

# ACMSF Code of Practice

## Introduction

- In line with the central government guidance and the Food Standards Agency (FSA) policy, each independent advisory committee that advises the FSA operates to a published Code of Practice 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 ACMSF

- ACMSF established in 1990, on the recommendation of the Richmond Committee (Committee on the Microbiological Safety of Food, chaired by Sir Mark Richmond) set up by the Government in 1989 to provide advice on the microbiological safety of food.
- ACMSF provides the FSA with independent expert advice on all aspects of the microbiological safety of food across the whole food chain.
- Specifically, its role is to assess:

“To assess the risk to humans of microorganisms which are used or occur in or on food and to advise the Food Standards Agency on any matters relating to the microbiological safety of food.”

## 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).

## Public Service Values

- All members must:
  - Follow the Seven Principles of Public Life; ([Link to SAC Hub](#)).

- 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 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 ACMSF Chair**

- The Chairman 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 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 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.

- Ensure that every member of the Committee is heard and that no view is ignored or overlooked;
- Ensure unorthodox and contrary scientific views are given a fair hearing;
- Ensure that any significant diversity of opinion among the members of the Committee is accurately reflected in the report and in any other communications with the FSA;
- Advise on matters relating to FSA science as required by the FSA on an ad hoc basis or in emergencies
- Engage with the wider networks of relevant experts including with the Chairs of SACs relevant to the FSA's work.

## **The role of the Members**

- Members have collective responsibility for the operation of this Committee. They must:
  - engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance issued by the Food Standards Agency or Health Ministers;
  - in accordance with Government policy on openness, ensure that they adhere to the Code of Practice on Access to Government Information (including prompt responses to public requests for information); agree an Annual Report; and, where practicable and appropriate, provide suitable opportunities to open the work of the Committee to public scrutiny (since 2003 ACMSF plenary meetings have been opened to the public following the recommendations from the FSA's 2002 Review of Scientific Committees);
  - 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.
  - 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 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 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, if they fail to perform the duties required of them in line with the standards expected in public office.

## **The Role of the Secretariat**

- The role of the Secretariat is to:
  - Support the Committee in developing and delivering its work programme;
  - 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;
  - Keep an accurate public record of the work of the Committee;
  - Ensure that the Committee's conclusions and advice are clearly reported to applicants, the FSA and where applicable the Board.

## **Communications and collaboration**

### **Other Scientific Advisory Committees**

- ACMSF works in collaboration with other Committees where the topics under consideration would benefit from expert advice from other Committees. These are detailed below:
  - The Advisory Committee on Animal Feedingstuffs
  - Advisory Committee on Social Science
  - Expert Committee on Pesticides Residues in Food
  - The FSA's Science Council
  - Advisory Committee on Dangerous Pathogens

### **Departmental Representatives**

Meetings of the ACMSF and its Groups are attended by Departmental Representatives. The Representatives are currently nominated by, and are drawn from, those with relevant policy interests and responsibilities in the Food Standards Agency, Food Standards Scotland and the Department for Environment, Food and Rural Affairs and Food. Representatives are not members of the Committee and do not participate in Committee business in the manner of members. The role of the Representatives includes sharing with the secretariat the responsibility of ensuring that information is not unnecessarily withheld from the Committee. Representatives 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. Representatives keep their parent Departments informed about the Committee's work, and act as a conduit for the exchange of information. They can advise the Committee on relevant policy developments and the implications of ACMSF's proposals. They; can assist ACMSF through the provision of information; and they can be updated by the Committee on matters of mutual interest. Representatives are charged with ensuring that their parent Departments are promptly informed of any matters which may require a response from Government.

Collaboration with other committees/engagement with FSA SAC Chairs

- The relationship between the Committee 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 Science Council).

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

- Questions or approaches from the media should normally be directed to either the Chair who will act as official spokesman or the Secretariat. 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 external stakeholders, members should always give the line agreed by 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.
- 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 Chairman 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 Chairman 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), which includes the Principles of Scientific Advice to Government (Link to the SAC Hub)
- The FSA's Good Practice Guidelines for SACs (Link SAC Hub)
- The provisions under the Freedom of Information Act 2000 (the Act).
- Committee meeting agendas, papers, minutes and reports are published. While meetings are not open to the public as standard, open events are held regularly to provide public input into the work of the Committee
- The Committee publishes an annual report.

## **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 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.

### **Minutes**

- Minutes must reflect the proceedings and discussions that take place;
- Minutes will be recorded on a non-attributable basis except where the views of one or more members need recording, for example when declaring an interest.
- Minutes of meetings 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 within 14 days.
- The Secretariat will amend the draft minutes in the light of Members' comments and ensure that the amended draft is placed on the Committee'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 Committee's website.

## **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 Committee's website in advance of meetings to allow interested parties to comment.

## **Unpublished research**

- Where the Committee'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**

- ACMSF will publish an Annual Report on its work.

## **Procedures for arriving at conclusions**

- ACMSF's role is to provide the FSA with independent expert advice on all aspects of the microbiological safety of food across the whole food chain. The Committee should attempt to reach a consensus on the advice it gives, recognising that this might not always be possible. ACMSF's risk assessment should be carried out in accordance with the FSA's scientific governance and openness procedures.

## **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.

## **Appointment, Reappointment and Termination**



## **Process of Appointment**

- FSA has 6 Science Advisory Committees within its remit and 3 Joint Expert Groups. 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.
- ACMSF - Appointments to ACMSF are made by the FSA Chairman, following consultation with the Secretary of State for Health and Social Care and relevant Ministers of the devolved administrations.

## **Terms and conditions of appointment**

- Independent members of the Committee are initially appointed for a period of 1 to 4 years. Members may be asked to serve additional terms but they cannot serve more than 10 years. 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 plenary meetings, intersessional work and for attending subgroup meetings:
  - Chair £400/day;
  - 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. Review of fee rates;
- Participation in subgroups 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;

### **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 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.