

Total Diet Replacement ad hoc working group: code of practice

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1. Introduction

- 1. This document sets out the code of practice for members of the ad hoc working group for assessing the compositional requirements of total diet replacement (TDR) products. Unless otherwise stated, references to ‘members’ throughout this document apply to all members of the ad hoc working group for assessing the compositional requirements of TDR products. The ad hoc working group for assessing the compositional requirements of TDR products’ is subsequently referred to as the ‘ad hoc working group’ throughout this document.

2. Terms of reference and function

2. The ad hoc working group is an advisory group established in March 2022 to provide scientific advice on, and risk assessment of, compositional requirements of TDR products specifically in relation to their use in individuals with overweight or obesity. It advises the nutrition related labelling, composition, and standards (NLCS) policy group which comprises of officials from across the 4 UK governments. The decision on possible changes to the compositional requirements of TDR products (risk management) lies with the NLCS policy group who engage with UK government and respective Devolved Administrations. The ad hoc working group is supported by a secretariat within the Office of Health Improvement and Disparities (OHID), part of the Department of Health and Social Care (DHSC). Though not a Committee, this code of practice sets out how the ad hoc working group puts guidelines into practice will follow principles outlined in the Code of Practice for Scientific Advisory Committees ([CoPSAC](#)).
3. The ad hoc working group will advise on whether:
 - the minimum value of linoleic acid (LA) in TDR products as recommended by [EFSA \(2021\)](#) is appropriate for a UK population
 - the minimum value of alpha-linolenic acid (ALA) in TDR products as recommended by [EFSA \(2021\)](#) is appropriate for a UK population
 - the maximum value of magnesium (Mg) in TDR products as recommended by [EFSA \(2021\)](#) is appropriate for a UK population
 - whether further evidence identified in an updated literature search impacts either of the above nutrient recommendations
4. The function of the ad hoc working group is to gather and assess scientific information (risk assessment) to assist policy making or analysis (risk management). The scientific assessment will largely adhere to the Scientific Advisory Committee on Nutrition (SACN) [Framework for the Evaluation of Evidence](#), but that this ad hoc working group is not a subgroup of SACN. As such, the group will report the outcome of their scientific assessment directly to the NLCS policy group.
5. The ad hoc working group has a set agenda, in accordance with its terms of reference. The ad hoc working group will meet a minimum of twice over the course of 6 to 8 months to allow the recommended changes to the legislation to be met.

3. Appointment of ad hoc working group members

6. Members of the ad hoc working group are appointed based on the expertise required to carry out a UK assessment of the evidence used to inform proposed changes to the compositional requirements of TDR products for weight control. The Chair and members are appointed as individuals to fulfil the role of the ad hoc working group, 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 may be members of stakeholder groups. In the interest of objectivity, the ad hoc working group includes one lay member and meetings are attended by observers from departments with responsibility for nutrition policy in each of the 4 UK nations.
7. Membership is not determined on a geographical basis but on suitability for the role, based on an assessment against criteria specified at the time of the recruitment of new members.
8. Experts comprising the group have been invited from both SACN and the NHS Low Calorie Diet Programme Advisory Group.
9. Additional experts may need to be recruited or co-opted if specialist expertise is required. Where individuals are co-opted the length and purpose is agreed at the outset.
10. The Chair and members will be appointed for a fixed term due to the nature and expected duration of the work.
11. Appointments of the Chair and members are made by the Senior Responsible Officer (SRO) at OHID (DHSC).

Remuneration

12. Remuneration is taxable, and subject to National Insurance contributions, both of which will be deducted at source. Remuneration is not pensionable.

Time commitment

13. The scientific assessment process is planned to run between 6 and 8 months, require 2 virtual meetings and email correspondence.

Quorum

14. Due to the regulatory nature of the group's work, a quorum of 5 members is required for the ad hoc working group to finalise its opinions.

Termination of appointments

15. Appointments may be suspended or terminated by OHID (DHSC), without compensation, in the event that a member fails to fulfil his or her obligations or for conduct which renders the member unfit to remain in office. Any terminations must be agreed between the ad hoc working group Chair, secretariat and SRO (as appropriate). Members may also resign from office.

Personal liability and indemnity of ad hoc working group members

16. Members are protected from personal liability in respect of bona fide acts done in discharging functions on behalf of the ad hoc working group and are indemnified in respect of expenses incurred in connection with claims in respect of such acts. A member may be personally liable if he or she makes a fraudulent statement which results in a loss to a third party; or may commit a breach of confidence under common law or criminal offence under insider dealing legislation; or if he or she misuses information gained through their position.

4. Role of members

17. Members are expected to abide by the "Seven Principles of Public Life" (sometimes referred to as the Nolan Principles), set out in the Cabinet Office Code of Conduct for Board Members of Public Bodies (Annex 1). The principles of general conduct set out in that document, should also be kept in mind as good practice by members.
18. Members should ensure they understand why they are being appointed and in what capacity, and the role they are expected to play within the ad hoc working group. Members should understand the nature of any expertise that they are asked to contribute. Members with a particular expertise have a responsibility to make the group aware of the full range of opinion within the discipline.
19. Members should confirm, before accepting an invitation to serve on the ad hoc working group, that they are clear about the period of appointment and that they can fulfil the commitment required in terms of meeting attendance, ad hoc working group business and preparation for meetings. These details are made known upon appointment.

20. A member's role is not circumscribed by the expertise or perspective he or she was asked to bring to the ad hoc working group. Members should regard themselves as free to question and comment on the information provided or the views expressed by any of the other members, notwithstanding that the views or information do not relate to their own area of expertise. If members believe the groups' method of working is not rigorous or thorough enough, they are able to challenge methods either in open forum, through the Chair or by raising issues with the secretariat. All members have equal voice and the right to ask that any concerns be put on the record.
21. All members should regard it as part of their role to:
- ensure the NLCS policy group on behalf of the 4 UK authorities receive the highest quality, timely, advice
 - examine the scientific evidence for compositional requirements of TDR products in light of the totality of the evidence, not just that evaluated by the European Food Safety Authority (EFSA), 2021
 - summarise scientific arguments and draw conclusions on the validity of evidence for the compositional requirements of TDR products
 - examine and challenge, if necessary, the assumptions on which scientific advice is formulated and ask for explanations of any scientific terms and concepts which are not clear
 - highlight arising issues related to the TDR ad hoc working group terms of reference
 - ensure that the group has the opportunity to consider contrary scientific views and where appropriate the concerns and values of stakeholders before a decision is taken
 - adhere to the terms by which members are appointed to the ad hoc working group, set out in the [CoPSAC](#)
22. All members should share in the general responsibility to consider the wider context in which their expertise is deployed. Members should not speak on behalf of the ad hoc working group unless designated to do so. The spokesperson will normally be the Chair of the ad hoc working group.

5. Role of the Chair

23. The role of the Chair goes further than simply chairing meetings. It is the key to achieving ad hoc working group effectiveness and the additional workload should be taken into account in appointment of the Chair.
24. In addition to the responsibilities of a member, the Chair has the responsibility for:
- the operation and output of the ad hoc working group, including assessing the workload and ensuring that rigour of discussion is not compromised
 - ensuring that the full range of scientific opinion, including unorthodox and contrary scientific views are appropriately taken into account
 - ensuring that any significant diversity of opinion among the members of the ad hoc working group is fully explored and discussed
 - ensuring that every member of the ad hoc working group has the opportunity to be heard and that no view is ignored or overlooked, using, where appropriate, a structured process which ensures that all views are captured and explored
 - reporting the ad hoc working group advice to the 4 UK authorities
 - representing the consensus of the ad hoc working group to the public or the media (unless other specific arrangements have been made)
 - ensuring that the secretariat accurately documents the proceedings of the ad hoc working group so that there is a clear audit trail showing how a decision was reached
 - keeping track of the ad hoc working group's progress against the agreed work programme
 - ensuring that the right balance of skills is represented in the ad hoc working group membership
 - ensuring that members have any necessary training to enable them to fulfil their role

6. Role of the secretariat

25. The primary function of the secretariat is to support the ad hoc working group by facilitating the work of members, ensuring documentation is correct and complete,

recording conclusions of meetings and drafting and publishing the ad hoc working group's outcome on the scientific risk assessment. The secretariat must not be constrained by normal departmental interests and should be free to act independently in supporting the ad hoc working group. It should advise members on relevant ad hoc working group process and procedure. It should bring to the attention of the group wider issues related to the scientific assessment of TDR products to inform the ad hoc working group's deliberations. Issues of common interest with the 4 UK authorities should be raised by officials, either to the ad hoc working group directly where they observe meetings in an official capacity, or via the secretariat in the case of all other government departments and agencies.

26. It is the responsibility of OHID (DHSC), in discussion with the Chair, to provide secretariat support sufficient to enable the ad hoc working group to fulfil its remit. The resource implications of appropriate secretariat support should be discussed with the ad hoc working group Chair to ensure realistic expectations can be met. The secretariat should arrange regular briefing meetings with the Chair.
27. The secretariat should be an impartial and disinterested reporter. It should at all times respect the ad hoc working group's independent role. It should guard against introducing bias during the preparation of papers, during meetings, or in the reporting of the group's deliberations. The secretariat should ensure that the proceedings of the ad hoc working group are well documented so that there is a clear audit trail showing how the group reached its conclusions.
28. The secretariat should, as far as it is aware or able, identify all relevant scientific and policy information held by OHIC (DHSC), and ensure that it is made available to the ad hoc working group as required. Consideration should be given to the necessary processes to ensure that policy leads and secretariats are able to effectively engage to this end.

7. Role of official observers

29. Departmental representatives and advisers attending meetings as official observers should at all times respect the ad hoc working group's independence. They should also ensure that their departments are promptly informed of any matters which may require a response from government departments. Observers should be given the opportunity to inform the group of any science and policy matters which may be of relevance to the group. Official observers should, as far as they are aware or able, identify all relevant scientific and policy information held by their departments, and ensure that it is made available to the ad hoc working group as required.

8. Openness, transparency and publication scheme

30. The ad hoc working group is committed to the values of openness and transparency and recognises that they are fundamental principles, along with independence, which underpin public confidence in the scientific risk assessment process.
31. The ad hoc working group meeting agendas and minutes are published on the [UK total diet replacement ad hoc working group webpage](#). The agenda is published approximately two weeks prior to a meeting. The secretariat will aim to publish draft minutes of meetings within six weeks of the meetings and final minutes are agreed at the following meeting or via correspondence in the case of the final meeting, and then are published in place of the draft version. Final minutes of meetings are published once they are agreed as a final record of a meeting.
32. The Scientific Opinion on the compositional requirements of TDR products will be published as soon as agreed by ad hoc working group members and finalised for publication. It will clearly set out the evidence on which the opinion is based and the reasons for making recommendations.
33. While committed to openness, there are circumstances under which confidentiality needs to be preserved. Examples include, but are not limited to:
 - the need to protect commercially sensitive information in order to stimulate research and innovation within the TDR industry
 - the need to protect the quality of the evaluation process to allow for free and frank discussions by independent scientific experts on potentially contentious issues and avoid the possibility of members' comments being taken out of context
 - the need to protect the public from potentially misleading information which could arise from the premature disclosure of the ad hoc working group's discussions before conclusions have been drawn
34. In view of these considerations, members of the ad hoc working group consider the evidence and formulate draft conclusions in closed session. Members are also required not to disclose their discussions or any privileged information outside the context of ad hoc working group meetings.

9. Handling declarations of interest

Definitions

Interest: An interest is an association or connection relevant to the work of the ad hoc working group that may or may not influence a member's behaviour or judgement in the exercise of their public duties.

Declared interest: An interest, as defined above, of which the ad hoc working group secretariat has been informed which has been published through relevant reporting procedures.

Actual conflict of interest: Where an interest has the potential to conflict with the public duty of an ad hoc working group member, to such an extent that a reasonable member of the public might question whether a member's behaviour or judgement could be/has been influenced by that association, this is explored in discussion with the ad hoc working group secretariat, Chair and OHID (DHSC) SRO (as appropriate). After the aforementioned discussion, any interest that is deemed to compromise a member's judgement on issues relating to the group's work programme will be considered an actual conflict of interest and restrictions on a member's participation instigated.

Declaring interests

35. It is the duty of the ad hoc working group secretariat to update and publish the register of ad hoc working group members' interests. This is in accordance with the [CoPSAC](#), "Secretariats should review and maintain such registers annually, publishing details as part of an annual report or similar routine progress update". The ad hoc working group secretariat will maintain a 'live' published register of interests, which will be updated as soon as possible after an interest is declared. Members should consult the ad hoc working group secretariat if they require further guidance.
36. Members must declare all their interests at the time of their appointment and must promptly notify the secretariat of any changes. New members should declare interests for a given year period for five years prior to the date of their appointment.
37. Before or at the start of every meeting, members will be asked to declare any changes to their interests, which will be recorded in the minutes. It is the responsibility of each member to indicate if they have an interest in any item of business on the agenda of a meeting of the ad hoc working group. Where this happens, in accordance with the provisions below, the Chair will determine whether

a member should or should not take part in any discussion or decision on an issue. In addition, where members declare an organisation's views rather than a personal view, they should make that clear at the time of declaring that view.

38. Members should declare all current interests, and any non-current interests will remain on the 'live' published register of interests for up to 12 months after they have ceased. Declarations should be of relevance to the work of the ad hoc working group and include: organisation name; nature of interest (for example, consultancy / research funding); whether an honorarium/payment is received; details of the subject matter; and dates. When populating the declaration of interest document (Annex 2) members should use the following as a guide:

Personal or family financial interest

39. Personal financial gain or financial gain to a family member (for example, spouse, partner or dependents) through, for example:
- holding a directorship, or other paid position in an organisation related to the work of the ad hoc working group
 - carrying out consultancy or fee-paid work for an organisation related to the work of the ad hoc working group
 - having shareholdings or other beneficial interests in a business related to the work of the ad hoc working group
 - receiving expenses or hospitality to attend conferences or workshops or similar meetings related to the work of the ad hoc working group, from any organisation other than their employer
 - receiving gifts with a value greater than £25 (for *personal* interests only) from organisations related to the work of the ad hoc working group
 - receiving honoraria for meetings or similar, related to the work of the ad hoc working group
40. Members should declare any active or controlling role in an organisation related to the work of the ad hoc working group and whether or not the cumulative total of all personal financial interests from a single body/source related to the work of the ad hoc working group exceeds £5,000 per annum. This declaration should be for the value of the shares alone, rather than the cumulative total of shares and any other financial benefit from the same organisation.

41. Members should declare the funding source of their salaries, should it be derived from an organisation other than their main employer if this connection could be construed as having the potential to influence their judgement in the exercise of their duties.
42. The holding of financial instruments such as a pension scheme would not be counted as a financial interest provided the member or family member has no influence on the management of the financial instrument.

Non-personal financial interest

43. Payment or other benefit to an organisation in which a member is employed, which is not received personally but is for work in which a member is directly involved or is directly responsible for, from a body relating to the work of the ad hoc working group, including:
 - a grant or fellowship or other payment to sponsor a post, or contribute to the running costs of the department
 - commissioning of research or other work, by a unit in which a member is employed
 - funding for, or other contributions to, research
 - contracts with, or funding from, OHID (DSHC)
44. Members should declare whether or not the cumulative total of all non-personal financial interests in a single body/source exceeds £5,000 per annum.
45. Members are not required to declare all relevant interests of their co-workers, it is only necessary to declare those in which a member is jointly involved or for which a member has oversight/ responsibility.

Personal non-financial interest

46. This refers to a situation in which a member has acted in a way such that the public might reasonably believe that he or she may not consider evidence in a fair and unbiased manner. Examples include:
 - active advocacy on behalf of an organisation with a strong opinion on a matter under consideration
 - other public or published statements expressing a clear opinion about a matter under consideration

- holding office in a professional organisation, charity or advocacy group with a direct interest in a matter under consideration by the ad hoc working group
 - authorship or co-authorship of a document used as evidence in a matter currently under consideration by the ad hoc working group
47. Considering that members are appointed on the basis of their scientific expertise on topics related to the work of the ad hoc working group, it is expected that papers authored or co-authored by members will be used to inform the ad hoc working groups opinions. It is not necessary to include a list of publications or articles in the register of interest, but where a member's paper is considered as part of an opinion, this should be highlighted in the minutes of the relevant discussion.
48. If a member has an interest not specified in these notes but which they believe should be declared, they should seek advice from the secretariat.
49. Information and context are vital to understanding declared interests and communicating these will aid transparency and openness. A positive and useful way of doing this would be for members to feedback at meetings on relevant aspects of their work outside of the ad hoc working group, which appear on the register of interests.

Recognising potential conflicts of interest

50. It is unlikely that suitably qualified professionals are entirely unconnected or without interest in their area. Contributing to the work of the ad hoc working group should not preclude members from presenting on their area of expertise or restrict their ability to practise. The ad hoc working group should encourage its members to involve themselves in discussions of the wider community, scientific or otherwise.
51. A conflict may arise where interests could be regarded as influencing members' advice, and it is the duty of the secretariat to consider the potential for conflict in members' declared interests. Some organisations have wide-ranging portfolios, which are not all of relevance to the ad hoc working group, and an interest should not be deemed a conflict by name association alone. Instead, the secretariat should consider these potential conflicts in the context of a members' role and the subject matter of their involvement with an organisation or other body.
52. An interest is generally seen to have potential for conflict when the association relates to that of the ad hoc working group's work area. A conflict is not deemed to exist simply on the basis of involvement with food companies, industry or other interested parties in general, but only where an actual conflict of interest exists. In addition, the secretariat must consider whether a member's role is such that they

may be influenced by an organisation. For example, it is unlikely that a member would be influenced whilst presenting their own scientific opinion in open forum, with minimal compensation/honorarium. Involvement varies greatly from ownership of, or employment within, an organisation, endorsement of products, and collaborating to reach scientific conclusions with conflicted organisations.

53. There are interests other than direct interaction with commercial organisations, which have the potential for conflict. Academics who are members of the ad hoc working group and within the wider scientific community seek the majority of their research funds from public and Non-Government Organisations (NGO) sources and have an interest in attracting work to their group. There is a potential conflict if the ad hoc working group advice contradicts previous research findings or places less emphasis on the relevance of their research focus, as this might adversely affect the amount of research funding they are able to attract.
54. A potential conflict may also arise, where an expert has been vocal in expressing an opinion within the scientific community or wider media if the ad hoc working group's advice would contradict this view and possibly affect a member's scientific credibility. This refers to previously held opinions and the intent is not to inhibit a member's ability to practice and offer their professional opinion outside of the ad hoc working group, but to ensure strong opinions do not affect the balance of ad hoc working group advice. The ad hoc working group welcomes diverse opinion. It is particularly important to follow the ad hoc working group's procedures for ensuring that its opinions reflect the considerations of the entire membership.
55. Members of the ad hoc working group should not refer to or discuss, in public or private, the work under consideration until the group's opinion is published. This does not, however, prevent members from discussing individual published papers within the body of evidence under review.

Managing conflicts of interest

56. Full-time employment with a TDR product company within the preceding year is incompatible with membership of the ad hoc working group, as is consultancy providing advice to the TDR industry. Other conflicts of interest will be managed according to the degree of conflict.
57. Any concerns regarding members' interests should in the first instance be discussed by the secretariat with the Chair, and where necessary, seek the views of the SRO or other senior officials in OHID (DHSC). If an interest is deemed to have potential for conflict, discussions should be held between the member in question, the Chair, and the secretariat to gather further information and come to a decision on whether a conflict is present. Where a declared interest has been considered,

this should be noted in the 'live' register of interests, along with the decision reached.

58. Where there is conflict, members will be asked to either step down from their association or to refrain from participation in discussions and drawing up of conclusions or opinions of the ad hoc working group. It may be that the conflict is such that it would be impractical for a member to continue on the ad hoc working group, if they would have to withdraw from a considerable amount of the ad hoc working group's business. In such cases a member may be asked to stand down from the ad hoc working group.
59. Where members carry out research projects funded by organisations with an interest in the work of the ad hoc working group, the secretariat will seek further information and discussion to determine whether a conflict exists. Should the ad hoc working group consider a paper authored or co-authored by a member submitted as evidence, this should be borne in mind throughout deliberations and recorded in the minutes. If the paper constitutes a substantial part of the evidence base, members will be asked to refrain from participating in its assessment and the drawing of conclusions on the opinion.
60. Members should withdraw from discussion of matters in which they feel they cannot act impartially. Ultimately, decisions will be made by the ad hoc working group Chair, secretariat and/or OHID (DHSC) SRO, as appropriate.

Maintaining independence

61. Where there is no clear conflict, the Chair and secretariat must stay mindful of interests and take steps to ensure bias does not occur throughout the ad hoc working group's discussions and the drawing of conclusions. The following paragraph should be used as a guide.
62. Officials within the secretariat are closely involved during the drafting of ad hoc working group opinions and evaluation of evidence; therefore, they should play an important part, along with members, in identifying possible bias throughout the deliberations of the ad hoc working group. To support this task, the ad hoc working group has procedures in place to ensure that its opinions reflect the considerations of the entire membership. These include:
 - the use of an agreed frameworks which sets out criteria for consideration of different types of evidence, for example SACN's [Framework for the Evaluation of Evidence](#)

- oversight of the work and the deliberations of the ad hoc working group by government officials from all UK countries
- the scrutiny of the ad hoc working group Chair
- sign off by the full ad hoc working group and Chair of the draft and final scientific output

Annex 1: The seven principles of public life

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other 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 seek to 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 interest.

Leadership

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

Annex 2: Declarations of interest template

Member name:

Personal interest:

Name of company or organisation:

Nature of interest: (consultancy, shareholdings, other fee paid work, charity work, active advocacy)

Financial:

(yes/no), (honoraria received; shareholdings (Value of shares over £5,000: yes/no); travel or subsistence reimbursed etc) (Amount received per annum over £5,000: yes/no)

Subject matter: advising on X, Y, Z

Dates: