

# **COMMITTEE ON THE TOXICITY OF CHEMICALS IN FOOD, CONSUMER PRODUCTS AND THE ENVIRONMENT (COT)**

## **CODE OF PRACTICE**

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## **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 Committee.
- The CoP is subject to periodic reviews by the Committee 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 COT**

The role of the COT is to assess and advise on the toxic risk to humans of substances which people may be exposed to in their everyday life.

The Terms of Reference are

1. To assess and advise on the toxic risk to humans of substances which are:
  - a. used or proposed to be used as food additives, or used in such a way that they might contaminate food through their use or natural occurrence in agriculture, including horticulture and veterinary practice or in the distribution, storage, preparation, processing or packaging of food;
  - b. used or proposed to be used or manufactured or produced in industry, agriculture, food storage or any other workplace;
  - c. used or proposed to be used in consumer products such as cosmetics, household products and toys;
  - d. used or proposed to be used as drugs, when advice is requested by the Medicines and Healthcare products Regulatory Agency;
  - e. used or proposed to be used or disposed of in such a way as to result in emissions to the environment.
2. To have final oversight of the activities of the FSA Joint Expert Advisory Groups who provide risk assessment advice on Regulated Products, providing support, expertise and assurance as required.
3. To advise on important general principles or new scientific discoveries in connection with toxic risks and their assessment, to co-ordinate with other bodies concerned with the assessment of toxic risks and to present recommendations for toxicity testing.

At the request of:

Food Standards Agency

Food Standards Scotland

Public Health England

Department of Health and Social Care

Other Government Departments and Agencies and those of the UK Devolved Administrations

## **COT, COC and COM**

- The COT is one of three sister Committees which are jointly sponsored by the FSA and the Department of Health and Social Care (DHSC), the others being the Committee on the Carcinogenicity of Chemical in Food, Consumer Products and the Environment (COC) and the Committee on the Mutagenicity of Chemical in Food, Consumer Products and the Environment (COM).

## **Public Service Values**

- All Committee members must:
  - Follow the Seven Principles of Public Life; [Link](#). These are outlined in Annex 2.
  - Observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the management of this Committee;
  - Be accountable, through the Board of the Food Standards Agency, the Chief Medical Officers for England, Scotland, Wales and Northern Ireland, 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 this Committee, 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 Committee 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 Committee. When engaging in other political activities, Committee 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**

### **The role of the COT Chair**

- The Chair is responsible for:

- Providing effective leadership on the issues within the Committees terms of reference.
- Ensuring that the Committee meets at appropriate intervals and that the minutes of meetings and any reports to the Board of the Food Standards Agency and/or Ministers accurately record the decisions taken and, where appropriate, the views of individual members;
- Representing the views of the Committee to the general public
- Ensuring that new members are briefed on appointment (and their training needs assessed) and providing an assessment of their performance, on request, when members are considered for re-appointment to the Committee or for appointment to the board of some other public body.
- Ensuring that the members of the Committee are heard and that no view is ignored or overlooked;
- Ensuring unorthodox and contrary scientific views are given a fair hearing;
- Ensuring that any significant diversity of opinion among the members of the Committee is accurately reflected in the report and in any other communications with the FSA, DHSC or requesting Government organisation;
- Advising on matters relating to FSA, DHSC, PHE or Government science as required by those organisations on an ad hoc basis or in emergencies
- Engaging with the wider networks of relevant experts including with the Chairs of SACs relevant to the FSA and DHSC's work;

### **The role of the COT Deputy Chair**

- The Deputy Chair will assume the role of the Chair as described above if the Chair is not available.

### **The Role of the Secretariat**

- The Secretariat of the three Committees is drawn from staff of the Food Standards Agency and Public Health England (PHE). However, it is the responsibility of the Secretariat to be an impartial and disinterested reporter and at all times to respect the Committee's independent role.
- The FSA leads on the Secretariat function of COT and works closely with the COC and COM Secretariats. PHE leads on the Secretariat function of COC and COM and works closely with the COT Secretariat.
- The role of the Secretariat is to:
  - Support the Committee in developing and delivering its work programme; this includes arranging meetings, assembling and analysing information and recording conclusions.

- Prepare the agenda; items will be included on the agenda at the request of the FSA, PHE or other Government Departments but may also include items proposed by the COT Members or identified through horizon scanning or other means. Agenda items should be within the remit of the COT and be an appropriate use of Committee time. and Anyone wishing to place an item on the agenda should contact the Secretariat who will advise on whether the item would be within the Committee's remit and the likely timelines.
- Although preparing the majority of papers presented to the Committee, the Secretariat can also advise on preparation of papers for consideration if these are being provided by external parties.
- Advise the Committee on process and procedure;
- Draw attention of the members to emerging issues of concern;
- Ensure that the proceedings of the Committee are properly documented so that there is a clear audit trail showing how the Committee reached its decisions;
- Minutes of all Committee meetings will be taken. These will accurately reflect the proceedings and discussions that take place and will be recorded on a non-attributable basis except where the views of one or more individual members need recording (for example, when declaring an interest).
- The Secretariat is required to guard against introducing bias during the preparation of papers, during meetings, or in the reporting of the Committee's deliberations.
- Keep an accurate public record of the work of the Committee;
- Ensure that the Committee's conclusions and advice are clearly reported to the FSA, DHSC, PHE and requesting Government Organisations and, where applicable, the FSA Board and relevant external parties.

### **The role of the Members**

- The Members have collective responsibility for the operation of this Committee. The Members are appointed as individuals to fulfil the role of their respective Committees, not as representatives of their particular profession, employer or interest group and have a duty to act in the public interest. Members are appointed on a personal basis, even when they are members of stakeholder groups and organisations. If a Member declares an organisation's view rather than a personal view they should make it clear at the time of declaring that view. 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, DHSC, PHE 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 Committee to public scrutiny;

- Not divulge any information which is provided to the Committee 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 Committee does not exceed its powers or functions.
- A member's role on the Committee should not be limited by the expertise or viewpoint she or he was asked to bring to it. Any statement/report belongs to the whole Committee. Members are encouraged to question and comment on the information provided or the views expressed by any of the other members, even though the views or information provided do not relate to their own area of expertise.
  - The role of lay (non-scientific expert) Members is to represent the interests of the general public and consumers to ensure that the Committee is acting in their best interests.
  - If Members believe the committee's method of working is not rigorous or thorough enough this should be discussed with the Chair or the Secretariat, if this remains unresolved, Members have the right to ask that any remaining concerns they have be put on the record.
  - 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 Committee member.
  - Communications between the Committee and the Board of the Food Standards Agency or UK Chief Medical Officers will generally be through the Chair except where the Committee 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 or the UK Chief Medical Officers on any matter that he or she believes raises important issues relating to his or her duties as a Committee Member. In such cases the agreement of the rest of the Committee should normally be sought.
  - Individual Members can be removed from office by the Board of the Food Standards Agency and the UK Chief Medical Officers, if they fail to perform the duties required of them in line with the standards expected in public office.

### **Role of the Assessor (Departmental Representative)**

- Meetings of the Committee (and working groups) may be attended by Assessors. The Assessors are nominated by, and drawn from, the Agencies and Departments that sponsor the Committee, receive its advice, or have other relevant policy interests. Assessors are not members of the Committee and do not participate in Committee business in the manner of members.

- The role of an Assessor is to keep their parent Department or Agency informed about the Committee's work and act as a conduit for the exchange of information. They do this by:
  - Advising the Committee on relevant policy developments and the implications of Committee proposals;
  - Informing the Committee work through the provision of information
  - Being informed by the Committee on matters of mutual interest.
  - Sharing with the Secretariat the responsibility of ensuring that information is not needlessly withheld from the Committee.
  - Assessors should make the Committee aware of the existence of any information that has been withheld from the Committee on the basis that it is exempt from disclosure under Freedom of Information legislation unless that legislation provides a basis for not doing so.
  - Ensuring that their parent Department or Agency is promptly informed of any matters which may require a response from Government.

### **Role of other Officials, Invited Experts and Contractors**

- Officials from Government Departments (not departmental assessors), Regulatory Agencies and Devolved Administrations may be called upon to advise the Committee on relevant developments in order to help the Committee formulate its advice.
- Invited experts and contractors may also bring particular technical expertise, which may be requested by the Committee on some occasions. In the event of an official, invited expert or contractor not being able to attend written submissions may be sent via the Secretariat.
- Experts and contractors will abide by the COT code of practice, for example, by declaring any interests and keeping information confidential.

### **Role of Observers**

- Members of the public and other interested parties may apply to attend meetings as observers. However, they should not attempt to participate in Committee discussions. If an interested party wishes to provide information relevant to a topic for consideration by the Committee, they should be submitted in writing to the Secretariat at **least** seven (7) working days before the meeting. The Secretariat will discuss with the Chair the most appropriate way to present the information to the committee and the Chair's decision will be final.
- Observers who have submitted information in advance of the meeting **may** be invited to provide further explanation or to make brief comments at the discretion of the Chair. Observers and/or organisations must not interfere in the work of the Secretariat or input from invited experts, contractors, officials



from Government Departments and Agencies in any way which, in the view of the Chair, constitutes harassment and/or might hinder the work of the Committee. Observers and/or organisations must allow other observers and other interested parties to attend items free from interference before, during and after a meeting.

- Observers and/or organisations are required to respect the work of the Committee. The Committee's discussions represent the development of its view and any comments made in developing the agreed Committee view should not be attributed to individuals. Where a subject will be considered over several meetings, observers are asked to maintain the confidentiality of the discussion until an agreed Committee opinion is finalised. The Committee's conclusions are not finalised until a final statement or report has been published.
- Under no circumstances will Observers be permitted to record Committee proceedings, on the basis that this might inhibit free discussion. The published minutes of the meeting provide the official record of the proceedings.
- Failure to observe this code of conduct may lead to exclusion of individual observers and/or organisations from meetings of the Committee.

**All observers and/or organisations are requested to read and follow the Committees**

**Openness policy**

### **Communications and collaboration**

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

- The COT works in collaboration with several other Committees where the topics under consideration would benefit from expert advice from other Committees. The principal ones are detailed below:
  - The FSA's Science Council
  - The Committee on the Carcinogenicity of Chemicals in Food, Consumer Products and the Environment (COC)
  - The Committee on the Mutagenicity of Chemicals in Food, Consumer Products and the Environment (COM).
  - The Scientific Advisory Committee on Nutrition

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

- Questions or approaches from the media should normally be directed to either the FSA or PHE press office. Where needed, the Chair will act as official COT spokesperson; when the Chair is not available other COT Members may act as spokesperson for the COT as needed. Although Members are encouraged to promote the role of the Committee in general terms, if asked for views on

subjects that have been or are being considered by COT, members should always give the line agreed by the Committee or note that the item has not yet been completed.

- COT Members are free to speak in a personal capacity, provided that it is clear that they are speaking for themselves and not on behalf of the Committee.

## **Interests and liabilities**

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

- Members of the Committee should inform the Secretariat in writing of their current personal and non-personal interests, when they are appointed, including the principal position(s) held. Only the name of the organisation and the nature of the interest are required; the amount of any salary etc. need not be disclosed.
- COT Members should declare all relevant interests for the past 5 years as a default but should also consider whether earlier interests could be relevant. More detail on interests is available from [\[link to latest FSA guidance\]](#)
- Members are asked to inform the Secretariat at any time of any change of their personal interests and will be invited to complete a declaration form once a year. It is enough if changes in non-personal interests are reported in the annual declaration form following the change. (Non-personal interests involving less than £1,000 from a company in the previous year need not be declared to the Secretariat).
- The register of interests should be kept up-to-date and be open to the public.
- Members of the Committee are required to declare any direct interests relating to salaried employment or consultancies, or those of close family members, in matters under discussion at each meeting.
- Having fully explained the nature of their interest the Chair will, having consulted the 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.

### **Different types of Interest**

- The following is intended as a guide to the kinds of interests which should be declared. Where members are uncertain as to whether an interest should be declared, they should seek guidance from the Secretariat or, where it may concern a particular product which is to be considered at a meeting, from the Chair at that meeting.
- If members have interests not specified in these notes but which they believe could be regarded as influencing their advice they should declare them.
- However, neither the members nor the Secretariat are under any obligation to search out links of which they might *reasonably* not be aware. This Code suggests that interests of close family members are declared, members have in the past limited such declarations to personal partners, parents, children (minor and adult), brothers, sisters and the personal partners of any of these with the emphasis on disclosure only where the interest may, or may be

perceived (by a reasonable member of the public) to influence a members' judgement.

- The Secretariat is required to publish an up-to-date register of members' interests and these can be found on the relevant Committees website.

### Personal Interests

- A personal interest involves the member personally. The main examples are:
  - **Consultancies and/or direct employment:** any consultancy, directorship, position in or work for industry which attracts regular or occasional payments in cash or kind;
  - **Fee-Paid Work:** any work commissioned by industry for which the member is paid in cash or kind;
  - **Shareholdings:** any shareholding in or other beneficial interest in shares of industry. 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 Agency.

### Non-Personal Interests

- A non-personal interest involves payment which benefits the organisation in which the member works, but is not received by the member personally. The main examples are:
  - **Fellowships:** the holding of a fellowship endowed by industry;
  - **Support by Industry:** any payment, other support or sponsorship which does not convey any pecuniary or material benefit to a member personally, but which does benefit their position or organisation, e.g.
    - i) a grant for the running of a unit or department for which the member is responsible;
    - ii) a grant or fellowship or other payment to sponsor a post or a member of staff or a post graduate research programme for which the member is responsible. This does not include financial assistance for students;
    - iii) the commissioning of research or other work by, or advice from, staff who work in a unit for which the member is responsible.

Members are under no obligation to seek out knowledge of work done for, or on behalf of, the industry or other relevant bodies by departments in which they work, if they would not normally expect to be informed.

  - **Trusteeships:** 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.
- At meetings members are required to declare relevant interests and to state whether they are personal or non-personal interests and whether they are specific or nonspecific to the matter, product or substance under consideration.

## Specific Interests

- A member must declare a *personal specific* interest if they have at any time worked on a matter, product or substance under consideration and have personally received payment for that work, in any form.
- A member must declare a *non-personal specific* interest if they are aware that the organisation in which they work has at any time worked on the matter, product or substance under consideration but they have not personally received payment for that work, in any form.

## Non-specific Interests

- A member must declare a *personal non-specific* interest if they have a **current** personal interest in a company concerned with a matter, product or substance under consideration, which does not relate specifically to the matter, product or substance under discussion.
- A member must declare a *non-personal non-specific* interest if they are aware that the organisation in which they work is **currently** receiving payment from the company concerned which does not relate specifically to the matter, product or substance under discussion.
- If a member is aware that a substance, product or matter under consideration is or may become a competitor of a substance, product or matter manufactured, sold or supplied by a company in which the member has a *current personal* interest, they should declare their interest in the company marketing the rival product, substance or matter.

## Handling conflicts of interests

- The purpose of these provisions is to avoid any danger of Committee members being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. All members should declare any personal or business interest which may, or may be *perceived* (by a reasonable member of the public) to, influence their judgement. A guide to the types of interest that should be declared is mentioned above.

### (i) Declaration of Interests to the Secretariat

- Members are required to inform the Agency in writing prior to appointment of their *current personal and non-personal* interests, including the principal position(s) held. Members are not required to disclose the amount of any salary, fee, shareholding, grant etc. An interest is current if the member has an on-going financial involvement e.g. if he or she holds shares in industry, has a consultancy contract, or if they or the organisation for which they are responsible is in the process of carrying out work for the industry.
- Following appointment members are asked to inform the Secretariat at the time of any change in their *personal* interests. However, the Secretariat will

contact each member on an annual basis to update their declaration of interests. Changes in *non-personal* interests can be reported annually, and those involving less than £1000 from a particular company in the previous year need not be declared. The register of interests is kept up-to-date and open to the public via the website.

- **(ii) Declaration of Interest at Meetings**

- Members of the Committee are required to verbally declare any direct interests relating to salaried employment or consultancies, or those of close family<sup>8</sup> members in matters under discussion at each meeting, and if items are taken by correspondence between meetings. The declaration should note whether the interest is *personal* or *nonpersonal*, whether it is *specific* to the item under discussion, or *non-specific* and whether it is current or lapsed. Having fully explained the nature of their interest the Chair will, decide whether and to what extent the member should participate in the discussion and determination of the issue and it should be recorded in the minutes of the meeting.

#### Withdrawal from meetings

- If a declaration of interest has been made where the Chair decides that the member should not participate in the discussion and should withdraw from the meeting (even if held in public), this should be recorded in the minutes of the meeting. The Chair may first allow them to make a statement on the item under discussion.

#### Personal Liability of Committee Members

- A Committee member may be personally liable if he or she makes 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 he or she misuses information gained through their position.
- However, the Government has indicated that individual members who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their Committee functions save where the person has acted recklessly. To this effect, a formal statement of indemnity has been drawn up.

#### Openness and publication of documents – general principles

- The Committee 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), 5 which includes the Principles of Scientific Advice to Government [include link]

- The FSA's Good Practice Guidelines for SACs which are attached at Annex 4.
- The provisions under the Freedom of Information Act 2000 (the Act).
- Committee meeting agendas, papers, minutes and reports are published. The Committee has agreed to hold open meetings as standard practice. Interest groups, consumer organisations etc can attend (subject to the appropriate procedures for handling commercially sensitive information and research not in the public domain). On occasion, when discussing "reserved business" it may be necessary to hold all or part of a meeting in closed session if confidential data or policy in development is being discussed.
- The Committee publishes an annual report.

Further details on the Openness policy for COT can be found in Annex 3 of the Annual Report and on unpublished data on the COT website.

## **Meetings**

### **Agendas**

- Published agendas should contain enough background information to allow a reader to understand why the item is being discussed;
- Dates of meetings and agendas should be published in advance on the committee website.

### **Circulation of papers**

- Papers should be provided to the Committee two weeks prior to the meeting at which they are to be discussed, where possible. 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;
- Minutes will be recorded on a nonattributable basis except where the views of one or more members need recording, for example when declaring an interest.
- Minutes of meetings of the COT will be made available via the Committee'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.
- The Secretariat will amend the draft minutes in the light of the Chair's comments and the draft minutes are placed on the COT 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 COT website.
- Minutes of reserved business items will be published as soon as the items concerned are in the public domain. However, where minutes relate to commercially confidential items it may not be possible to make these publicly available.

## **Working papers**

- To ensure openness and transparency the Committee must seek to keep the public and stakeholders informed as it develops advice;
- The Secretariat will publish discussion papers on the FSA website in advance of meetings to allow interested parties to comment if they so wish.

## **Unpublished research**

The Committee and Secretariat will respect the confidentiality of authors of unpublished or pre-publication research data.

## **Annual report**

- The COT will publish an Annual Report on its work. This will be part of the joint COT/COC/COM Annual report.

## **Procedures for arriving at conclusions**

- The Committee should attempt to reach a consensus on the advice it gives, recognising that this might not always be possible.

## **Dissenting views**

- The Committee 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 Committee which cannot be resolved should be accurately reflected in the minutes or report.

## **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).

## **Appointment, Reappointment and Termination**

### **Process of Appointment**

- FSA has 6 Science Advisory Committees within its remit and 3 Joint Expert Groups (JEGs). The appointment process varies between the Committees.
- Consulting appropriate authorities for appointments to FSA's committees is required under [Schedule 2 of the Food Standards Act 1999](#). This is specified in Section 5 within the Act.
- COT - Appointments to COT are made by the FSA Chair, following consultation with the Chief Medical Officers for England, Scotland, Wales and Northern Ireland since the COC, COM and COT are jointly sponsored by the FSA and DHSC. The Secretary of State for Health and Social Care and relevant Ministers of the devolved administrations are informed of the appointments.

- JEGS Members are appointed by their parent Scientific Advisory Committees but deployed onto the different JEGS as needed.
- COT and JEGS Members are appointed following a process of open competition.

### **Terms and conditions of appointment**

- Independent members of the Committee are initially appointed for a period of 3 years and may be asked to serve additional terms with a maximum 10 years/3 terms per member). The COT uses the feedback self-assessment form as one of the tools used to determine whether or not a committee member should be reappointed at the end of their (3 year) term. Appointments to the Committee 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 Committee and not to represent any sectoral interests. The balance of the Committee 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 Committee. 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.

### **Termination of appointment**

- Appointments can be terminated early by either party, by giving 3 months' notice, in writing;
- Should the Committee 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 Committee.

### **Fees and Expenses**

#### **Committee fees and expenses**

- Members may claim the following attendance fees for COT meetings and for meetings of Working Groups and Sub-groups:
- COT Chair £400/day;
- COT Member £300/day;
- 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.



- 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 Committee 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;
- Different fee provisions apply to Members of COC and COM; details can be obtained from [\[check with PHE\]](#)

### **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 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.

### **Feedback on performance**

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

## **Annexes**

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# Annex 1- 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 2- The Food Standards Agency's approach to managing the interests of its external scientific advisers**



Guidance on interests  
for expert advisers - f



Appendix A (interests  
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## ANNEX 3 – Good Practice Agreement for Scientific Advisory Committees

### INTRODUCTION

The Government Chief Scientific Adviser's *Guidelines on the Use of Scientific and Engineering Advice in Policy Making* set out the basic principles which government departments should follow in assembling and using scientific advice. The key elements are to:

- **identify early** the issues which need scientific and engineering advice and where **public engagement** is appropriate;
- draw on a **wide range of expert advice** sources, particularly when there is uncertainty;
- adopt an **open and transparent approach** to the scientific advisory process and publish the evidence and analysis as soon as possible;
- **explain publicly the reasons for policy decisions**, particularly when the decision appears to be inconsistent with scientific advice; and
- **work collectively** to ensure a joined-up approach throughout government to integrating scientific and engineering evidence and advice into policy making.

The *Code of Practice for Scientific Advisory Committees* and the *Principles of Scientific Advice to Government* provide more detailed guidance on the operation of scientific advisory committees (SACs) and their relationship with their sponsor Departments.

The Food Standards Agency's Board adopted a **Science Checklist** in 2006 (updated in 2012) that makes explicit the points to be considered in the preparation of policy papers and proposals dealing with science-based issues, including those which draw on advice from the SACs.

These **Good Practice Guidelines** were drawn up in 2006 by the Chairs of the independent SACs that advise the FSA based on, and complementing, the Science Checklist. They were updated in 2012 in consultation with the General Advisory Committee on Science (GACS).

The Guidelines apply to the SACs that advise the FSA and for which the FSA is sole or lead sponsor Department:

- Advisory Committee on Animal Feedingstuffs
- Advisory Committee on Microbiological Safety of Foods
- Advisory Committee on Novel Foods and Processes
- Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment
- Committee on Mutagenicity of Chemicals in Food, Consumer Products and the Environment
- Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment
- Science Council
- Social Science Research Committee

For the SACs with a shared sponsorship the Guidelines apply formally to their advice to the FSA; they may opt to follow them also in advising other sponsor Departments.

All these committees share important characteristics. They:

- are independent;
- work in an open and transparent way; and
- are concerned with risk assessment and/or science governance, not with decisions about risk management.

The Guidelines relate primarily to the risk assessment process since this is the main purpose of most of the SACs. However, the SACs may, where appropriate, comment on risks associated with different risk management options, highlight any wider issues raised by their assessment that they feel should be considered (distinguishing clearly between issues on which the SAC has an expert capability and remit, and any other issues), or any evidence gaps and/or needs for research or analysis.

In addition, the FSA Science Council and ACSS may advise the FSA on aspects of the governance of risk management, or on research that relates to risk management.

Twenty-nine principles of good practice have been developed. However, the different committees have different duties and discharge those duties in different ways. Therefore, not all the principles set out below will be applicable to all of the committees, all of the time.

The SACs have agreed to review their application of the principles annually and report this in their Annual Reports. Compliance with the Guidelines will also be covered in the annual self-assessments by Members and annual feedback meetings between each SAC Chair and the FSA Chief Scientist.

## **PRINCIPLES**

### **Defining the problem and the approach**

The FSA will ensure that issues it asks an SAC to address are clearly defined and take account of stakeholder expectations in discussion with the SAC Secretariat and where necessary the SAC Chair. The SAC Chair will refer back to the FSA if discussion suggests that further iteration and discussion of the task is necessary. Where an SAC proposes to initiate a piece of work the SAC Chair and Secretariat will discuss this with FSA to ensure the definition and rationale for the work and its expected use by the FSA are clear.

### **Seeking input**

The Secretariat will ensure that stakeholders are consulted at appropriate points in the SAC's considerations. It will consider with the FSA whether and how

stakeholder views need to be taken into account in helping to identify the issue and frame the question for the committee.

Wherever possible, SAC discussions should be held in public.

The scope of literature searches made on behalf of the SAC will be clearly set out.

Steps will be taken to ensure that all available and relevant scientific evidence is rigorously considered by the committee, including consulting external/additional scientific experts who may know of relevant unpublished or pre-publication data.

Data from stakeholders will be considered and weighted according to quality by the SAC.

Consideration by the Secretariat and the Chair (and where appropriate the whole SAC) will be given to whether expertise in other disciplines will be needed.

Consideration will be given by the Secretariat or by the SAC, in discussion with the FSA, as to whether other SACs need to be consulted.

## **Validation**

Study design, methods of measurement and the way that analysis of data has been carried out will be assessed by the SAC.

Data will be assessed by the committee in accordance with the relevant principles of good practice, e.g. qualitative social science data will be assessed with reference to guidance from the Government's Chief Social Researcher<sup>1</sup>.

Formal statistical analyses will be included wherever appropriate. To support this, each SAC will have access to advice on quantitative analysis and modelling as needed.

When considering what evidence needs to be collected for assessment, the following points will be considered:

- the potential for the need for different data for different parts of the UK or the relevance to the UK situation for any data originating outside the UK; and
- whether stakeholders can provide unpublished data.

The list of references will make it clear which references have been subject to external peer review, and which have been peer reviewed through evaluation by the Committee, and if relevant, any that have not been peer reviewed.

## **Uncertainty**

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<sup>1</sup> Quality in Qualitative Evaluation: A Framework for assessing research evidence [http://www.civilservice.gov.uk/wp-content/uploads/2011/09/a\\_quality\\_framework\\_tcm6-7314.pdf](http://www.civilservice.gov.uk/wp-content/uploads/2011/09/a_quality_framework_tcm6-7314.pdf);  
The Magenta book [http://www.hm-treasury.gov.uk/d/magenta\\_book\\_combined.pdf](http://www.hm-treasury.gov.uk/d/magenta_book_combined.pdf)

When reporting outcomes, SACs will make explicit the level and type of uncertainty (both limitations on the quality of the available data and lack of knowledge) associated with their advice.

Any assumptions made by the SAC will be clearly spelled out, and, in reviews, previous assumptions will be challenged.

Data gaps will be identified and their impact on uncertainty assessed by the SAC.

An indication will be given by the SAC about whether the evidence base is changing or static, and if appropriate, how developments in the evidence base might affect key assumptions and conclusions.

### **Drawing conclusions**

The SAC will be broad-minded, acknowledging where conflicting views exist and considering whether alternative interpretations fit the same evidence.

Where both risks and benefits have been considered, the committee will address each with the same rigour, as far as possible; it will make clear the degree of rigour and uncertainty, and any important constraints, in reporting its conclusions.

SAC decisions will include an explanation of where differences of opinion have arisen during discussions, specifically where there are unresolved issues, and why conclusions have been reached. If it is not possible to reach a consensus, a minority report may be appended to the main report, setting out the differences in interpretation and conclusions, and the reasons for these, and the names of those supporting the minority report.

The SAC's interpretation of results, recommended actions or advice will be consistent with the quantitative and/or qualitative evidence and the degree of uncertainty associated with it.

SACs will make recommendations about general issues that may have relevance for other committees.

### **Communicating SACs' conclusions**

Conclusions will be expressed by the SAC in clear, simple terms and use the minimum caveats consistent with accuracy.

It will be made clear by the SAC where assessments have been based on the work of other bodies and where the SAC has started afresh and there will be a clear statement of how the current conclusions compare with previous assessments.

The conclusions will be supported by a statement about their robustness and the extent to which judgement has had to be used.

As standard practice, the SAC secretariat will publish a full set of references (including the data used as the basis for risk assessment and other SAC opinions) at as early a stage as possible to support openness and transparency of decision-



making. Where this is not possible, reasons will be clearly set out, explained and a commitment made to future publication wherever possible.

The amount of material withheld by the SAC or FSA as being confidential will be kept to a minimum. Where it is not possible to release material, the reasons will be clearly set out, explained and a commitment made to future publication wherever possible.

Where proposals or papers being considered by the FSA Board rest on scientific evidence produced by a SAC, the Chair of the SAC (or a nominated expert member) will be invited to the table at the Open Board meetings at which the paper is discussed. To maintain appropriate separation of risk assessment and risk management processes, the role of the Chairs will be limited to providing an independent view and assurance on how their committee's advice has been reflected in the relevant policy proposals, and to answer Board Members' questions on the science. The Chairs may also, where appropriate, be invited to provide factual briefing to Board members about particular issues within their committees' remits, in advance of discussion at open Board meetings.

The SAC will seek (and FSA will provide) timely feedback on actions taken (or not taken) in response to the SAC's advice, and the rationale for these.

### **Work programme**

Details of the COT's forward work plan is available on the COT website.