

FSA SCIENCE COUNCIL

CODE OF PRACTICE

Version: November 2016

Introduction

1. 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 that sets out the key principles and procedures that govern the work of the Committee.
2. The Code of Practice for the FSA Science Council is subject to periodic review in light of experience with its use and any new or updated guidance from central Government or from the FSA.

Purpose and Terms of Reference for the Science Council

3. The terms of reference for the Science Council are set out at Annex 1.

Quorum

4. 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).

Public Service Values

5. All members must:
 - follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life as amended (Annex 2);
 - 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 body. When engaging in other political activities, 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 local councillors, or to Peers in relation to their conduct in the House of Lords.

The role of the Science Council Chair

6. The role of the Science Council Chair is to:
 - oversee the operation and output of the Council;
 - act as the Council's spokesperson to the Board (see paragraph 9);
 - ensure that every member of the Council is heard and that no view is ignored or overlooked, using, where appropriate, a structured process which ensures that all views are captured and explored;
 - 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;
- represent the Council to the public or the media in consultation with the FSA *via* the Secretariat (unless other specific arrangements have been made);
- advise on matters relating to FSA science as required by the FSA on an ad hoc basis or in emergencies
- chair two open meetings of the council each year;
- maintain regular communications with the FSA CSA, Science Council members and secretariat between meetings, including through monthly teleconferences;
- working with the CSA, convene subgroups of the committee and/or external experts to work on specific issues between meetings as necessary;
- hold a feedback discussion with the FSA CSA each year to review the work of the Council against its remit, and the relationship with and support from the FSA;
- support the secretariat in fulfilling its responsibility to keep an accurate public record of the work of the Council (including copying the Secretariat into Council correspondence¹)
- work with the FSA to develop the Council's Code of Practice, ways of working and its initial work programme.
- work with the Secretariat to develop and use online tools to support the Council's work and communications both at and between meetings;
- engage with the wider networks of relevant experts including with the Chairs of SACs relevant to the FSA's work

The role of the Members

7. The role of the Members is to:

- work collaboratively with other members to generate the Council's own content and intellectual input such as short reports on collective insights on big issues;
- work with FSA to convene wider discussions, events or initiatives to generate and synthesise insights from wider groups on specific issues;
- engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance issued by the FSA or the Board;
- identify emerging issues;
- participate in subgroups and/or groups with wider membership to work on specific issues between meetings²

¹ Except in circumstances where this would unduly constrain the Council's ability to have discussions around the FSA's use of science

- agree an annual report; and hold at least two meetings a year in public;
- in dealing with issues to make the Council aware of the full range of opinion within their discipline;
- act in the public interest;
- ensure that the minutes of the meetings are accurate and that any concerns are recorded;
- ensure that contrary scientific views and the concerns and the views and values of stakeholders are taken into account in formulating advice;
- ensure that the Council's advice is comprehensible from the point of view of a lay person and that the implications of any uncertainties concerning the basis of the Council's advice are fully explained.
- support the secretariat in fulfilling its responsibility to keep an accurate public record of the work of the Council (including copying the Secretariat into Council correspondence³)

Communications with the FSA Board, Chief Scientific Adviser and Executive

8. Communications between the Science Council and the FSA Board will generally be through the Council's Secretariat although the Science Council Chair has the right of access to the FSA's Chief Executive and to the FSA Board via the FSA Chair, at all times. Any member also has the right of access to the Board 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.
9. It is envisaged 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.
10. 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.
11. The Science Council Chair and Members, the Council Secretariat, and FSA officials in their dealings with the Council, will apply the 'Framework for dialogue between FSA and the SACs'.⁴This framework sets out objectives and boundaries for dialogue between the FSA and its scientific advisory committees (SACs).

² This is voluntary, however it is expected that as part of their tenure members will be willing to take part in relevant subgroups as their availability allows.

³ Except in circumstances where this would unduly constrain the Council's ability to have discussions around the FSA's use of science

⁴ <https://www.food.gov.uk/science/sci-gov/commswork/sac-dialogue>

Role of the Secretariat

12. 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 the Board.

Circulation of papers

13. Papers should be provided to the Council or the Secretariat 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.

Collaboration with other committees/engagement with FSA SAC Chairs

14. 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).
15. The relationship between the Council and the FSA SAC Chairs will be developed. This may include meetings (for example, annual or biannual meetings) and referral of issues for consideration (for example, the SACs could identify their top five issues to feed in to the Council).

Interaction with stakeholders and the media

16. Normally, the Science Council Chair will represent the Council to stakeholders and the media. However, members may receive invitations to speak at public meetings in their capacity as a member of the Council. Any such requests should be notified to the Science Council Chair and to the FSA *via* the Secretariat who will provide advice and briefing if required.
17. The Science Council may invite submissions from outside bodies or individuals on specific subjects. The Secretariat will assist with co-ordinating any such consultations or invitations to submit information, including their publication and communication as necessary. In line with other committees, the Science Council will be encouraged to publish its preliminary conclusions for comment prior to their finalisation.
18. The Science Council Secretariat will deal with routine correspondence and enquiries from the public with regard to the work of the Science Council, consulting with the Science Council Chair as necessary.

Declaration of interests and management of conflicts

19. All members should declare any personal or business interest that may, or may be perceived (by a reasonable member of the public) to, influence their judgement with regard to their role on the Council. This should include, as a minimum, personal direct and indirect financial interests. If a member has an interest that they are unsure might be regarded as influencing their advice, they should seek advice from the Secretariat as to whether it should be declared. The register of interests will be kept up to date and be open to the public.
20. Members should declare any interest before an item to which the interest relates is discussed. They should not participate in the discussion or determination of matters in which they have a direct or pecuniary interest or if their interest is covered in specific guidance issued by sponsor Departments which require them not to participate and/or to withdraw from the meeting. A guide to the different interests that are required to be declared is included in Annex 3. Members with a conflict of interest in a matter under discussion should normally withdraw from the meeting or at the discretion of the Science Council Chair may remain but without participating in the discussion and drawing of final conclusions.
21. The FSA is currently reviewing its approach on conflicts of interest, however these core principles are not expected to change. The CoP will be updated in light of the review.

Personal Liability of Council Members

22. Subject as provided in paragraph 24 of this document the Food Standards Agency hereby undertakes with the members (including the Chair) of the Science Council (“the Members”)* to indemnify them against all liability in respect of any action or claim which may be brought, or threatened to be brought, against them either individually or collectively by reason of or in connection with the performance of their duties as members, including all costs, charges and expenses which the Members may properly and reasonably suffer or incur in disputing any such action or claim.
23. The Members shall as soon as practicable notify the Food Standards Agency if any action or claim is brought or threatened to be brought against them in respect of which indemnity may be sought pursuant to paragraph 22, and if an action or claim is brought, the Food Standards Agency shall be entitled to take conduct of the defence, dispute, compromise or appeal of the action or claim and of any incidental negotiations relating to the action or claim. The Food Standards Agency shall notify the Members as soon as practicable if it intends to so take conduct and the Members shall then provide to the Food Standards Agency such information and assistance as it shall reasonably request, subject to all out of pocket expenses properly and reasonably incurred by them being reasonably reimbursed. The Food Standards Agency shall, to the extent reasonable and practicable, consult with and keep the Members informed as and when reasonably requested by the Members in respect of any action or claim. If the Food Standards Agency does not so take conduct, the Members shall keep the Food Standards Agency fully informed of the progress of the action or claim and any consequent legal proceedings and consult with the Food Standards Agency as and when required by the Food Standards Agency concerning the action or claim.

24. The indemnity contained in paragraph 22 shall not extend to any losses, claims, damages, costs, charges, expenses and any other liabilities:
- (a) in respect of which the Members are indemnified by or through any defence organisation or insurers or;
 - (b) which may result from bad faith (including dishonesty), wilful default or recklessness on the part of the Members; or
 - (c) which may result from any of the following circumstances:
 - (i) any settlement made or compromise effected without the knowledge or consent of the Food Standards Agency on behalf of the Members of any action or claim brought, or threatened to be brought, against the Members; or
 - (ii) any admission by the Members of any liability or responsibility in respect of any action or claim brought, or threatened to be brought, against them; or
 - (iii) Members taking action that they were aware, or ought reasonably to have been aware, might prejudice the successful defence of any action or claim, once the Members had become aware that such an action or claim had been brought or was likely to be brought.
- *Members here includes working groups of the Council.

Openness and publication of documents – general principles

25. The Science Council is an independent SAC which operates to the highest standards of openness and transparency. It will work in accordance with guidelines by the FSA and relevant guidance and rules established across Government for the operation of Scientific Advisory Committees. These include:
- The cross-Government Code of Practice for Scientific Advisory Committees (CoPSAC),⁵ which includes the Principles of Scientific Advice to Government⁶
 - The FSA's Good Practice Guidelines for SACs⁷
 - The Science Council is formally part of the FSA and information relating to its work is subject to the provisions under the Freedom of Information Act 2000 (the Act).⁸
26. Council meeting agendas, papers, minutes and reports are published and meetings are open to the public. The Council publishes an annual report and the Council Chair will report to the FSA Board annually at an open Board meeting.
27. Certain stakeholders may be invited to attend Council meetings where they have an interest in issues under discussion. Places will be allocated on a 'first come,

⁵ <https://www.gov.uk/government/publications/scientific-advisory-committees-code-of-practice>

⁶ <https://www.gov.uk/government/publications/scientific-advice-to-government-principles/principles-of-scientific-advice-to-government>

⁷ <http://www.food.gov.uk/science/sci-gov/commswork/goodpracticeguidelinessacs>

⁸ The Freedom of Information Act 2000 (the Act) provides a general right of access to the public to all types of recorded information held by public authorities. It is not limited to official documents. Therefore all Science Council related information (regardless of its format), including letters sent and received, drafts, notes, recordings of telephone conversations, emails (including to and from personal email addresses where the information is in connection with the work conducted by the Council), computer files, photographs, and sound or video recordings will be subject to the provisions under the Act and could potentially be disclosed.

first served' basis and the numbers of observers should not be so great as to stifle debate or hinder the effective working of the Council. Any observers will sit away from the main table. Observers will not normally be expected to speak during meetings will be invited to comment at the end of a meeting (or at the end of discussion items, at the discretion of the Science Council Chair). The Secretariat will circulate details of any observers attending meetings to Members in advance. Members will review practice in the light of experience.

Dealing with confidential information

28. The Council may, on occasion, need to discuss matters that are subject to restriction of confidentiality and cannot be put in the public domain. In such cases the Council may hold a discussion in closed session, separate from an open meeting. It is expected that such cases will be rare and only in clearly justified circumstances. Information subject to such restriction will be placed in the public domain as soon as practicable should the restrictions cease to apply at a later date. When the Science Council holds a closed session, the agenda, minutes and associated papers will explain this procedure, the reasons for withholding any information, and, where possible, an indication of when the information withheld may be published.

Agendas

29. Published agendas should contain enough background information to allow a reader to understand why the item is being discussed and what sorts of questions are being considered. Dates of meetings and agendas should be published in advance on the FSA website.

Minutes

30. Minutes should accurately reflect the proceedings and discussions that take place and, as with most other comparable committees, 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 meetings of the Science Council will be made available via the FSA's web-site. They will be written by the Secretariat as soon as possible after the meeting to which they refer and circulated to the Council Chair for comment within 14 days and to the Council within 21 days of the meeting. The Secretariat will amend the draft minutes in the light of Members' comments and ensure that the amended draft is placed on the FSA's website. Any further corrections will be made at the following meeting when the minutes will be formally adopted. The final version of the minutes will then be placed on the FSA's website.

Working papers

31. To ensure openness and transparency the Council should seek to keep the public and stakeholders informed as it develops advice. In addition to timely publication of final papers, minutes and agendas the Secretariat will publish discussion papers on the FSA website in advance of meetings to allow interested parties to comment. For copyright reasons, published material annexed to papers will not normally be supplied but the Secretariat will provide the relevant references. The

Science Council may need, on occasion, to treat some matters as confidential (e.g. commercial or financial). Any confidential data will be annexed to the relevant paper. The published paper will not contain this annex but will still refer to it.

Unpublished research

32. 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).

Annual report

33. As with other committees, the Science Council will publish an Annual Report on its work.

Procedures for arriving at conclusions

34. 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 particular stakeholder groups.

Dissenting views

35. 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

36. Appointments of members may be staggered so that only a proportion retire or are re-appointed each year, to help ensure continuity.
37. Members are expected to attend 2 meetings a year and allow appropriate preparation time. Meetings will usually be in London but may also be held in other parts of the UK. Members may also be expected to join regular (monthly) teleconference meetings of the Council.
38. The Science Council Chair must also be available for a number of other activities including: reporting in person to the FSA Board; engaging with the media on any high-profile issue relating to the Council's work, and discussion with the FSA Chief Scientific Adviser and Science Council Secretariat in planning and developing the Council's work.
39. The time commitment will depend on the extent of members' participation in groups convened between plenary meetings, but a minimum commitment is expected to be 4-5 days/year for members and 8-10 days/year for the chair.

Participation in working groups or other groups convened between meetings would add 2-3 days per year to these figures; this would be voluntary.⁹

Termination of appointment

40. Council 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. In the event that 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.

Council fees and expenses

41. Members may claim the following attendance fees for Council meetings and for meetings of Working Groups and Sub-groups:

Council Chair £255/day

Council Member £205/day

42. 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.

Review of fee rates

43. 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 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.

⁹Participation 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.

Travel and other expenses

44. Council 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 Annex 4. This is the same guidance that applies to civil servants.

Working Groups

45. The Science Council may establish Working Groups to consider particular topics in depth or to make brief assessments of particular issues and advise the main Council on the possible need for further action. Such Groups contain a number of Science Council members (supplemented, as necessary, by external expertise in the particular subject being considered). The Science Council Chair plays a leading role in deciding which Science Council members should be invited to join such groups, which may meet on a number of occasions in a particular year. Science Council Members may claim the same allowances for work on Working Groups as for work on the main council.

Feedback on performance

46. 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.

Annex 1 – Terms of reference

Annex 2 – The Seven Principles of Public Life

Annex 3 – Code of Practice on the Declaration of Interests

Annex 4 – Guidance on Committee Fees and Expenses

ANNEX 1 SCIENCE COUNCIL TERMS OF REFERENCE

Purpose

The FSA Science Council is an independent expert committee of the Food Standards Agency (FSA), comprising a Chair and up to seven members.

It provides high-level, expert strategic insight, challenge and advice to the FSA's Chief Scientific Adviser (CSA) and to the Board and executive of the FSA on the FSA's use of science to deliver FSA objectives. Its 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.¹⁰

The Council's advice focuses on how FSA can deploy scientific evidence and advice to deliver its current strategic priorities, to understand new developments - risks and opportunities - and to identify and develop new ways to do things better in the future.

The Council is constituted to work at a strategic level working across and bringing together insights from different disciplines. The Council forms a core group which is able to identify and to draw in wider inputs across relevant disciplines and perspectives to address the issues at hand.

Its members work across disciplines, think strategically, and understand how science can be used to influence and test policy and to achieve concrete impacts to benefit people.

The Council will work with the FSA to:

- help to ensure that FSA science has impact through advising on how the FSA can deploy the best evidence and advice to identify and to address the FSA's big issues. now and in the future
- help the FSA to identify and access wider sources and networks and expertise and evidence relevant to FSA's objectives
- advise the FSA on how it should address issues of strategic importance to the FSA that are not covered by an existing Scientific Advisory Committee or which relate to general principles
- provide advice and challenge on how the FSA identifies, gathers and uses scientific evidence and advice, with a particular focus on two areas of priority for the FSA:
 - (i). how the FSA uses and combines different strands of evidence and advice in its decision-making
 - (ii). the work of FSA Scientific Advisory Committees and how the FSA works with them to identify and define needs for SAC advice and co-ordinate its delivery, and how this advice is used by FSA
- advise on any other matters relating to the FSA's science as required by the FSA

¹⁰ FSA defines science in a broad and inclusive way, including the natural, physical, social and economic, digital and data sciences.

The Council may also flag issues of strategic importance for the FSA which the FSA has not itself identified, for possible consideration.

Ways of working

Independence and transparency

The Science Council is an independent SAC which operates to the highest standards of openness and transparency. It will work in accordance with guidelines by the FSA and relevant guidance and rules established across Government for the operation of Scientific Advisory Committees. These include:

- The cross-Government [Code of Practice for Scientific Advisory Committees](#) (CoPSAC),¹¹ which includes the Principles of Scientific Advice to Government¹²
- The FSA's [Good Practice Guidelines](#) for Scientific Advisory Committees (SACs)¹³

Key elements of practice which underpin and assure this include

- Council meeting agendas, papers, minutes and reports are published and meetings are open to the public.
- The Council publishes an annual report and the Council Chair will report to the FSA Board annually at an open Board meeting.
- The Council Chair has the right of direct access to the FSA's CSA and Chief Executive (CE), and to FSA Board members (via the Agency Chair), at all times. Members also have the right of access to the CSA, the CE and Board on any matter which they believe raises important issues relating to their duties as a member.
- In addition to regular contact between meetings, the Council Chair and FSA CSA will meet for a feedback discussion each year to review the work of the Committee against its remit, and the relationship with and support from the FSA.

The Council Chair will meet the FSA Chair annually to discuss the work of the Council. The Science Council is supported by a Secretariat provided by the FSA.

Work programme

The Council's work programme will focus on high-level, cross-cutting issues identified by the FSA (the Council may also flag issues of importance to the FSA for possible consideration).¹⁴ In addressing these issues the Council will work with the FSA to understand the context of the issue and what FSA is seeking to achieve. In responding to this and formulating its advice, it will normally generate its own content and intellectual input, and generate and convene informed discussion and analysis on strategic issues, rather than reviewing detailed papers produced by the FSA. Its

¹¹ <https://www.gov.uk/government/publications/scientific-advisory-committees-code-of-practice>

¹² <https://www.gov.uk/government/publications/scientific-advice-to-government-principles/principles-of-scientific-advice-to-government>

¹³ <http://www.food.gov.uk/science/sci-gov/commswork/goodpracticeguidelinessacs>

¹⁴ Current strategic issues which are likely to form part of the Council's considerations include: strategic use of science, data exploitation, participatory governance, effective and sustainable food regulation and assurance, food futures, new technologies, understanding vulnerabilities and people's perspectives.

outputs will include short reports on collective insights on big issues; it will also work with FSA to convene wider discussions, events or initiatives to generate and synthesise insights from wider groups on specific issues.

The Council Chair will work closely with the FSA CSA to develop and prioritise the Council's work programme, in line with its remit.

The FSA CSA and the Council Chair and members will maintain regular communications between meetings, including through monthly teleconferences. Notes of teleconferences will be published.

As part of its work programme the Science Council will hold two open meetings a year. These will usually consist of a short, general update session reviewing developments in work by the FSA and by the Council work, as a whole, followed by a themed session devoted to a specific issue (likely to be more of a workshop mode). These meetings will also ensure that the Council discusses in public the key issues and outcomes from its work, including work between meetings.

We expect to work with the Council to develop and use online tools to support its work and communications both at and between meetings.

The Council will establish and engage with wider networks of experts, including with other SACs whose work is relevant to the FSA.

ANNEX 2 THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, their friends or organisations.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.

ANNEX 3 CODE OF PRACTICE ON THE DECLARATION OF INTERESTS

Different types of interest that should be declared

The following is intended as a guide to the kinds of interest that should be declared. Where members are uncertain as to whether an interest should be declared, they should seek guidance from the Secretariat. **If members have interests not specified in these notes, but which they believe could be regarded as influencing their advice, they should declare them. Failure to declare interests could lead to dismissal from the Council.** However, members and the Secretariat are not under any obligation to search out links of which they might *reasonably* not be aware. For example, either through being unaware of all the interests of family members, or of not being aware of links between one company and another.

All Interests shall be declared/confirmed annually on the declaration of interests form to the Council Secretariat.

Declaration of interests and participation at meetings

Council members are required to declare any direct commercial interests, or those of close family members, in matters under discussion at each meeting. Having fully explained the nature of their interests, the Chair may, having consulted with other members present, decide whether, and to what extent, the member should participate in the discussion and determination of the issue. If it is decided that the member should leave the meeting, the Chair may first allow them to make a statement on the item under discussion. Where members are uncertain as to whether an interest should be declared they should seek guidance from the Chair. The Chair's decision, after consultation with the Secretariat, is final.

PERSONAL INTERESTS

A personal interest involves the member personally and includes interests of close family members. The main examples are:

- **Consultancies and/or direct employment:** any consultancy, other employment, partnership, directorship or position in or work for an industry or other relevant body held by you or a close family member and which attracts regular or occasional payments in cash, recognition in any other form, or other benefit.
- **Fee-Paid Work:** any commissioned or fee-paid work for which you or a close family member are paid in cash or kind by an industry or other relevant body including Pressure Groups and Non-Governmental Organisations.
- **Shareholdings:** any shareholding or other beneficial interest in industry shares that you or a close family member have. This does not include shareholdings through unit trusts or similar arrangements where the member has no influence on financial management.
- **Membership or Affiliation:** any membership role or affiliation that you or a close family member has to clubs or organisations with an interest or involvement in the work of the Department.

NON-PERSONAL INTERESTS

A non-personal interest involves payment which benefits a department or organisation for which a member is responsible, but is not received by the member personally. The main examples are:

- **Fellowships:** any fellowship that you or a close family member holds and which is endowed by an industry or other relevant body
- **Support by Industry:** any payment, other support or sponsorship by industry which does not convey any pecuniary or material benefit to a member personally, but which does benefit their position or department e.g.:
 - (i) A grant from a company for the running of a unit or department for which a member is responsible;
 - (ii) A grant or fellowship or other payment to sponsor a post or a member of staff in the unit for which a member is responsible (this does not include financial assistance for students);
 - (ii) The commissioning of research or other work by, or advice from, staff who work in a unit for which a member is responsible.

Members are under no obligation to seek out knowledge of work done for, or on behalf of, industry and other relevant bodies by departments/units for which they are responsible, if they would not normally be expected to be informed. Where members are responsible for organisations which receive funds from a very large number of companies involved in that industry and from other relevant bodies, the Secretariat can agree with them a summary of non-personal interests rather than draw up a detailed portfolio.

- **Trusteeships:** any investment in industry held by a charity for which you or a close family member is a trustee. Where a member is a trustee of a charity with investments in industry, the Secretariat can agree with the member a general declaration to cover this interest rather than draw up a detailed portfolio.
- **Land and property:** any land or properties in which you or a close family member has a direct interest and is clearly within the Food Standards Agency's sphere of activities.
- **Other public appointments:** membership by you or a close family member of local authorities, health authorities and trusts, and other relevant voluntary sector bodies.

The Agency has decided that Chairs of advisory committees should not be employed by, or receive personal remuneration from, industry or pressure groups during their terms of appointment.

DEFINITIONS

In this Code „close family members“ means personal partners, parents, children, brothers, sisters and the personal partners of any of these.

In this Code ‘the industry’ means:

- Companies, partnerships or individuals who are involved with the production, manufacture, packaging, sale, advertising, or supply, of food (including food supplements and vitamins and minerals), food processes and pharmaceutical products, or other relevant products, subject to the following legislation;
The Food Safety Act 1990
The Medicines Act 1968 and 1971
The Food and Environment Protection Act 1985
The Consumer Protection Act 1987
The Cosmetic (Safety) (Amendment) Regulations 1987
The Notification of New Substances Regulations 1993
- Trade associations representing companies involved with such products; Companies, partnerships or individuals who are directly concerned with research, development or marketing of a food product or pharmaceutical product which is being considered by the Council.

In this Code ‘other relevant bodies’ refers to organisations (not included in the definition of ‘industry’) with interests relevant to the work of the Council. This could include charitable organisations, political parties and lobby groups

In this Code ‘the secretariat’ refers to the secretariat of the individual council concerned.

ANNEX 4 GUIDANCE ON COMMITTEE FEES AND EXPENSES

Last revised: October 2016

1. The following guidance sets out the fees and expenses that Council members may claim in respect of their service on the Council and how claims should be submitted.
2. If Members have any queries relating to fees and expenses, these should be addressed to the Secretariat. Members should contact the Secretariat before incurring any expense that they believe should be reimbursed but which is not covered below.

Fee rates

3. Members may claim the following attendance fees for Council meetings and for meetings of Working Groups and Sub-groups:
 - Council Chair £255/day
 - Council Member £205/day
4. 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.

Review of fee rates

5. 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 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.

Travel and other expenses

6. Council 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 are encouraged to arrange their travel with as much notice as possible in order to take advantage of discounted fares and other benefits available to early bookers.
7. Guidance on the types and rates of expenditure that can be claimed for specific expenses is outlined below. Alcoholic drinks and newspapers are not reimbursable from public funds. Reimbursement of gratuities will only be authorised in exceptional circumstances where the Secretariat agrees that they have necessarily been incurred.
8. Tax liabilities arise on elements of these payments, which have been regarded as part of a Council member's income and are therefore taxable. Arrangements have been made whereby the FSA meets the cost of this tax (see below).

Public transport (bus, underground, tram, etc.)

9. There is no public transport rate for official business. Actual costs of travel are reimbursed. Any expenses incurred using public transport such as London Underground, local bus services and so on should be claimed back through the expenses procedure and tickets or receipts should be submitted with all claims.
10. Members are encouraged to use Oyster cards for travel on the London Underground and Bus network. Cards should be registered on-line with London Transport so that a print-out of journeys showing the cost of fares can be submitted with claims.
11. Where London Underground has been included in the rail ticket, further expenditure on London Underground travel is not claimable.

Rail

12. Members should take return tickets where appropriate and observe any other normal economies and seek ways of reducing costs for example by avoiding open returns. The cost of sleeping car accommodation may be claimed where an overnight journey is necessary. The FSA will only be able to refund standard class travel costs. Actual ticket or print-out showing date of journey, destination and class of travel must be produced, not a debit/credit card sales voucher.

Car

13. A mileage allowance is payable for the use of a members own car on official business. This is payable at the following rates for all car types:
 - First 10,000 miles in any tax year 45 pence per mile
 - Over 10,000 miles in any tax year 25 pence per mile

You will incur a personal tax liability from the payment of these mileage rates.
14. Members wishing to claim mileage will need to register details of their car with the FSA's Finance Section. The Secretariat will supply the necessary forms which must be completed and returned.
15. Permission for car journeys exceeding 130 miles in any one day should be sought from the Secretariat. Members will normally be expected to travel by public transport if that is cheaper.
16. Please note that your car must be insured for business use. Comprehensive insurance will not be insisted upon but members should note that no liability will be accepted in the event of any accident, damage, injury or death or in respect of risks not covered by their insurance policies

Taxi

17. Taxi fares are admissible where heavy luggage has to be transported to or from terminal stations, where there is no other suitable method of public transport, or where a saving time is of paramount importance. Exceptions will be allowed in certain circumstances for example as a reasonable adjustment for members with a disability. A taxi receipt must always be attached to the claim form.

Air

18. All air travel must be in economy class, with the exception of journeys over 8 hours (from the originating airport to destination airport). In these cases, subject to FSA authorisation and available budget, other options may be explored, including in the first instance, premium economy or similar (where available). Tickets must be provided with claim forms.

Reasonable adjustments for members with disabilities

19. Changes to the provisions within this guidance may be authorised as a reasonable adjustment for members with disabilities (where applicable). For example, first class rail travel may be authorised as adjustment to staff with a mobility related disability where suitable seats are not available in standard class. Reasonable adjustments should be discussed and authorised through the Secretariat.

Accommodation

20. The maximum allowance for various locations is as follows:

- Central London: £130 per night including breakfast ex VAT
- Other UK and Republic of Ireland locations: £85 per night including breakfast ex VAT

21. If the Secretariat usually books accommodation for you this will be done through the Agency's agents Redfern Travel.

Other expenses

22. Other, reasonable incidental expenses necessarily incurred on Council business (for example, for child care, parking, postage and telephone calls) may be reimbursable. In certain circumstances, reimbursement for locum cover may be reimbursable, for example for vets and GPs who are required to provide 24-hour cover; this should be discussed and agreed in advance with the Secretariat.

23. All items of 'other expenses' should be detailed separately in claims and supported by receipts wherever possible.

Submitting claims

24. Members must complete the Agency's 'Committee Fees and Expenses Claim Form' for claim, which is provided by the Secretariat. Members should use the electronic version but will need to print out, sign and submit a hard copy.

Claim forms must be submitted within 90 days (3 months) of the relevant meeting otherwise the claim may not be processed by Finance.

25. Receipts (or a copy of the relevant statement with highlighted transactions if the total bill includes personal expenditure) **must** be attached to the appropriate claim form before it is sent to the Secretariat. **Claims without receipts will not be paid.** However, individual claims of under £10 for expenses on items such as Oyster Cards, where receipts cannot be obtained, will be reimbursed without a receipt, at the discretion of the Council Secretariat.

Payment of claims

26. Claims are processed on behalf of the Agency through its payroll processes and are paid in accordance with monthly salary timetables i.e. the last working day of each month, via the BACS system into members' bank accounts. Advice slips are forwarded by post.

Tax on fees and expenses

27. Fees paid to members will be subject to income tax and national insurance contributions depending on individual members' circumstances. Deductions for tax and national insurance contributions will be made by the Agency before you receive payment. Payments for travel and related expenses are also liable to income tax and national insurance contributions, but Members can opt for the Food Standards Agency to pay any tax on expenses on their behalf, providing they do not re-claim it from HM Revenue and Customs at a later date.
28. Members of pensionable age may be exempt from or have reduced liability to national insurance contributions. There may be other cases where payments to members take them over their maximum liability for national insurance contributions. In these instances members are advised to contact the Department for Work and Pensions for further guidance. It is the responsibility of individual members to correctly raise VAT on their fees and expenses if they are deemed to be acting as a trader registered for VAT. If you require further guidance on this, please contact your local VAT office.
29. Newly appointed members are required to complete the 'Committee Member Payroll Registration Form' and 'Committee Member Reimbursement of Expenses Registration Form'.

