



## **Independent Environmental Advisory Panel to Dŵr Cymru Welsh Water Code of Conduct**

This Code should be read in conjunction with the Terms of Reference for the Independent Environmental Advisory Panel (the 'IEAP' or 'Panel'). The IEAP has been established to provide a forum in which Panel members feel able to engage in frank and open discussion, and a sharing of views and information. This Code has been adopted to further this objective.

1. The Chatham House Rule (*Attached 1*) shall apply to all matters discussed at the IEAP.
2. Panel members are free to use information made available to the IEAP for the legitimate purposes of the named organisation they represent, but not to disclose or share this information more widely without the approval of the information owners (which shall not be unreasonably withheld). In the event of a disagreement on whether information can be shared, this will be referred to the Chairman of the Panel for an independent view, but ultimately the decision lies with the information owner.
3. Information and papers marked as "IEAP confidential" will be subject to a broader duty of confidentiality (*Attached 2*).
4. If any Panel member believes that the interests of their organisation is being prejudiced by discussion at the IEAP, then this should be referred to the IEAP Chairman before a meeting, or during any meeting immediately that a sensitive issue is raised for discussion.
5. Panel members may (at their discretion) attend all or part of any meeting of the IEAP depending on the contribution they can make, or the interests of the organisation they represent.
6. Panel members will receive a copy of the minutes of each meeting of the IEAP. The draft minutes will be submitted to the Chairman for approval and circulated to the members within 14 days, but these shall remain confidential (and shall not be disclosed or shared) until they have been approved at the following meeting of the IEAP. This will allow all Panel members' opportunity at the next meeting to express views on the accuracy of the minutes before it is made public or circulated more widely.
7. Panel members representing an organisation that has a contractual or strategically significant interest in any matter discussed (or proposed for discussion) at a meeting of the IEAP shall disclose this to the IEAP Chairman before the meeting or, at the latest, before discussion commences of such issue during a meeting.  
Where a potential conflict of interest is disclosed, or is believed to exist, it shall be at the discretion of the Panel Chairman (after sounding approval from the meeting) whether that a Panel member should leave the meeting for discussion of that item, or remain as an observer but not participate in the discussion.
8. This Code is to be read in support of the Terms of Reference of the Panel. It may be revised and updated by the Panel at any time.

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Date of adoption: 19 November 2012



## Code of Conduct - Attachments

### Attachment 1

<http://www.chathamhouse.org/about-us/chathamhouserule> (September 2012)

#### Chatham House Rule

#### **The Chatham House Rule reads as follows:**

When a meeting, or part thereof, is held under the **Chatham House Rule**, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

The world-famous Chatham House Rule may be invoked at meetings to encourage openness and the sharing of information.

#### **Explanation of the Rule:**

The Chatham House Rule originated at Chatham House in 1927 with the aim of providing anonymity to speakers and to encourage openness and the sharing of information. It is now used throughout the world as an aid to free discussion. Meetings do not have to take place at Chatham House, or be organised by Chatham House, to be held under the Rule.

Meetings, events and discussions held at Chatham House are normally conducted 'on the record' with the Rule occasionally invoked at the speaker's request. In cases where the Rule is not considered sufficiently strict, an event may be held 'off the record'.

#### **Frequently Asked Questions (extract):**

##### **Q. What are the benefits of using the Rule?**

**A.** It allows people to speak as individuals, and to express views that may not be those of their organisations, and therefore it encourages free discussion. People usually feel more relaxed if they don't have to worry about their reputation or the implications if they are publicly quoted.

##### **Q. How is the Rule enforced?**

**A.** Not all organisations that use the Rule have sanctions. The Rule then depends for its success on being seen as morally binding.

##### **Q. Who uses the Rule these days?**

**A.** It is widely used by local government and commercial organisations as well as research organisations.

##### **Q. Can participants in a meeting be named as long as what is said is not attributed?**

**A.** It is important to think about the spirit of the Rule. The Rule is more about the dissemination of



the information after the event - nothing should be done to identify, either explicitly or implicitly, who said what.

**Q. Can you say within a report what you yourself said at a meeting under the Chatham House Rule?**

**A.** Yes if you wish to do so.

**Q. Can a list of attendees at the meeting be published?**

**A.** No - the list of attendees should not be circulated beyond those participating in the meeting.

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Attachment 2

**Principles of Confidentiality**

**Context**

The IEAP has been established to provide a forum in which Panel members feel able to engage in frank and open discussion and a sharing of views and information. To support this, Panel members are asked to accept the following principles of confidentiality and to exclude themselves from any meeting (or part of a meeting) where issues are to be discussed where an obligation of confidentiality is not accepted.

**Principles**

Confidentiality is central to trust between Panel members who acknowledge and accept the following principles:-

1. To deliver the objectives of the Panel (as defined in the Panel's Term of Reference) it will be necessary for Welsh Water and other Panel members to disclose to one another confidential technical and business information. Panel members accept a general duty of confidentiality in respect of information provided to or discussed at the IEAP which is (i) not in the public domain, and/or (ii) is in 'discussion draft' form and/or (iii) represents an informal expression of opinion of a Panel member or the organisation she/he represents.
2. Data, information, and reports provided as 'IEAP confidential' can only be used or disclosed by a Panel member to colleagues or third parties for the purpose for which it was provided. Where information is shared, recipients should be made aware in writing that the information is subject to a duty of confidentiality.
3. Nothing in this Code will prevent a Panel member making a mandatory disclosure required under law or regulatory authority. However, in the event of a request for disclosure under the Freedom of Information Act (or other mandatory authority), a disclosure will only be made after the owner of the IEAP confidential information had been made aware of the request and given reasonable opportunity (at least 10 working days) to review the information and present views on whether this should be withheld and, if so, explain why.



4. Panel members are under no obligation or restriction as to use and disclosure in respect of information which is in or subsequently enters into the public domain (other than as a breach of this Code).
5. The owner of IEAP confidential information may request its return (including any copies of it) at any time.
6. No licence is granted to Panel Members to use IEAP confidential information. Where this is intended this will be agreed in writing between Panel members and no licence shall be deemed to have arisen or be implied.
7. Panel members (and the organisations they represent) will continue to respect the above described duty of confidentiality, including after they cease to be Panel members.

Given the collaborative nature of the IEAP, it is not proposed to underpin this statement of principles with a legally binding Confidentiality Agreement. This could, however, be put in place at any time if Panel members would like to see this.

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