

# Code of Practice

## Introduction

- In line with the central government guidance and the Food Standards Agency (FSA) policy, each independent advisory committee that advises the FSA operates to a published Code of Practice (CoP) that sets out the key principles and procedures that govern the work of the Council.
- The CoP is subject to periodic reviews by the Council and Secretariat, considering any updated guidance from Central Government, Parliament and the FSA; and changes to reflect experience and usage.

## Purpose and Terms of Reference for the Science Council

The Science Council's purpose is to help to ensure that the FSA identifies, sources, integrates and uses the best scientific evidence and expertise from all relevant disciplines to inform and evaluate its work.

- The full terms of reference for the Science Council are contained in the Science Council Terms of Reference.

## Public Service Values

- All members must:
  - Follow the guidance on the [Seven Principles of Public Life](#), these being selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
  - Observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the management of the Council;
  - Be accountable, through the Board of the Food Standards Agency and Health Ministers, to Parliament and the public for its activities and for the standard of advice it provides. The Board of the FSA and Health Ministers are answerable to Parliament for the policies and performance of the Council, including the policy framework within which it operates.

- Comply with this Code, and ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and role of this Council and any relevant statements of Government policy. If necessary, members should consider undertaking relevant training to assist them in carrying out their role;
- Not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations; and
- Not hold any paid or high-profile unpaid posts in a political party, and not engage in specific political activities on matters directly affecting the work of this Council. When engaging in other political activities, Council members should be conscious of their public role and exercise proper discretion. These restrictions do not apply to MPs (in those cases where MPs are eligible to be appointed), to councillors, or to Peers in relation to their conduct in the House of Lords.

## **Roles and responsibilities**

### **The role of Science Council Members**

- Members (including the Chair) have collective responsibility for the operation of the Council. They must:
  - engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance issued by the Food Standards Agency or Health Ministers;
  - in accordance with Government policy on openness, ensure that they adhere to the Code of Practice on Access to Government Information (including prompt responses to public requests for information); agree an Annual Report; and, where practicable and appropriate, provide suitable opportunities to open the work of the Council to public scrutiny;
  - Not divulge any information which is provided to the Council in confidence;
  - Ensure that an appropriate response is provided to complaints and other correspondence, if necessary, with reference to the sponsor department; and
  - Ensure that the Council does not exceed its powers or functions.
  - Individual members should inform the Chair (or the Secretariat on his or her behalf) if they are invited to speak in public in their capacity as a

Council member.

- Individual Members can be removed from office by the Board of the Food Standards Agency, if they fail to perform the duties required of them in line with the standards expected in public office.

## **The role of the Science Council Chair**

- In addition to the responsibilities of a member, the Chair is responsible for:
  - Providing effective leadership on the issues within the Council's terms of reference.
  - Ensuring that the Council meets at appropriate intervals and that the minutes of meetings and any reports to the Board of the Food Standards Agency accurately record the decisions taken and, where appropriate, the views of individual members;
  - Representing the views of the Council to the general public;
  - Ensuring that new members are briefed and providing an assessment of their performance, on request, when members are considered for re-appointment to the Council or for appointment to the board of some other public body.
  - Ensure that every member of the Council is heard and that no view is ignored or overlooked;
  - Ensure unorthodox and contrary scientific views are given a fair hearing;
  - Ensure that any significant diversity of opinion among the members of the Council is accurately reflected in the report and in any other communications with the FSA;
  - Advise on matters relating to FSA science as required by the FSA on an ad hoc basis or in emergencies
  - Engage with the wider networks of relevant experts including with the Chairs of SACs relevant to the FSA's work;

## **The Role of the Secretariat**

- The role of the Secretariat is to:
  - Support the Council in developing and delivering its work programme;
  - Advise the Council on process and procedure;
  - Draw attention of the members to emerging issues of concern;
  - Ensure that the proceedings of the Council are properly documented so that there is a clear audit trail showing how the Council reached its decisions;

- Keep an accurate public record of the work of the Council;
- Ensure that the Council's conclusions and advice are clearly reported to applicants, the FSA and where applicable the Board.

## **Feedback on performance**

- The Science Council Chair and all members will be asked to provide brief feedback on their experience on the Council each year to help the FSA ensure that the Council operates effectively and identify any areas for improvement.

## **Communications and collaboration**

### **Communications with the FSA Board, Chief Scientific Adviser and Executive**

- Communications between the Council and the Board of the Food Standards Agency will generally be through the Chair except where the Council has agreed that an individual member should act on its behalf. Nevertheless, any Member has the right of access to the Board of the Food Standards Agency on any matter that he or she believes raises important issues relating to his or her duties as a Council Member. In such cases the agreement of the rest of the Council should normally be sought.
- The Science Council Chair will report to the Board in person on the Science Council's activities on an annual basis. They will also meet with the FSA Chair annually to discuss the work of the Council.
- Similarly, communications between the Science Council and the FSA Executive will generally be through the Council's Secretariat although the Science Council Chair has the right of access to the FSA Chief Scientific Adviser and Deputy CSA at all times.
- Any member also has the right of access to the FSA Chief Scientific Adviser on any matter which he or she believes raises important issues relating to his or her duties as a member. In such cases the agreement of the Science Council Chair should normally be sought.

### **Departmental Representatives**

- Meetings of the Science Council and its Working Groups (or other sub-groups) are attended by Departmental Representatives. The Representatives are currently nominated by, and are drawn from, those with relevant policy

interests and responsibilities in the Food Standards Agency, the Department for Environment, Food and Rural Affairs and devolved agricultural departments. Representatives:

- are not members of the Science Council and do not participate in Council business in the manner of members.
- share with the secretariat the responsibility of ensuring that information is not unnecessarily withheld from the Council.
- should make the Council aware of the existence of any information that has been withheld from the Council on the basis that it is exempt from disclosure under Freedom of Information legislation (unless that legislation provides a basis for not doing so).
- keep their parent Departments informed about the Council's work, and act as a conduit for the exchange of information. They are also charged with ensuring that their parent Departments are promptly informed of any matters which may require a response from Government.
- can advise the Council on relevant policy developments and the implications of Science Council proposals.
- can assist the Science Council through the provision of information and conversely, they can be updated by the Council on matters of mutual interest.

## **Collaboration with other committees/engagement with FSA SAC Chairs**

- The Council will provide challenge on how the FSA identifies, gathers and uses scientific evidence and advice (including FSA's use of Scientific Advisory Committees and other expert advisers).
- The relationship between the Council and the FSA SAC Chairs will continue to be developed. This includes the Science Council Chair attending the biannual SAC chairs' meeting with the FSA Chief Scientific Advisor. It also involves members attending SAC meetings as guests to understand the wider body of SAC work and where appropriate encourage cross committee working.

## **Attending SAC meetings**

- Science Council members must follow an agreed code of practice when attending meetings of the following Scientific Advisory Committees:
  - The Advisory Committee for Social Science (ACSS)
  - Committee on Toxicity (COT) / Committee on Carcinogenicity (COC) / Committee on Mutagenicity (COM)

- Advisory Committee on Microbiological Safety of Food (ACMSF)
- Advisory Committee on Animal Feedingstuffs (ACAF)
- Council members will have an observer status at SAC meetings:
  - they will have a seat at the table during meetings they attend.
  - they must not attempt to influence the Committee's decision-making process,
  - they may contribute to SAC discussion at the invitation of the Chair.
  - They must maintain the confidentiality of the discussion until an agreed Committee opinion is finalised.
  - Where a Science Council member identifies a potential conflict of interest for the item under discussion, they will raise this in the meeting, and it will be handled in the same way as a conflict of interest of a member of the Committee.
- Science Council attendees to SAC meetings will be copied the schedule and agenda for upcoming SAC meetings so they can confirm with the Chair/Secretariat if they wish to attend.
- If any sensitive items are to be discussed on the agenda where it is necessary for Council observers to leave the room, this will be flagged ahead of time.

## **Interaction with stakeholders and the media**

- Questions or approaches from the media should normally be directed to either the Chair who will act as official Science Council spokesman or the Food Standards Agency press office. Although members are encouraged to promote the role of the Council in general terms, if asked for views on subjects that have been or are being considered by the Science Council, members should always give the line agreed by the Council.

## **Interests and liabilities**

### **Declaration of interests and management of conflicts**

- As an independent, open and transparent advisory body the Science Council's members must provide clear declarations of interests. The full guidance on declaration of interests for SACs should be consulted by all members, however a summary is provided below.

- Not all interests are necessarily ones that will cause conflict with a member's work with the Science Council. Interests that may be seen to have relevance to their role (either personal, non-personal or those of family/friends) or the specific topics under discussion at a Council meeting should be declared so the Secretariat can make an assessment of whether it could be considered a potential conflict of interests and what action may be needed in response.
- The Secretariat maintains a register of interests for each member that is updated and published online regularly. The register of interests should contain current or previous interests (including things like employment, consultancies, memberships, investments or other personal interests) that may, in general, be seen to directly affect the perceived independence of the member or benefit from information gained whilst acting as a Council member (that is not already public).
- The register of interests should be kept up-to-date and be open to the public.
- At the start of the meeting the Chair should ask members to declare any interests potentially relevant to the items under discussion relating to themselves or their close family members.
- Based on this information, the Chair will consult with Secretariat, FSA staff and potentially other SAC members, and decide on an approach to managing the interest.
- In the case of interests declared by the Chair, the same process will apply as to when there is an absence of the chair; the relevant FSA staff are responsible for deciding whether an interest is a conflict and if so, how it should be managed. FSA staff may also request input from other Council members on appropriate action.
- The interests declared, and the chosen action should be recorded in the minutes of the meeting with the rationale for this decision.

## **Personal Liability of Council Members**

- A Council member may be personally liable if they make a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if they misuse information gained through their position.
- However, the Government has indicated that individual members who have acted honestly, reasonably, and in good faith will not have to meet out of their personal resources any civil liability which they incur in execution or purported execution of their Council functions. To this effect, a formal statement of indemnity has been provided on the FSA SAC website.

## Openness and publication of documents - general principles

- The Council operates to the standards of openness and transparency. It will work in accordance with guidelines by the FSA and relevant guidance and rules established across Government. These include:
  - The cross-Government [Code of Practice for Scientific Advisory Committees \(CoPSAC\)](#), which includes the Principles of Scientific Advice to Government
  - The FSA's Good Practice Guidelines for SACs
  - The provisions under the [Freedom of Information Act 2000 \(the Act\)](#).
  - Science Council open meetings have agendas, papers, minutes and reports published on its website. Two meetings per year are open to the public to ensure that the Council discusses in public the key issues and outcomes from its work.
  - The Council publishes an annual report about its work on its website and the Council Chair will report to the FSA Board annually at an open Board meeting.

## Meetings

### Quorum

- A quorum would be half of the total number of the appointed members including the Chair, plus one (rounded up to the nearest whole number). If the membership falls below 5 members a quorum will be full attendance by all appointed members.

### Open meetings

- Dates of open meetings and agendas should be published one week in advance on the Science Council website.
- Published agendas should contain enough background information to allow a reader to understand why the item is being discussed.
- Papers should be provided to the Council by the Secretariat at least two weeks prior to the meeting at which they are to be discussed. Where papers are circulated for comment by correspondence between meetings, the aim is to allow members 14 days to comment, where possible.

### Minutes



- Minutes must reflect the proceedings and discussions that take place. In addition:
  - Minutes will be recorded on a non attributable basis except where the views of one or more members need recording, for example when declaring an interest.
  - Minutes of open meetings of the Science Council will be made available via the Science Council's website.
  - They will be written by the Secretariat as soon as possible after the meeting to which they refer and circulated to the Chair for comment within 14 days.
  - The Secretariat will amend the draft minutes open meetings in the light of Members' comments and ensure that the amended draft is placed on the Science Council's website.
  - Any further corrections will be made at the following open meeting when the minutes will be formally adopted. The final version of the open meeting minutes will then be placed on the Science Council's website.

## **Working papers**

- To ensure openness and transparency the Council must seek to keep the public and stakeholders informed as it develops advice. The Secretariat will publish discussion papers on the Science Council website in advance of open meetings to allow interested parties to comment.
- Where the Council's disclosure of information would involve bringing into the public domain previously unpublished research, it should consider whether this could hinder the process of formal publication elsewhere and, if so, explore arrangements that avoid the problem (such as parallel publication).

## **Procedures for arriving at conclusions**

- The Council should attempt to reach a consensus on the advice it gives, recognising that this might not always be possible. In cases where decisions are particularly significant the Council should aim to reach a preliminary view which is then offered for comment either through public consultation or to stakeholder groups.
- The Council should not seek unanimity at the risk of failing to recognise different views on a subject. Any significant diversity of opinion among the members of the Council which cannot be resolved should be accurately reflected in the minutes or report.

# Terms and conditions of appointment

- The FSA's committees are all non-statutory and either classed as Departmental Expert Committees (DECs) or Advisory Non-Departmental Public Bodies (ANDPBs). The Science Council is a DEC, which means unlike with ANDPBs Government Ministers do not have to be consulted on individual appointments to the Council.
- Independent members of the Council are initially appointed for a period of 1 to 3 years. Chairs may be appointed for up to 5 years. Members/Chairs may be asked to serve a second term, but longer service is only considered under exceptional circumstances. Members and Chairs will normally not serve for longer than 10 years continuously.
- Appointments to the Council are made in accordance with the principles set out in the Nolan Report on Standards in Public Life.
- The overriding principle is appointment on merit. Members are appointed for their individual qualifications and the expertise they can bring to the Council and not to represent any sectoral interests. The balance of the Council is intended to ensure that it has a wide range of expertise to draw on to enable it to advise the Board of the Food Standards Agency effectively.
- Although several appointments may expire in any one year, the range of possible candidates will be limited by the needs of the Council. As far as possible, retiring members are replaced with people who have similar expertise, unless a need to change the balance of the membership is identified.
- Appointments can be terminated early by either party, by giving 3 months' notice, in writing. Should the Council be disbanded before the end of the period of appointment, appointments will terminate on dissolution. If a member is found guilty of grave misconduct their appointment will be terminated immediately.
- Appointments are held subject to compliance with the Public Standards Committee Seven Principles of Public Life.
- Members are expected to attend meetings regularly. The appointment may be terminated, without notice, if attendance becomes so erratic as to interfere with the good running of the Council.

## Fees and Expenses

### Council fees and expenses

- Members may claim the attendance fees for Science Council meetings and for meetings of Working Groups and Sub-groups, which are set out in the Guidance on Committee Fees and Expenses.
- Members may make a cumulative claim for work between meetings if a significant amount of time is spent on a single piece of work or on a series of short pieces of work. Note that a day is considered 6 hours and any claim for less than a day's work will be pro-rata.
- Participation in working groups or other groups is voluntary, however it is expected that as part of their tenure members will be willing to take part in relevant groups as their availability allows;
- Members are entitled to reimbursement of reasonable travel and subsistence expenses necessarily incurred on official Council business. Members must seek value for money and are encouraged to use the most cost effective and environmentally sustainable options for travel and accommodation.
- Members must follow the guidance on the types and rates of expenditure that can be claimed for specific expenses and how to claim outlined in Guidance on Committee Fees and Expenses;

## **Review of fee rates**

- These rates are set by the FSA with the aim of ensuring consistent approaches across the different Committees that advise the FSA. The FSA reviews these rates every 2 years<sup>1</sup> with the aim that any revisions will reflect the recommendations of the Senior Salaries Review Board with regard to pay in the Senior Civil Service. The FSA will also take into account comparisons with rates paid in similar advisory bodies in the UK.