INFORMATION GOVERNANCE REVIEW

Terms of Appointment for Panel Members of the Information Governance Review

1) It will be the role of panel members to consider and agree the priorities and scope of the review and latterly the recommendations of the review.

2) The members of the panel will be expected to attend meetings for the review and to undertake further tasks between meetings such as reviewing documents and reading and preparation for the meetings themselves.

3) The review is expected to take six months.

4) Members of the panel must maintain separation between their role on the Review panel from other activities.

5) In the exercise of its functions, members of the panel are expected to sign up to a code of conduct as part of their terms and conditions of office, including adhering to the Nolan Principles for Standards in Public Life (See Code of Conduct).

6) You should note particularly the requirement to declare any conflict of interest that arises in the course of the business of the Review and the need to declare any relevant business interests, positions of authority or other connections with organisations relevant to the Review.

7) It will be the role of the Chair to represent the Review in public. In doing so the Chair will ensure the views of the panel are
represented and will distinguish the views of the review panel from any personal views expressed. On occasion, the Chair may delegate this public representation of the Review to a Panel member. The Secretariat should be informed of all media contacts and speaking engagements representing the Review and will ensure that the Chair or member is fully briefed for them.

8) Members of the panel will be able to claim locum fee reimbursement, where applicable, and reasonable expenses (see Annex 1 for travel expenses policy). Please note that remuneration is taxable under Schedule E and subject to Class I National Insurance contributions (See Annex 2 for more details). It is not pensionable. [NB: Impact of appointment on people in receipt of benefits. Your appointment may have an effect on your entitlement to benefits. If you are in receipt of benefits you should seek advice from the Department for Work and Pensions.]

9) This is a Department of Health Committee appointment and therefore the member is an “Office holder”, as such your appointment does not create any contract of service or contract for services between yourself and the Department of Health, and is not subject to employment law.

10) The Review Office will be based at Skipton House, 80 London Rd, London SE1 6LH.

11) Members of the panel may be expected to travel in the UK as part of its functions.

**Your personal information**

Your personal information will be held in accordance with the Data Protection Act 1998. You will not receive unsolicited paper or electronic mail as a result of sending us any personal information. No personal information will be passed on to third parties for commercial purposes.
When we ask you for personal information, we promise we will:

- only ask for what we need, and not collect too much or irrelevant information
- ensure you know why we need it
- protect it and insofar as is possible, make sure nobody has access to it who shouldn’t
- ensure you know what choice you have about giving us information
- make sure we don’t keep it longer than necessary
- only use your information for purposes related to your appointment or other purposes you have authorised.

We ask that you:

- give us accurate information
- tell us as soon as possible of any changes
- tell us as soon as possible if you notice mistakes in the information we hold about you
Annex 1

Departmental standard rates for member expenses

Reimbursable day expenses

Over 5 hours - one receipted meal up to a ceiling limit of £5
Over 10 hours - two receipted meals up to a ceiling limit of £10
Over 12 hours - two receipted meals up to a ceiling limit of £10 and cost of a third late evening meal taken up to £15.00

Night subsistence rates

When staying at a hotel: Up to £85.00 per night of receipted cost if staying outside of London (£115.00 London only). Plus a meal allowance of up to £22.50 with receipts can be claimed for each night away.

Alternatively if you stay anywhere else but a hotel (e.g. staying with friends) you may claim a meal allowance of up to £25.00 per night. No receipt is required.

Travel expenses

Travel by public transport
Rail and air tickets - You may claim all reasonable receipted expenses at standard class for rail, economy for air.

Taxis - May be used for local journeys (less than 5 miles) 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 4p per mile for one and 2p 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, although in some cases payments will be based on receipted actuals only. For more details contact your committee secretary.
Annex 2

Tax status of committee and tribunal members

The terms of the appointment determine the way in which tax will be paid on any fees or expenses paid and whether or not VAT is chargeable.

The procedures assume that the appointee is an individual and not a partnership or company. Unless it is intended to employ the services of a firm or company as opposed to an individual, the appointment letter should make it clear that the individual is the subject of the appointment, and not his or her company. If, exceptionally, the intention is to appoint a company, charity or partnership to be a member of a committee, payments of fees and expenses, which may attract VAT, should only be authorised on production of an invoice. They should be paid by the Business Management System to the bona fide company, charity or similar organisation - never to an individual member. Much of what follows in this guide does not apply to the exceptional case where a company or partnership has been appointed to a Committee.

For members who are individuals rather than partnerships or companies, the key issue is whether the member is eligible to receive a fee (as opposed to payment of expenses) for their services. Where a fee is paid a member is deemed to be an ‘office holder’. This is a term used in Income Tax legislation which requires that the member’s fee and, in many cases their expenses, will be liable to income tax and National Insurance contributions. The responsibility for these lies with the individual receiving the payment, but the Department - acting as ‘employer’ - should make appropriate deductions under PAYE. Even though appointees may otherwise be self-employed, or business partners or employees in another organisation, the tax/NI legislation treats their work on a tribunal or committee as a separate ‘office’ in which their tax status must be separately determined. Her Majesty’s Revenue and Customs (HMRC) has agreed that the employment of Second Opinion Advisor Doctors should be treated as self employment. They will
automatically be treated as such by the Procurement Centre of Excellence. HMRC have rejected any general extension of this treatment.

Addendum: Please note that Office holders over 60 can apply to the Department for Work and Pensions (DWP) for an age exemption certificate so that they do not need to pay National Insurance.

Tax liability on member expenses

There is no income tax liability on expenses of members who are not paid fees. Expenses of fee-paid members, are however liable to tax when the payments made by the Department cover the cost of travelling to the committee venue. The rule is similar to that which applies to Department staff whose 'home to office' expenses are generally taxable in the (exceptional) cases where the Department meets these costs.

The Department however can meet this tax liability on fee paid members' expenses, under an arrangement with HMRC called a PAYE Settlement Agreement [PSA]. However it is a condition of this agreement that the individual has completed an appropriate tax relief declaration form (see Forms). This declaration form should therefore normally be sent to newly appointed fee-paid members.

The PSA requires the Department to calculate and pay over the tax due to the HMRC at the end of each financial year. It applies only to those members who are eligible to receive fees, and who have signed and returned the tax relief declaration. For those who opt not to sign the declaration, or fail to return it to Claims Section, the Department must declare all expense payments to HMRC following the end of the tax year. Members affected will sent a form P11D showing the amount declared which they are required, in turn, to include on their self assessment return (or otherwise inform the HMRC that the sums have been received). In this case the individual member will be obliged to account to HMRC for the expenses payments they have received and pay any tax due direct to the HMRC.