

# ACNFP Code of Practice

## Introduction

- In line with the central government guidance and the Food Standards Agency (FSA) policy, each independent advisory committee that advises the FSA operates to a published Code of Practice (CoP) that sets out the key principles and procedures that govern the work of the 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 ACNFP

- To advise the central authorities responsible in England, Scotland, Wales and Northern Ireland respectively on any matters relating to novel foods, traditional novel foods, genetically modified foods & feed and novel food processes including food irradiation, having regard where appropriate to the views of relevant expert bodies.
- To advise the central authorities responsible in England, Scotland, Wales and Northern Ireland respectively on selected matters where the expert advice of the Committee is requested

## Quorum

- 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 guidance on the [Seven Principles of Public Life](#), these being selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

- Observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the management of 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 and Responsibilities**

### **The role of the ACNFP 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 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;

### **Absence of the chair**

- If the Chair can no longer attend a meeting due to mitigating circumstances the Committee can nominate another experienced member of the ACNFP to assume the role of Chair as described above on a per meeting basis

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

- Members are appointed as individuals to fulfil their role respective to the ACNFP.
- Members are not a representative of their profession, employer or interest group and have a duty to act in the public interest.
- If a Member declares an organisation's view rather than a personal view, they should make it clear at the time

### **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;
- 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;
- Ensure that the Committee does not exceed its powers or functions.
- Members are free to question and comment on the information provided or the views expressed by any of the other members.
- 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.
- 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 should regard themselves free to question and comment on the information provided or the views expressed by any of the other members, even if/when the views or information provided do not relate to their own area of expertise.
- If members believe the committee's method of working is not rigorous or thorough enough, they have the right to ask that any remaining concerns they have be put on the record
- 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;
- Organise meeting logistics and arrangements;
- To invite all relevant participants to meetings, including:

1. The Chair;
2. Members;

3. Devolved administrations representatives;
4. FSA Novel Food & GM Policy;
5. FSA Observers and an FSA Assessor.

- Develop the meeting agenda on behalf of the Committee;
- Develop, or assist in the development of committee briefing papers for meeting items;
- Capture minutes of the Committee's discussion, ensuring that the proceedings are properly documented so that there is a clear audit trail showing how the Committee reached its decisions;
- Manage correspondence on behalf of the ACNFP; Manage the Committee's email inbox;

1. Manage Freedom Of Information requests;
2. Manage the consultations process; to ensure the Committee's advice is presented to the public for 10-days, such that the public can provide information relating to the safety assessment of regulated products under the Committee's remit.
3. Ensure that the Committee's conclusions and advice are clearly reported to applicants and the FSA; where applicable the Board.

- To provide administrative support to the Committee;

1. To enrol committee members on the FSA systems;
2. To process Committee expense claims;
3. To maintain the Committee website.

## **Communications and collaboration**

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

- The Advisory Committee on Novel Foods and Processes works in collaboration with several other Committees where the topics under consideration would benefit from expert advice from other Committees. These include, but are not limited to:
  - The FSA's Science Council;
  - The Committee on Toxicity of Food, Consumer Products and the Environment (COT);

- The Committee on Carcinogenicity of Food, Consumer Products and the Environment (COC);
- The Committee on Mutagenicity of Food, Consumer Products and the Environment (COM);
- Communications between the ACNFP and the Board of the Food Standards Agency will generally be through the Chair except where the ACNFP 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 an ACNFP Member. In such cases the agreement of the rest of the ACNFP should normally be sought.
- Similarly, communications between the ACNFP and the FSA Executive will generally be through the ACNFP Secretariat although the ACNFP 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 ACNFP Chair should normally be sought.

## **Role of the Departmental Representatives**

- Meetings of the Advisory Committee on Novel Foods and Processes can be 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.
- Representatives are not members of the Advisory Committee on Novel Foods and Processes and do not participate in Committee business in the manner of members.
- The role of the Representatives is to keep the Department of Agency informed about the Committee's work and act as a conduit for the exchange of information. They do this by:
  1. Advising the Committee on relevant policy developments and the implications of Committee proposals;
  2. Informing the Committee's work through the provision of information
  3. Being informed by the Committee on matters of mutual interest
  4. Sharing the responsibility, with the secretariat, of ensuring that information is not unnecessarily withheld from the Committee.

5. Making 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.
6. Ensuring that their parent departments are promptly informed of any matters which may require a response from Government.

## **Department Representatives: Food Standards Agency Assessor**

- Meetings of the Advisory Committee on Novel Foods and Processes should be attended by an Assessor. The Assessor is nominated from the Food Standards Agency by the Secretariat from a department that does not work with the Committee.
- The main role of the assessor is to ensure the rules that govern the Committee are upheld in the process of a meeting. As such, the Assessor is not a member of the Committee and does not take part in the meeting. The Assessor acts solely as an observer on behalf of the FSA and must abide by the rules for a departmental representative.

## **Department Representatives: Food Standards Agency Policy Colleagues**

- Meetings of the Advisory Committee on Novel Foods and Processes, where relevant, can be attended by the Novel Food Policy and the Genetically Modified Food Policy Secretariats.
- The role of these representatives is to act as observers for their departments, to understand the advice provided to their departments by the Committee and to understand the reasoning used to derive that advice when the Committee risk assesses novel foods and genetically modified foods.
- They are not to partake in discussion and must abide by the rules as for a departmental representative.
- These representatives are required to give a policy update on their respective topic areas to update the Committee on the status of Novel and Genetically Modified Foods applications, and to inform the Committee of the number of submitted applications.

## **Department Representatives: Food Standards Agency Devolved Administrations**

- Meetings of the Advisory Committee on Novel Foods and Processes can be attended by representative(s) from each of the devolved administrations. The representative(s) should be from the respective department that works on Novel Foods and Genetically Modified Foods.
- The main role of the representative is to ensure that the interests of each devolved administration is represented and to act as observers for their departments, to understand the advice provided by the Committee and to understand the reasoning used to derive advice on the risk assessment of novel foods and genetically modified foods.
- The representative is not a member of the Committee and does not take part in the meeting.

### **Department Representatives: Observers**

- Meetings of the Advisory Committee on Novel Foods and Processes can only be attended by departmental representatives as observers.
- The Meetings of the ACNFP are closed meetings and cannot be attended by the members of the public. This is due to the commercially sensitive nature of the work of the Committee.

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

- The nature of the ACNFP 's work requires cross working with other Committees including but not limited to the Committee on Toxicity, the Advisory Committee on Releases to the Environment (ACRE), the Scientific Advisory Committee on Nutrition (SACN) and the UK Nutrition and Health Claims Committee (UKNHCC). In doing this the Committee will gather evidence to support their assessment from other Committees where appropriate. The Committee will also constructively contribute to wider discussions of other Committees where the issue falls within the ACNFP's remit.
- The Committee will provide challenge on how the sponsor departments or the responsible Ministers identify, gather and use scientific evidence and advice (including FSA's use of Scientific Advisory Committees and other expert advisers).
- 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 into the Science Council).



## **Attending other SAC meetings**

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

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

- Questions or approaches from the media should normally be directed to either the Chair who will act as official Advisory Committee on Novel Foods and Processes spokesperson or the Food Standards Agency press office. 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 the Advisory Committee on Novel Foods and Processes, members should always give the line agreed by the Committee.
- ACNFP Members are free to speak in a personal capacity, provided that they are speaking for themselves and not on behalf of the Committee.

- Members must ensure there are no conflicts of interest with the Committee for any speaking activity undertaken. Members must also ensure that they do not compromise the confidentiality of any applications.

## **Interests and liabilities**

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

- As an independent, open and transparent advisory body the ACNFP's members must provide clear declarations of interests. The full guidance on declaration of interests for SACs should be consulted by all members, however a summary is provided below.
- Not all interests are necessarily ones that will cause conflict with a member's work with the ACNFP. Interests that may be seen to have relevance to their role (either personal, non-personal or those of family/friends) or the specific topics under discussion at a ACNFP meeting should be declared so the Secretariat can make an assessment of whether it could be considered a potential conflict of interests and what action may be needed in response.
- 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.
- The Secretariat maintains a register of interests for each member that is updated and published online regularly. The register of interests should contain current or previous interests (including things like employment, consultancies, memberships, investments or other personal interests) that may, in general, be seen to directly affect the perceived independence of the member or benefit from information gained whilst acting as a ACNFP member (that is not already public).
- The register of interests should be kept up-to-date and be open to the public.
- At the start of the meeting the Chair should ask members to declare any interests potentially relevant to the items under discussion relating to themselves or their close family members.
- Based on this information, the Chair will consult with Secretariat, FSA staff and potentially other SAC members, and decide on an approach to managing

the interest.

- In the case of interests declared by the Chair, the same process will apply as to when there is an absence of the chair; the relevant FSA staff are responsible for deciding whether an interest is a conflict and if so, how it should be managed. FSA staff may also request input from other ACNFP members on appropriate action.
- The interests declared, and the chosen action should be recorded in the minutes of the meeting with the rationale for this decision.

## **Personal Liability of 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:

1. [The cross-Government Code of Practice for Scientific Advisory Committees \(CoPSAC\)](#), which includes the
2. Principles of Scientific Advice to Government
3. The FSA's Good Practice Guidelines for SACs
4. The provisions under the [Freedom of Information Act 2000 \(the Act\)](#).
5. 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
6. 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 of the Advisory Committee on Novel Foods and Processes will be made available via the ACNFP'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 ACNFP'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**

- 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.

## **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**

The Advisory Committee on Novel Foods and Processes will publish an Annual Report on its work.

## **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. In cases where decisions are particularly significant the Committee should aim to reach a preliminary view which is then offered for comment either through public consultation or to stakeholder groups.

## **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.
- If a member disagrees with the advice provided by committee and they wish to publicly express their dissenting view, then a member should be allowed to do so. In such a case the member must notify the Committee Chair and the ANCFP secretariat of their intention to do so. The member would have to produce a minority report which would be published at the same time as the Committee advice. The report would have to clearly state that it was a personal view of the member and that their view did not represent the view of the Committee or the FSA.

## **Public Consultations**

- To support the transparency and openness of the ACNFP's work, the ACNFP will make available the outcomes of its assessment in line with the Food Standards Agency publication guidelines and publication agreements with Food Standards Scotland.

- For traditional foods, the ACNFP Secretariat will produce and publish summaries that provide the Committee's opinion on the Traditional Novel food notifications assessed by the Committee. These are an overview of the advice that the Committee has provided to the FSA Risk Managers.
- The summary will be posted on the ACNFP website and be subject to a 10-day consultation. This allows the Committee to gain information on whether there are further issues to be considered or experience of using the food, that should be taken into account before the assessment is finalised. During the consultation period comments on the Committee's advice as outlined in the summary can be sent to the ACNFP secretariat.

## **Fees and Expenses**

### **Committee fees and expenses**

- Members may claim the following attendance fees for Advisory Committee on Novel Foods and Processes meetings and for meetings of Working Groups and Sub-groups:
  - Advisory Committee on Novel Foods and Processes Chair £400/day;
  - Advisory Committee on Novel Foods and Processes 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 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](#);

### **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 regarding pay in the Senior Civil Service. The FSA will also consider comparisons with rates paid in similar advisory bodies in the UK.

## **Feedback on performance**

The Advisory Committee on Novel Foods and Processes 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.