

**ADVISORY COMMITTEE  
ON THE MICROBIOLOGICAL  
SAFETY OF FOOD**



**CODE OF PRACTICE  
FOR MEMBERS**

**Advises the Food Standards Agency on the  
Microbiological Safety of Food**

# **CODE OF PRACTICE FOR MEMBERS OF THE ADVISORY COMMITTEE ON THE MICROBIOLOGICAL SAFETY OF FOOD**

## **Public service values**

The members of the Advisory Committee on the Microbiological Safety of Food must at all times

- 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 Food Standards Agency (the Agency) and, ultimately, Ministers, to Parliament and the public for the Committee's activities and for the standard of advice it provides.

The Ministers of the sponsoring department (the Agency) are answerable to Parliament for the policies and performance of this Committee, including the policy framework within which it operates.

## **Standards in public life**

All Committee members must :

- follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (Appendix 1);
- comply with this Code, and ensure they understand their duties, rights and responsibilities, and that they are familiar with the functions 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 organizations; 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 local councillors, or to Peers in relation to their conduct in the House of Lords.

## **Role of Committee 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 Agency;
- ensure that they adhere to the Agency's Code of Practice on Openness (including prompt responses to public requests for information); agree an Annual Report; and, where practicable and appropriate, provide suitable opportunities to open up the work of the Committee to public scrutiny;
- follow Agency guidelines on divulging any information provided to the Committee in confidence;
- ensure that an appropriate response is provided to complaints and other correspondence, if necessary with reference to the Agency; and
- ensure that the Committee does not exceed its powers or functions.

Individual members should inform the Chair (or the Secretariat on his behalf) if they are invited to speak in public in their capacity as a Committee member.

Communications between the Committee and the 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 Chair of the Agency on any matter which 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 Chair of the Agency if, in the view of the Chair of the Agency, they fail to carry out the duties of office or are otherwise unable or unfit to carry out those duties.

## **The role of the Chair**

The Chair has particular responsibility for providing effective leadership on the issues above. In addition, the Chair is responsible for:

- ensuring that the Committee meets at appropriate intervals, and that the minutes of meetings and any reports to the Agency accurately record the decisions taken and, where appropriate, the views of individual members;
- representing the views of the Committee to the general public, notifying and, where appropriate, consulting the Agency, in advance where possible; and
- ensuring that new members are briefed on appointment (and their training needs considered), 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.

## **DEPARTMENTAL ASSESSORS AND THE SECRETARIAT**

### **Departmental assessors**

Meetings of the ACMSF and its Groups are attended by Departmental Assessors. The Assessors are currently nominated by, and are drawn from, those with relevant policy interests and responsibilities in the Food Standards Agency (including FSA Scotland and Wales), the Department for Environment, Food and Rural Affairs, and the Agri-Food & Biosciences Institute, Northern Ireland. Assessors are not members of the ACMSF and do not participate in Committee business in the manner of members. The role of the Assessors includes sharing with the secretariat the responsibility of ensuring that information is not unnecessarily 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. Assessors keep their parent Departments informed about the Committee's work and act as a conduit for the exchange of information; advising the Committee on relevant policy developments and the implications of ACMSF proposals; informing ACMSF work through the provision of information; and being informed by the Committee on matters of mutual interest. Assessors are charged with ensuring that their parent Departments are promptly informed of any matters which may require a response from Government.

### **The Secretariat**

The primary function of the Secretariat is to facilitate the business of the Committee. This includes supporting the Committee by arranging its meetings, assembling and analysing information, and recording conclusions. An important task is ensuring that proceedings of the Committee are properly documented and recorded. The Secretariat is also a source of advice and guidance to members on procedures and processes.

The ACMSF Secretariat is drawn from staff of the Food Standards Agency. 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 Secretariat is required to guard against introducing bias during the preparation of papers, during meetings, or in the reporting of the Committee's deliberations.

### **Handling conflicts of interest**

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 which should be declared is at Appendix 2.

(i) Declaration of Interests to the Secretariat

Members of the Committee should inform the Secretariat in writing of their current **personal** and **non-personal** interests (or those of close family members\* and of people living in the same household), when they are appointed, including the principal position(s) held. Only the name of the company and the nature of the interest is 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 sufficient 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 particular 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.

(ii) Declaration of Interests and Participation at Meetings

Members of the Committee are required to declare any direct commercial interests, or those of close family members,\* and of people living in the same household, in matters under discussion at each meeting. Members should not participate in the discussion or determination of matters in which they have an interest, and should normally withdraw from the meeting (even if held in public) if :-

- their interest is direct and pecuniary; or
- their interest is covered in specific guidance issued by the ACMSF or the Agency which requires them not to participate in, and/or to withdraw from, the meeting.

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\* Close family members include personal partners, parents, children, brothers, sisters and the personal partners of any of these.

## **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.

## **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, or their friends.

### **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.

### DIFFERENT TYPES OF INTEREST

The following is intended as a guide to the kinds of interest 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 - for example, either through not being aware of all the interests of family members, or of not being aware of links between one company and another.

#### Personal Interests

A personal interest involves the member personally. The main examples are :

- **Consultancies** : any consultancy, directorship, position in or work for the 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 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** to clubs or organisations with interests relevant to the work of the Committee.

#### Non-Personal Interests

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

- **Fellowships** : the holding of a fellowship endowed by the industry;
- **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 eg. :
  - (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 to students);



(iii) 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 by departments for which they are responsible if they would not normally expect to be informed. Where members are responsible for organisations which receive funds from a large number of companies involved in that industry, the Secretariat can agree with them a summary of non-personal interests rather than draw up a long list of companies.

- **Trusteeships** : any investment in industry held by a charity for which a 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.

## **DEFINITIONS**

For the purpose of the Advisory Committee on the Microbiological Safety of Food, 'industry' means :

- Companies, partnerships or individuals who are involved with the production, manufacture, packaging, sale, advertising, or supply of food or food processes, subject to the Food Safety Act 1990;
- 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 which is being considered by the Committee.

In this Code, 'the Secretariat' means the Secretariat of the Advisory Committee on the Microbiological Safety of Food.