



Department
of Health &
Social Care



Human
Fertilisation &
Embryology
Authority

Chair of the Human Fertilisation & Embryology Authority

Information pack for applicants

Closing date: midday on 14th December 2020

Reference no: VAC-1695



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Section 1 – The Role

1.1 Role and Responsibilities of the Chair of the Human Fertilisation & Embryology Authority

Introduction

Ministers are seeking to appoint a new Chair of the Human Fertilisation & Embryology Authority (HFEA).

Role and Responsibilities of the Chair

The Chair of the HFEA is accountable to the Secretary of State for Health and Social Care and will:

- provide leadership, challenge and direction to the organisation, encouraging and enabling the HFEA to be a first-class regulator of fertility services and embryo research
- ensure that the HFEA carries out its statutory functions under the Human Fertilisation and Embryology Act 1990, as amended, and meets the Government's policies and priorities for the sector, complying with directions and guidance issued by the Secretary of State
- in partnership with the Chief Executive, set the tone for excellent working relationships between the HFEA and key stakeholders to ensure the confidence in the work of the HFEA of those who use services, the wider public, the regulated sector, Government and Parliament
- work with the Authority to ensure resources are managed effectively with a focus on the development of HFEA staff, reflecting the organisation's role and values as a first-class regulator
- build, develop and improve the Authority, providing guidance and support to all Authority members, ensuring their effective induction, support and development and advising the Department of Health and Social Care on their performance.

Qualities required for the role of the Chair

The Department of Health and Social Care values and promotes diversity and encourages applications from all sections of the community. The boards of public bodies should reflect the population they are there to serve. Boards also benefit from fresh perspectives, and we

are always keen to encourage candidates with private sector experience to consider applying for our roles.

Essential Criteria

Legislation requires that the Chair cannot be a registered Medical Practitioner or any person with current or past involvement with treatment or research using human sperm, eggs or embryos.

To be considered, you must be able to demonstrate that you have the qualities, skills and experience to meet all the essential criteria for appointment.

Essential Criteria

- ability to lead organisational improvement as the Chair of a complex, national organisation
- ability to drive forward the highest standards of performance, risk and financial management and board level public sector accountability
- effective in public communication, able to set the tone for excellent working relationships between the HFEA and its stakeholders
- a high-level understanding of some of the key diversity, equality and human rights issues that can influence the work of the HFEA, with a commitment to applying best practice

Remuneration

- The role is remunerated at £47,360 per annum
- Remuneration is taxable, and subject to National Insurance contributions, both of which will be deducted at source under PAYE before you are paid. Remuneration is not pensionable
- You may claim travel and subsistence expenses, which are properly and necessarily incurred in carrying out your role and responsibilities as the Chair of the HFEA, in line with travel and subsistence policy and rates for the HFEA. A copy of the policy and rates can be obtained from the HFEA

Time commitment

2 to 3 days per week

Location

London or other

Tenure of office

Ministers determine the length of the appointment, which will be up to 3 years.

Accountability

This Chair is appointed by the Secretary of State for Health and Social Care and is accountable to the Secretary of State via a senior Departmental official for carrying out their duties and for their performance.

For further information regarding the role of the HFEA and the role of the Chair please contact:

Name: Steve Pugh

Tel: 0207 210 4350

Email: steve.pugh@dhsc.gov.uk

1.2 Human Fertilisation & Embryology Authority role and responsibilities

The HFEA was established by the Human Fertilisation and Embryology Act 1990 and came into operation on 1 August 1991. It has an annual budget of £7m funded through a mix of fee income and Government grant-in-aid. There are around 70 staff members.

The Human Fertilisation and Embryology Act 1990 sets out prohibitions relating to the creation, use and storage of human embryos and human admixed embryos, and the use and storage of human gametes. Some of these prohibitions are absolute – for example, a human embryo can never be placed in an animal or vice versa. Other activities can be carried out provided that a licence has been granted by the HFEA. Licences can be granted to any person – including those working in the NHS and those working in independent establishments.

In 2007, as a result of the implementation of three EU Directives setting quality and safety standards for human tissue and cells intended for human application, the HFEA's remit was extended to cover the licensing and regulation of the donation, procurement, testing, processing, preservation and distribution of gametes and embryos. The HFEA also became one of two competent authorities for the Directives. The UK's Exit from the EU mean that this relationship will change going forward, although the UK's high standards will remain.

The HFEA has the power to license the following activities in the course of providing fertility treatment (for example, *in vitro* fertilisation (IVF)):

- bringing about the creation of a human embryo outside the body
- procuring, keeping, testing, processing or distributing human embryos
- procuring, keeping, testing, processing or distributing gametes
- using human embryos for training others in embryological techniques
- ensuring human embryos are in a suitable condition to be used in treatment
- placing human embryos in a woman
- carrying out testing of sperm
- other activities specified in regulations

In addition, the HFEA can license activities as part of a project of research involving human embryos (and human admixed embryos), provided they are necessary or desirable for:

- increasing knowledge about serious disease or other serious medical conditions
- developing treatments for serious disease or other serious medical conditions

- increasing knowledge about the causes of congenital disease or congenital medical conditions
- promoting advances in the treatment of infertility
- increasing knowledge about the causes of miscarriage
- developing more effective techniques of contraception
- developing methods for detecting the presence of gene, chromosome or mitochondrion abnormalities in embryos before implantation
- increasing knowledge about the development of embryos so long as the use of an embryo is necessary

The HFEA can also grant licences for the procurement and distribution of sperm in the course of providing non-medical fertility services¹ and for the storage of gametes, embryos and human admixed embryos.

Ethical Safeguards

The Human Fertilisation and Embryology Act 1990 contains a number of ethical safeguards, some examples of which are described below.

The principle of informed consent is key in that gametes, embryos and other human tissue, the use of which is governed by the Human Fertilisation and Embryology Act 1990, can only be used for treatment or research purposes with the informed and clearly expressed consent of the person(s) providing the tissue. Where such consent cannot be given, in a very limited number of circumstances, use of the tissue can only take place if strict conditions can be met.

The restrictions of the use of human embryos in treatment and research and of particular techniques in assisted reproduction underpin the licensing provisions set out in the Human Fertilisation and Embryology Act 1990.

Clinics are required to make a mandatory assessment of the welfare of any child that might be born as a result of treatment, or any existing child that may be affected, as part of the process of determining a patient's suitability for treatment.

¹ Non-medical fertility services are those where donated sperm is provided for home insemination, usually via the internet, but no other treatment related service is provided.

Licensing and Inspection

There are currently approximately 130 HFEA-licensed establishments providing treatments and/or related services or carrying out embryo research². Every licence designates an individual who has the responsibility, under the Human Fertilisation and Embryology Act 1990, for the proper operation of the establishment and its compliance with the Act, all licence conditions and the HFEA's code of practice. This individual is described as the *Person Responsible*.

The Human Fertilisation and Embryology Act 1990 currently requires the HFEA to carry out an on-site inspection of all licensed establishments a minimum of once every two years. The HFEA inspection team evaluate and monitor:

- premises, equipment and facilities
- laboratory processes
- documentation, including standard patient information
- the ability of the establishment to provide the services it offers
- the suitability of the person responsible and staff providing the services

As part of its licensing function, the HFEA also assesses applications from establishments to use novel or adjusted treatment techniques and to test embryos for the presence of inheritable genetic conditions. Pre-implantation Genetic Diagnosis (PGD) is a technique used to screen embryos before implantation, as part of an IVF treatment cycle, to exclude those with a serious genetic condition. The procedure is intended to help couples at risk of passing on a serious inheritable genetic condition to their offspring. None of these activities can take place without the HFEA's prior approval.

Linked to its regulatory functions, the Human Fertilisation and Embryology Act 1990 enables the HFEA to issue directions and requires it to maintain a code of practice setting out appropriate standards of practice for the delivery of treatments, fertility services and embryo research that all licensed clinics and research centres are required to observe.

Key non-licensing functions

There are a number of functions carried out by the HFEA that are not part of the licensing process but are integral to fulfilling the aims set out in legislation:

² In the case of treatment and other fertility related services the licence authorises an establishment to carry out a treatment or service. In the case of research licences, the licence relates to a specific project, so a research centre conducting a number of projects involving the use of embryos could have two or more licences.

Maintaining Registers: The Human Fertilisation and Embryology Act 1990 requires the HFEA to keep registers, notably one that records every treatment cycle, patient, gamete/embryo donor and all resulting offspring. The Human Fertilisation and Embryology Act 1990 also sets out the circumstances in which identifying information held on this register may be disclosed to third parties.

Sharing research information: The administration of a scheme for researchers to apply to receive access to identifying information held on the treatment register where it is not practicable to obtain consent to the disclosure from the persons to whom the information relates³.

Providing information: The HFEA also has a statutory duty to provide a range of information to stakeholders, including patients and licensed establishments. Currently, the HFEA does this by:

- publishing advice and information for patients and the public about fertility treatments and services, including the online *Choose a Fertility Clinic* guide
- providing information and guidance for licensed establishments and healthcare professionals on topical issues via bulletins and also Chair's letters
- responding to individual queries, verbally and in writing, from the fertility and wider healthcare sectors and the public

Further information on the HFEA and what it does can be found at:

<https://www.hfea.gov.uk/about-us/>

The HFEA's latest strategy document through to 2024 can be found at:

<https://www.hfea.gov.uk/about-us/publications/corporate-publications/>

There are 6 Authority Board meetings a year. Usually on a Wednesday, every two months. Face-to-face meeting at a London venue, although currently taking place on-line through Microsoft Teams. Meetings set for 11 November 2020 and 21 January 2021.

HFEA Code of Practice is available here: <https://portal.hfea.gov.uk/knowledge-base/read-the-code-of-practice/>

³ A scheme established by section 33D of the Human Fertilisation and Embryology Act 1990, as amended, and, currently, The Human Fertilisation and Embryology (Disclosure of Information for Research Purposes) Regulations 2010.

Section 1.3 Statement from the current Chair

Dear applicant,

The HFEA has been the UK's regulator of fertility treatment and embryo research for almost 30 years, created to make policy and regulate standards for the fertility sector following the birth of Louise Brown, the world's first IVF baby, in 1978. Millions of children around the world have now been born through assisted conception and the UK continues to lead embryo research globally, most recently with Parliament approving the use of mitochondrial donation techniques to prevent serious inherited disease.

I have been proud to chair the HFEA since 2014 and to see our reputation grow as an internationally renowned and respected organisation that allows innovation to flourish within a robust ethical framework. Quality of care is at the heart of everything we do and my tenure as Chair has been characterised by an absolute focus on patients and the care they receive, including those undergoing fertility treatment, donors and donor-conceived people and those seeking to eradicate serious genetic disease from their families.

We are a small body with less than 70 staff but we monitor global scientific developments which could reach patient treatment in the years to come, make policy and advise Ministers, Parliament and Government alongside our core functions of setting standards, licensing research projects and treatment clinics and maintaining a register of all UK fertility treatments, the largest database of its kind in the world.

We have recently launched our new strategy through to 2024, following a period in which we have managed our sector and our staff through the extraordinary circumstances of the Covid-19 epidemic, being the first health sector to reopen for patients. Our relationships with the fertility sector and all our stakeholders are better than they have ever been, and we continue to do all we can to uphold and improve standards in fertility care and treatment, so that as many people as possible can achieve their much longed-for family. This role really is at the heart of creating life, and I am constantly reminded what a privileged role our Board members have and how interesting and rewarding our work is.

Those lay and professional members bring a huge variety of experience and expertise to their role from genetics, fertility medicine, counselling, science and research, communications and the media, faith, ethics, business and the law. If you are successful in your application, you would have the chance to lead this incredibly talented, visionary and thoughtful team in the best interests of all those who need our services. As science and society advance, the HFEA needs to shape and respond to future changes in the legislative landscape and the changing fields of modern family creation, genetics, and artificial intelligence.

It is a huge privilege to be able to contribute to policy and licensing decisions in such an innovative and ethically contested area of medicine. In all my years as a public sector leader I have never had such a rewarding role and I hope you will consider applying to be our next Chair.

Sally Cheshire – Chair Human Fertilisation and Embryology Authority

Section 2: How to Apply

2.1 Making an application

Thank you for your interest in the role of Chair of the Human Fertilisation & Embryology Authority.

To make an application please email your CV, a supporting letter and completed monitoring forms to:

appointments.team@dhsc.gov.uk – please quote **ref: 1695** in the subject field.

If you are unable to apply by email please contact Ben Jones at Department of Health and Social Care on 0113 254 6557.

Applications must be received by midday on 14 December 2020.

In making an application please note the following:

Supporting letter

The supporting letter is your opportunity to demonstrate how you meet each of the criteria set out in the person specification. It will benefit the Advisory Assessment Panel if you can be clear which specific evidence you provide relates to which criteria. Providing separate paragraphs in relation to each criterion is common practice. Please write all acronyms in full first.

Please ensure your full name, the role to which you are applying and the corresponding reference number for the post are clearly noted at the top of your letter.

Please limit your letter to two pages, and type or write clearly in black ink.

Conflicts of interest

If you have any business or personal interests that might be relevant to the work of the HFEA, and which could lead to a real or perceived conflict of interest if you were to be appointed, please provide details in your Supporting letter.

If appointed, you will also be required to declare these interests on appointment and they will be entered on a register which is available to the public.

Standards in public life and ensuring public confidence

Given the nature of public appointments, it is important that those appointed as members of public bodies maintain the confidence of the public and Government. If there are any issues in your personal or professional history (including any convictions or bankruptcy) that could, if you were appointed, be misconstrued, cause embarrassment to Ministers or the HFEA or cause public confidence in the appointment to be jeopardised, it is important that you bring them to the attention of the Advisory Assessment Panel and provide details of the issue/s in your Supporting letter. In considering whether you wish to declare any issues, you should also reflect on any public statements you have made, including through social media and blogs. Due Diligence may be carried out on any publicly available information and shared with the Advisory Assessment Panel.

The panel may explore any issues you declare with you before they make a recommendation on the appointment.

Failure to disclose such information could result in an appointment being terminated, as those who hold public appointments are expected to demonstrate the highest standards of corporate and personal conduct and are required to subscribe to the Code of Conduct for Board Members of Public Bodies, as part of agreeing to the terms and conditions of appointment. You can access this document at:

<https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

There are also circumstances in which individuals may not be considered for appointment, due to them not meeting certain eligibility criteria for appointment. For further information, please refer to **Section 2.3: Disqualification from Appointment**

If you wish to discuss any queries on conflicts, please see the contacts section.

CV

Please ensure your CV includes:

- Your full name, title, home address, personal contact telephone numbers (land line and mobile), personal email address and details of any twitter accounts and LinkedIn accounts including your twitter handle/username.
- Similar contact details for two referees who will support your application. One referee should be the person to whom you are/were accountable in your current/most recent appointment or position of employment. Please indicate the relationship of each referee to you. References will be requested for short-listed candidates prior to interview.

- Brief details of your current or most recent post and the dates you occupied this role. Please identify any past or present Ministerial appointments.

Monitoring form

Please complete the monitoring form. Diversity monitoring information will not be seen by the Advisory Assessment Panel assessing your application.

Political activity information is primarily for monitoring purposes only, however if you are shortlisted for interview, this information will be shared with the selection panel. The reason for this is that it is appreciated that such activities may have given you relevant skills, including experience gained from committee work, collective decision-making, resolving conflict and public speaking. If you have had such experience and you consider it relevant to your application for this post, you should also take the opportunity to include it separately in your supporting statement. If possible, you should not, however, identify the relevant political party in your statement.

If you are appointed to this role, please note that any political activity you declare will be published in accordance with the Governance Code on Public Appointments.

Guaranteed Interview Scheme

The Department of Health and Social Care operates a Guaranteed Interview Scheme (GIS) for disabled people. The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day to day activities. Under the GIS a disabled candidate will be selected for interview if they meet the essential criteria for the post.

If you wish to apply under the GIS please complete the GIS form and return it with your application.

All applications will be acknowledged by email after the closing date.

Contacts

For further information regarding the selection process, please contact

Ben Jones

Appointments Team

Tel: 0113 254 6557

Email: ben.jones1@dhsc.gov.uk

For further information regarding the role of the HFEA and the role of the Chair please contact:

Name: Steve Pugh

Tel: 0207 210 4350

Email: steve.pugh@dhsc.gov.uk

Please quote reference VAC- 1695 on all correspondence.

If you choose to apply, we would like to thank you in advance for your time and effort in making an application.

2.2 The Selection Process

Timetable:

- Closing date: Midday on 14 December 2020
- Shortlisting: Early January 2021 (tbc)
- Interviews: 28 January 2021

The selection panel will be:

- Mark Davies, DHSC Director, Population Health as Panel Chair
- Lynne Berry, Chair of the Human Tissue Authority (Panel Member)
- Janice Scanlan as a Senior Independent Panel Member

The Senior Independent Panel Member is independent of both the Department of Health and Social Care and the HFEA.

When using an SIPM and as required in the Governance Code for Public Appointments, we have consulted with the Commissioner for Public Appointments on the Senior Independent Panel Member who will be on the panel.

The Governance Code on Public Appointments requires all Advisory Assessment Panel members to declare any political activity within the last five years. All panel members have declared that they have not taken part in any political activity within the last five years.

After the closing date for applications:

- The Department of Health and Social Care may commission a pre-assessment of candidate applications which would then be provided to the Panel for consideration and to inform the shortlisting process. By applying, you are agreeing to your application being shared with another party for pre-assessment. The pre-assessor and the panel are reliant on the information you provide in your CV and supporting letter to assess whether you have the skills and experience required. Please ensure that you provide evidence to support how you meet all the essential criteria. It is the responsibility of the panel to determine who it believes best meet the criteria for the role, and who will be invited to interview.

- The Advisory Assessment Panel will select for interview only the strongest applicants who it feels have demonstrated that they best meet the criteria set out in the person specification. However, if you have applied under the GIS and you meet all the essential criteria, then you will also be invited for interview. Interviews will be held on 28 January 2021
- If you are invited to interview and if you are unable to attend on the set date, then an alternative date can only be offered at the discretion of the Advisory Assessment Panel.
- The Appointments Team will email to let you know whether you have been invited to be interviewed. Interviews will normally be held in central London however it is likely that in this instance they will be held online via Microsoft Teams.
- If invited to interview, the Advisory Assessment Panel may invite you to make a brief presentation at the start of the interview and will go on to question you about your skills and experience, including asking specific questions to assess whether you meet the criteria set out for the post.
- The Advisory Assessment Panel will also explore with candidates any potential conflicts of interest or any other issues arising from candidate's personal and professional history which may impact on an appointment decision (see section 2.1 for further details).
- Candidates who the panel believe are 'appointable', will be recommended to Ministers who will make the final decision. Ministers may choose to meet with shortlisted candidates, before or after interview, before making a decision. Candidates should therefore be prepared for a short time gap between interview and a final appointment decision being made. Candidates who have been interviewed will be kept informed of progress.
- If you are successful, you will receive a letter from Ministers appointing you as the Chair of the HFEA, which will confirm the terms on which the appointment is offered.
- **please note that due to the volume of applications that are received it is not possible to routinely provide feedback to those not shortlisted for interview.**
- if you apply under the GIS scheme and you are not shortlisted for interview, we can provide a summary of the assessment of your written application, if you choose to request feedback.
- If you are unsuccessful at interview, you will be notified by the Appointments Team. We appreciate it takes a lot of time and effort to apply for roles, and prepare for and attend an interview, and that feedback is a valuable part of the process. Following

interviews, the letter which confirms the outcome of the appointment process will provide the details of who you may approach for feedback on your interview and application, if you so wish.

- For further information on how we will manage the personal information that you have provided to us through your application, see **Section 2.4**.

Queries

For queries about your application, please contact Ben Jones at ben.jones1@dhsc.gov.uk

Standards in public life

You will be expected to demonstrate high standards of corporate and personal conduct. All successful candidates will be asked to subscribe to the Code of Conduct for Board Members of Public Bodies, you can access this document at:

<https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

Diversity and equality of opportunity

The Department of Health and Social Care values and promotes diversity and encourage applications from all sections of the community.

Governance Code on Public Appointments

The Governance Code on Public Appointments, published by the Cabinet Office, sets out the principles that should underpin all public appointments. The Governance Code can be found at: <https://www.gov.uk/government/publications/governance-code-for-public-appointments>

The Commissioner for Public Appointments

The regulation of public appointments against the requirements of the Governance Code is carried out by the Commissioner for Public Appointments. The Commissioner provides independent assurance that public appointments are made in accordance with the principles set out in the Code. The Commissioner is appointed by the Queen and is independent of the Government and the Civil Service. Further information about the role of the Commissioner is available from:

<http://publicappointmentscommissioner.independent.gov.uk>

If you are not completely satisfied

The Department of Health and Social Care will aim to process all applications as quickly as possible and to treat all applicants with courtesy. If you have any complaints about the way your application has been handled, please contact Steve Howell in the Department of Health and Social Care by emailing Steve.Howell@dhsc.gov.uk

If after receiving a response from the Department you are still concerned, you can write to the Commissioner for Public Appointments. Please contact:

The Commissioner for Public Appointments
1 Horse Guards Road
London SW1A 2HQ
Tel: 0207 271 8938
Email: publicappointments@csc.gov.uk

2.3 Disqualification from Appointment

There are circumstances in which an individual may not be considered for appointment.

Appointments to the HFEA are subject to disqualification criteria that is set out in Para 4(3) of Schedule 1 to the Human Fertilisation and Embryology Act 1990 which states:

A person is disqualified for being appointed as chair or deputy chair of the Authority if they currently are or have been:

- a medical practitioner
- concerned with keeping or using gametes or embryos outside the body
- directly concerned with commissioning or funding research involving such keeping or use, or who has actively participated in any decision to do so

In addition to the above points, please note the following:

Para 3 of Part 1 of Schedule 2 to The NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017/958 provides that: A person is disqualified for appointment as the chairperson or a non-officer member of NHS Counter Fraud Authority if he/she holds a position as chairperson, member, officer, governor or director with or is employed by, or contracted in any capacity to provide services to HFEA.

Further advice about Disqualification from Appointment can be provided by contacting Steve Pugh on 0207 210 4350.

2.4 How we will manage your personal information

Your personal information will be held in accordance with the General Data Protection Regulation. You will not receive unsolicited paper or electronic mail because of sending the Department of Health and Social Care 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 the purposes you have authorised

We ask that you:

- Provide us with accurate information
- Inform us as soon as possible of any changes or if you notice mistakes in the information we hold about you

If you apply for a post, we will share some of the information you provide with the members of the selection panel for the post to which you are applying, so that your CV and supporting letter can be assessed.

The diversity information you provide will not be used in the selection process and will therefore not be shared with the Advisory Assessment Panel assessing your application at any stage. However, panels may review the political activity response at the interview stage. This in no way acts as a bar to appointment. Further information on this is provided in the attached Monitoring form.

The Commissioner for Public Appointments regulates and monitors appointments to public bodies to ensure procedures are fair. The Department of Health and Social Care is required by the Commissioner for Public Appointments to retain information about the people who apply for public appointments within his remit and make this information available to him for audit purposes, if requested to do so. Information you provide in your application may therefore be made available to the Commissioner for Public Appointments

and the Commissioner's auditors on a confidential basis to help fulfil either the Commissioner's formal complaints investigation role or for audit purposes.

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