretaries of State for Wales, Scotland and Northern Ireland.
 - (c) The Health and Safety Commission and the Health and Safety Executive.
4. The responsibilities of these three groups can be briefly described as follows:
 - (a) The Health Ministers have a general responsibility for the health of the human beings in their particular countries; for

the provision of health services under the National Health Services Act including the provision of laboratories in connection therewith; and, under the Public Health Acts, for measures concerned with the control of infectious diseases.

(b) The Agriculture Ministers have responsibilities in connection with animal health including the prevention of infectious disease among animals and specifically for controls over the use of rabies virus. The Committee is not concerned with diseases of animals as such but, as some human pathogens affect animals, the Agriculture Ministers will also need its advice.

(c) The Health and Safety Commission has a general responsibility for controlling health hazards arising from activities at work including the preparation of proposals for Regulations and codes of practice on such matters, while the Health and Safety Executive is responsible for the enforcement of the relevant statutory provisions.

5. The Advisory Committee on Dangerous Pathogens is the successor to the Dangerous Pathogens Advisory Group but there is an important difference in the functions of the two bodies. DPAG was mainly concerned with advising Ministers on the granting of clearances for work with Category A pathogens (although, so far as time permitted, it also gave advice on other dangerous pathogens). Although no legal sanctions existed, the system worked on the basis that no person would hold or work with such pathogens until the clearance had been given. The position now is that, under Regulations to be made under the Health and Safety at Work etc. Act 1974, anyone intending to hold or work with such pathogens will be required to notify the Health and Safety Executive, and possibly the Health Department concerned; the Executive, in collaboration with the Health Department concerned where appropriate, will inspect such laboratories and, if the arrangements are regarded as unsatisfactory, will rely on the provisions of the 1974 Act to secure the necessary improvements. The Committee will not normally be concerned with particular cases, although it may consider these if requested to by the HSE.

6. The terms of reference of the Committee do, however, provide for the Committee to give advice to the Health Ministers "on the appropriate conditions

on which clearance should be given from the public health aspect for the conduct of particular pieces of research.....with Category A pathogens". The number of laboratories dealing with such pathogens is quite small and it is not envisaged that occasion for recourse to this limb of the terms of reference will arise at all frequently. What is envisaged, however, is the possibility of proposals for work, although in accordance with recognised standards of containment, which might give rise to objections from a broader public health aspect. An illustration of the application of this is afforded by the questions which arose about the continuance of smallpox work in a laboratory in the London area. If any occasion arises for considering issues of this sort, it would be for the Health Department concerned to raise the matter with the Committee. The Committee may wish to consider, however, what arrangements should be made to provide the advice on its behalf on such an issue if it should arise urgently.

7. Leaving aside this specific, and probably uncommon, type of issue, the Committee's functions are likely to be concerned mainly with the giving of general advice to Ministers and the Health and Safety Commission about the classification of pathogens according to the hazards they represent and the appropriate standards of safe working to be applied.

Priorities

8. As is stated in the terms of reference, the priorities for the Committee's work are to be determined by the Ministers concerned and the Health and Safety Commission. This means that the Committee will be asked from time to time to give priority to reporting on particular matters within their terms of reference and the papers put forward to the Committee's first meeting indicate matters which are regarded as requiring early attention.

9. Subject to these priorities, the Committee is free to give advice to Ministers, the Health and Safety Commission and the HSE on any matters listed in items a to c and d(i) and d(ii) of the terms of reference. Under d(iii) there is also the possibility that other matters connected with work with dangerous pathogens may be specifically referred to the Committee by Ministers, the Commission or the HSE, notwithstanding that they do not fall within the general terms of reference set out.

Secretariat

10. The Secretariat of the Committee is provided by HSE and DHSS jointly, and the joint secretaries are Mr E J Morris (Health and Safety Executive, 25 Chapel Street, London NW1 5DT - telephone GRO-C extension GRO-C and Dr D L H Robinson (DHSS, Hannibal House, Elephant and Castle, London SE1 6TE, telephone GRO-C extension GRO-C). The minutes secretary is Mr B D Squires (Health and Safety Executive, 25 Chapel Street, London NW1 5DT - telephone GRO-C extension GRO-C). The Secretariat will be responsible for preparing, in consultation with the Chairman, agenda for meetings, minutes and, in some circumstances, papers for the Committee.

Departmental observers

11. Officials of the HSE and the Government Departments concerned (DHSS, Welsh Office, Scottish Office, MAFF, Ministry of Defence and Department of Health and Social Services in Northern Ireland) will be invited to attend as observers at meetings. These officials, of course, are not members of the Committee but the Chairman may wish to invite their participation in discussions at meetings where he thinks this will assist the Committee. When seeking the advice of the Committee, the Department concerned will normally present a paper setting out the relevant facts and background, and the observer from that Department would be available to answer questions.

General methods of working of the Committee

12. It will be for the Committee to decide in detail how it will formulate its advice to Ministers, the Health and Safety Commission and the HSE. It seems unlikely, however, that detailed work or the writing of documents or reports would be possible at main Committee meetings. On some matters, thus, the Committee may find it convenient to establish a working group to give the matter initial study and to prepare a report for consideration by the main Committee. These working groups would be relatively small and would normally consist of medical and scientific specialists and employer and employee representatives drawn from the main Committee and may also include co-opted non-members with special knowledge of, and interest in, the subject concerned. It would be open to any member of the main Committee to attend meetings of the working groups if he or she wished (and, in this event, it obviously would be helpful for the member concerned to inform the Secretariat in advance). If the working groups are, in fact, established, the Secretariat or other officials of the HSE or Departments concerned will be available to assist the groups in their work (subject to the usual constraints on the availability of Civil Service staff resources).

13. In general, any working groups established will undertake the essential preliminary detailed work on a subject but the final form of the advice to be tendered will be the responsibility of the main Committee.

14. The Committee may, however, wish to consider whether it should authorise the Chairman or a specific group of members to deal with urgent matters on its behalf. In any event, members may be approached by the Secretariat by post for their advice and opinions on urgent matters although this should not normally be necessary.

Confidentiality

15. Documents prepared by the Secretariat or by Departments will normally be classified as "not for publication". Such documents should not be passed to the press or to members of the general public but members of the Committee are free to consult within the organisations they represent or with professional colleagues in the speciality with which they are concerned.

16. It may happen on occasions, however, that papers (for example, dealing with reports on visits by representatives of the HSE or Departments to particular establishments) have to be put to the Committee on an "in confidence" basis. Normally, this will arise because the information has been made available to the Secretariat or the HSE or Department on this basis; this will include papers which deal with matters which are commercially sensitive. In such circumstances, the papers will be provided to members of the Committee on the basis that they do not communicate them or their contents to anyone outside the Committee.

17. It will be appreciated that the meetings of the Committee itself (and of its working groups) are private and that individual members should not disclose the Committee's decisions. In some cases, the Committee may think it fit to make a public statement or to publish a report on a particular matter. When the Committee tender advice to Ministers, the Health and Safety Commission or the HSE, it will normally be for the body being advised to decide whether a public statement should be made and, if so, its form. In some cases when advice is sought, it will be specified that the Committee is being asked for a report which can if necessary be published.

18. If occasion arises for the Committee to deal with matters relating to the concerns of particular individuals or organisations, it will be necessary to ask members to declare any direct interest they may have in those matters (for example, as a consultant to, or an employee of, an organisation concerned with the particular matter or who are direct competitors of an organisation so involved). If this point arises, members will be given an opportunity of declaring any interest confidentially to the Chairman. The Committee will need to consider what procedures are to be followed in dealing with the matter in which some members have an interest.

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