

The UK Expert Committee on Pesticides (ECP)

Code of Practice

Introduction

1. The Committee is bound by the [Government Code of Practice for Scientific Advisory Committees](#) (CoPSAC), which is itself underpinned by the [Principles of Scientific Advice to Government](#) and the [Universal Ethical Code – Rigour, Respect and Responsibility](#) which is a statement of the values and responsibilities of scientists. However, against this general background – it is good practice to set out specific elements of a bespoke Code of Practice for the Committee. This Code of Practice therefore sets out the standards that members are expected to adhere to, the governance of Committee business, and various other administrative and practical arrangements. It is important to note that the ECP COP supplements and highlights the key requirements of CoPSAC as relevant to the ECP – however it is not exhaustively reproduced, even though it applies in full.

Role and purpose

2. The UK Expert Committee on Pesticides is an expert scientific committee for Defra and the devolved administrations. Its terms of reference are set out in Annex I.
3. The Committee is comprised of: a Chair; deputy Chair; and members. Departmental assessors; advisers and a secretariat attend the meetings. It may be assisted in its activities by Expert Panels and/or short-life working groups working to clearly-defined terms of reference and procedures, with membership drawn from the Committee. Relevant advisers may be co-opted on a specified short-term basis to the Committee Expert Panel or short-life working group.

Standards for members

4. Members will at all times:
 - observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the management of this body;
 - be accountable to the sponsoring departments listed in the Terms of Reference, for its activities and for the standard of advice it provides;
 - follow the [Seven Principles of Public Life](#);

- 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 body and any relevant statements of Government policy;
- not misuse information gained in the course of their public service for personal gain or 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 body. When engaging in other political activities, Members should be conscious of their public role and exercise proper discretion.

Governance of committee business

Expertise of members

5. Members are appointed for their personal, scientific expertise, or experience they can bring as a lay member and for the relevance of that expertise to the Committee's remit and work programme. The expertise which members bring to bear on Committee business will be recorded in the Committee's Annual Reports.
6. Whilst on the Committee, Members must ensure they remain up to date in their area of expertise to ensure the Committee is made aware of all relevant information to form their advice to Ministers/Governments.
7. If the Chair of the Committee, Expert Panel or short-life working group decides they do not have access to appropriate expertise to consider a specific issue, relevant advisers may be co-opted on a specified short-term basis to the Committee, Panel or Group. These advisers must be invited in writing and their role specified. They shall be subject to this Code including compliance with conflicts of interest requirements, expectations and standards of members, any non-disclosure agreements and all administrative processes.
8. Co-opting expert advice from existing committees that provide advice to other government departments and agencies such as the Food Standards Agency, Public Health England or their devolved equivalents, and others), the Defra and devolved administration network of evidence experts, or approved registers, is encouraged in the first instance. However, this should not prevent the Committee considering all options, including but not limited to: industry and research, academia, consultant experts.

Handling conflicts of interests

9. Members must not be influenced, nor appear to be influenced, by their private interests in the exercise of their public duties. All members should therefore declare any personal or business interest which may, or may be perceived (by a reasonable member of the public) to, influence their judgement. This should include, but not be confined to, personal direct and indirect pecuniary interests (further guidance is contained in Annex II). It should normally also include, such interests of close family members (a Member's partner or immediate family member who is a dependent of the Member (or of whom the Member is a dependent)), friends and/or acquaintances and of people living in the same household. Details on types of interests are contained in Annex II. In case of doubt, a conflict of interest should be declared.
10. On appointment Members of the Committee should inform the Secretariat in writing of their current interests. Members should inform the Secretariat of any change in their interests. They will be asked to declare relevant interests on an annual basis.
11. A declaration of any interest should also be made at any Committee meeting if it relates specifically to a particular issue under consideration, for recording in the minutes of the 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 this body or the sponsor departments which required them to withdraw from the discussion or meeting.
12. Whenever an individual's circumstances change in a way which affects their interests, a further declaration should be made before the Member's next involvement with Committee work to reflect the change in circumstances (this could involve a conflict ceasing to exist or a new one materialising). The Secretariat will: maintain and publish details of interests declared in Committee Annual Reports; ensure potential conflicts of interest are identified to Members and the Chair during the course of the Committee's work; and record relevant details in notes of meetings (which will be published on the Committee's website).

What is expected of the Chair (or Deputy Chair in the absence of the Chair)

13. The Chair has particular responsibility for providing effective leadership. In addition, the Chair is responsible for:
 - ensuring that the Committee meets at appropriate intervals, and that the records of meetings and any advice to Ministers (normally via Government

assessors) accurately details the decisions taken and, where appropriate, the views of individual members;

- ensuring that a full range of scientific opinion, including unorthodox and contrary scientific views are appropriately taken into account;
- ensuring that any scientific diversity of opinion among members of the committee is fully explored and discussed and if it cannot be reconciled is accurately reflected in the minutes of the meeting;
- ensuring that every Member of the committee 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;
- ensuring that the Committee works in accordance with its Terms of Reference;
- adjudicating whether Members (including co-opted members) have a conflict of interest and where this arises what the Member's role should be in the Committee's deliberations;
- participating in the process for the recruitment of Committee members;
- engaging with the Defra Chief Scientific Adviser and scientific advisors in the DAs if appropriate, and Defra Science Advisory Council;
- representing the views of the Committee to the general public; and
- ensuring the new Members are briefed on appointment and providing an assessment of their performance, on request, when Members are considered for reappointment to the Committee or for appointment to some other public body.

What is expected of Members

14. Members have collective responsibility for the operation of the Committee. They should:

- engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including guidance issued by the sponsor departments¹ or the responsible Ministers;

¹ The Department for Environment, Food and Rural Affairs, The Scottish Government, The Welsh Government, The Food Standards Agency, The Department for Agriculture, Environment and Rural Affairs Northern Ireland, and The Department of Health and Social Care.

- ensure the sponsor departments and their Ministers receive the highest quality, timely advice;
 - consider whether the questions on which the committee offers advice are those which are of interest to (and understandable by) the public and other interested parties;
 - 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;
 - ensure that the Committee has the opportunity to consider contrary scientific views and where appropriate the concerns and values of stakeholders before advice is provided;
 - respond appropriately to complaints, if necessary with reference to the sponsor departments; and
 - ensure that the Committee works in accordance with its Terms of Reference.
15. Members should not be circumscribed by the expertise or perspective they were asked to bring to the Committee. Members should regard themselves as free to question or comment on the information provided or the views expressed by other Members. If Members believe the Committee's method of working is not rigorous or thorough enough they should raise this with the Chair, deputy Chair or Secretariat. They have the right to ask that any remaining concerns be put on record.
16. Members are expected to consider the papers prepared before each meeting and formulate a view on items scheduled for discussion, as required. When there are very large or technically complex documents to review and summarise, the Chair may appoint one or more rapporteurs, drawn from the Members, for this purpose. Occasionally, sub-groups of Members may be established to discuss specific issues and report back.

Other administrative and practical arrangements

Personal liability of members

17. Legal proceedings by a third party against individual committee members of advisory bodies are very exceptional. A Member may be personally liable if they make 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 criminal offence under insider dealing legislation, if they misuse information gained through their position.

18. 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 functions. Members who need further advice should consult the Secretariat.

Engagement with Ministers

19. The Committee's purpose is to provide government with access to independent, impartial and expert advice, on request or otherwise. By adhering to the [Code of Practice for Scientific Advisory Committees](#), the Committee will remain independent of Ministers. Whilst most of the Committee's engagement will be with officials, it has the right, where appropriate, to submit advice directly to Ministers.
20. Communication between the Committee and Ministers will generally be through the Chair except where the Members have agreed that an individual Member should act on their behalf. Nevertheless, any Member has the right of access to Ministers on any matter that they believe raises important issues relating to their duties as a Member. In such cases the agreement of the rest of the Committee should normally be sought.

Engagement with Defra Chief Scientific Adviser and Defra Science Advisory Council

- 21 The Committee comes under the purview of the Defra Chief Scientific Adviser (CSA), and through them, the Defra Science Advisory Council which supports the CSA in oversight of all Defra scientific committees, and in providing advice and challenge on the science underpinning Defra policies. This scrutiny and co-ordination of the Defra bodies providing science advice to the department ensures that Defra's evidence programme meets the needs of the department.

Terms of appointment

- 22 Members are appointed in accordance with the Governance Code on Public Appointments. Terms of office will usually be for periods of three years and Members may be reappointed for up to a further two terms. In accordance with the Code the total length of service on the committee should not exceed ten years.
- 23 Appointments may be terminated at a Member's request, or by the Senior Responsible Owner within Defra if Members fail to perform as expected of them, with notice periods of not less than three months.

Financial arrangements

- 24 The Chair and other Members of the Committee do not receive salaries. However, Members are entitled to claim daily fees for the time they spend on

Committee business. This covers attendance at meetings, as well as time spent on other committee-related activities. All fees paid are taxable. Members are expected to claim for a full daily rate for each meeting day, plus reasonable time to assess the documents for discussion (usually half a day, or a full day for meetings at which active substances applications are to be discussed), but can claim more if they fulfil any additional duties requested of them, such as acting as a rapporteur.

- 25 Members are entitled to claim reimbursement for costs incurred in travelling (normally standard class) to and from meetings, including any necessary overnight stays, and for any necessary meals and refreshments covering the period of travel. All claims require supporting receipts, (for example for hotels, meals, rail tickets, taxis, car parking) which are verified by the Secretariat. Financial information on the Committee will be included in annual reports.

Meetings and formal provision of advice

- 26 The Committee normally holds seven meetings a year usually in closed session. In addition to Committee members and the Secretariat, attendance will usually include other officials from Defra, other Government Departments, agencies and devolved administrations. Invited experts and speakers may also attend meetings.
- 27 When the Committee decides that it is appropriate to issue advice to Ministers/Government the Secretariat shall prepare a draft for the Chair. The Chair will agree the final advice, consulting Members where appropriate. The Secretariat will distribute advice to departments and feedback responses to the Committee.
- 28 When a difference of opinion arises between the advice provided by the Committee and the Minister/Government, if required, the Chair should seek to discuss the decision with the Senior Responsible Owner within Defra to ensure that the Chair understands and accepts the basis upon which the final decision was taken. If after discussion, the Chair still has reservations about the decision, resolution should be sought through engagement with the Defra Chief Scientific Advisor (CSA).
- 29 The Committee should not seek unanimity at the risk of failing to recognise different views on a subject. These might be recorded as a range of views, possibly published as an addendum to the full minutes. However, any significant diversity of opinion among Members of the committee should be accurately reflected in the body of the full minutes.
- 30 Whilst achieving consensus should be an objective, where this is not possible the record should include the majority and the minority positions, explaining the differences and reasons for them. It is not necessary to name those holding

majority or minority positions, unless the individuals holding those positions so request.

- 31 Once a position is established by the Committee and conveyed to the Secretariat and Departments, Members should support that decision and recognise their responsibility not to undermine the authority of the Committee.
- 32 Although it is important that decisions are based on all the available evidence, sometimes advice has to be provided when there are serious gaps in the knowledge base and considerable uncertainty exists. Where this is the case the Committee should use its judgement to decide what the best advice is, based on expert judgement and experience of advising on similar issues in the past and ensure that gaps in data and knowledge are carefully recorded.
- 33 In the event that urgent advice is required, it will fall to the Chair to provide this initially.
- 34 Applications can be received seeking emergency authorisations of pesticides. The timetable for deciding on such applications can vary according to the circumstances of individual cases. The normal expectation is that these applications will be appraised within the Committee's formal meetings, but a deadline of ten working days can apply for the most urgent cases where need has been unpredictable. Members may be consulted by email to obtain their views on specific applications. Other government departments will also be consulted and the Committee advised of their views. A final recommendation for the application will be sought from the Chair, or in their absence the deputy Chair. Details of authorisations issued in this way will be reported to the Committee.

National Emergency

- 35 In the event of the Committee being required to provide advice to the Government in a National Emergency, the Chair will be contacted in the first instance to identify the relevant Members required to provide the advice. A virtual meeting would be held with those members, the Chair, Secretariat and Defra within 48 hours. The discussion and advice will be detailed in a formal advice note which will be published on the Committee's website.

Information about the Committee and its work

- 36 Information about the Committee and its work is published on the Committee's website. Agendas will normally be published prior to each meeting. Full minutes of each meeting will normally be published following their agreement by the Committee at the subsequent meeting.
- 37 There may be limited circumstances where information is not made available such as draft documents which are still in the process of development, or which

contain commercially sensitive information. Any decision to withhold such information is taken in line with the requirements of the relevant access to information legislation, including data protection rules.

Press Enquiries

- 38 Any Member receiving a request from the press or other enquirers to comment on matters which fall within the Committee's remit should in the first instance contact the Chair and Secretariat. The Chair and Secretariat will determine whether a response is necessary and if so, whether it should be handled, in the first instance, by Government/Devolved Administration officials. If the response requires handling by the Committee the Chair will identify the most suitable Member to deal with the response. The Secretariat will provide briefing, if required.

Secretariat

- 39 The Secretariat is provided by the Health and Safety Executive and can be contacted by emailing ecp.crd@hse.gov.uk. The primary purpose of the Secretariat is to support the work of the Committee, with robust management and close planning of the Committee's timetable of work and working closely with HSE to provide information to the Members in a timely manner. It is responsible for ensuring compliance with relevant Codes and standards, for the good governance of committee business and for ensuring that the Committee does not exceed its remit. The Secretariat is also the normal channel for communication between the Committee, Departments and Administrations, and between the Committee and other internal and external interests. It is responsible for delivering standard Secretariat services, including - arranging and recording meetings, circulating papers, maintaining the Committee website and Register of Members interests, publishing Committee advice and annual reports, handling claims for fees and travel and subsistence from members, dealing with Freedom of Information requests pertaining to the Committee, liaising with external interests who wish to attend meetings.

ANNEX I: Terms of Reference

Purpose of the Committee

1. The UK Expert Committee on Pesticides (the Committee) is established to provide independent scientific advice on matters relating to the effective control of pests², including advice on approval and authorisation of pesticides³. In this work, the Committee will take account of the general purposes of Part III of the Food and Environment Protection Act 1985 (FEPA) as set out in Section 16(1) of the Act. These are:
 - (a) the continuous development of means:
 - (i) to protect the health of people, creatures and plants;
 - (ii) to safeguard the environment; and
 - (iii) to secure safe, efficient and humane methods of controlling pests;
 - (b) making information about pesticides available to the public.
2. The Committee shall provide advice and views to the Ministers listed below on any matter within its remit, either in response to a request or at the Committee's initiative. The Committee will normally provide its advice to the Assessors (provided for in paragraph 14 below) but may provide advice directly to all or any of the following Ministers (referred to collectively in this document as "the Ministers"): the Secretary of State for Environment, Food and Rural Affairs, the Secretary of State for Work and Pensions, the Secretary of State for Health and Social Care, Scottish Ministers, the Welsh Ministers and the Minister for Agriculture, Environment and Rural Affairs in Northern Ireland.
3. The Committee will be consulted on regulations relating to the general purposes of Part III of FEPA and falling within its remit which any or all of the Ministers contemplate making.

Role of the Committee

4. The lead Defra Minister will set the Terms of Reference for the Committee with the consent of the Ministers. Any proposal to vary these Terms of Reference or abolish the Committee would also be subject to agreement by all the Ministers. In all these cases the Committee itself will be consulted; the Ministers will ultimately set the Terms of Reference of the Committee, while the Committee will determine its ways of working, adhering to the requirements in these Terms of Reference and Code of Practice.

² "pest" means: any organism harmful to plants or to wood or other plant products; any undesired plant; and any harmful organism. This definition is not intended to place a strict limit on the Committee's remit.

³ "pesticide" means any substance, preparation or organism prepared or used for destroying or controlling any pest. It includes everything within the scope of the current and retained Regulation (EC) No. 1107/2009 concerning the placing of plant protection products on the market. This definition is not intended to place a strict limit on the Committee's remit.

5. The Ministers may receive: strategic work plans for particular areas of on-going work; reports and advice; and periodic reviews of the Committee's functions, public benefits and value for money.
6. The Committee will, as appropriate and within its remit:
 - Contribute to developing the evidence base, analysing and interpreting evidence and providing judgements on quality and relevance;
 - Support policy development and evaluation, including by undertaking risk assessment and assessing new regulations and proposals for deregulation;
 - Advise on the scope for specific projects and research;
 - Contribute to best practice advice and formal guidance;
 - Provide independent scientific advice on applications for the approval of new active substances and active substance renewals;
 - Provide independent scientific advice on setting maximum residue levels (MRLs), as part of, or separate to advice provided on applications for approval of active substances;
 - Provide suggestions on optimising the Committee's role as part of the process for the approval of active substances, the setting of MRLs and the authorisation of products;
 - Produce an Annual Report of all work undertaken and contribute, if required, to Defra's Chief Scientist's Annual Report;
 - Provide advice on any other issue as requested by HSE, Defra or the devolved administrations relating to the use of pesticides, and prioritising these requests against existing work schedules;
 - Help the response to emergency situations by providing expert advice and opinion.
7. The Committee will provide independent advice and operate in line with the [Principles of Scientific Advice to government](#) and the [Code of Practice for Scientific Advisory Committees](#).
8. The Committee will make its scientific advice and views available to the public and other interested parties in a way which aims to be comprehensive, clear and timely. The Committee will decide its own publication schedule.
9. Defra's Chief Scientific Adviser (CSA) will maintain an oversight of the work of the Committee and will meet regularly with its Chair.

Appointments and conduct of Members

10. The Chair and the Members of the Committee are independent appointments made through open competition, in line with the [Governance Code](#) on Public Appointments. Appointments are made by the Senior Responsible Owner within Defra in agreement with: Department of Work and Pensions; Department of Health and Social Care; Food Standards Agency; Department of Agriculture, Environment and Rural Affairs for Northern Ireland; Scottish Government; and the Welsh Government. These bodies will also agree the plans for each recruitment exercise.
11. Members are expected to act in accordance with the [seven 'Nolan' principles of public life](#).

Working groups and additional expertise

12. Subject to the availability of funds, the Committee may: establish groups to support aspects of its work; and bring in additional expertise (from the UK or abroad) to advise on specific issues.

Advisers

13. Advisers are officials, from any of the UK administrations, with specialist expertise who can advise the Committee. At the time of preparation of these Terms of Reference, advisers are drawn from Defra, the Environment Agency, the Food Standards Agency, the Health and Safety Executive, Public Health England and Natural England (and equivalent Devolved Administration bodies). Any future additions to this list will be arranged by agreement between the Committee and the relevant Department or body. Advisers shall receive the meeting documents at the same time as Committee members and have the right to attend Committee meetings. They will contribute to discussions when invited to do so.

Assessors

14. Each of the following appoints one of their officials as an Assessor: Department for Environment, Food and Rural Affairs; Department of Work and Pensions; Department of Health and Social Care; Food Standards Agency; Department of Agriculture, Environment and Rural Affairs for Northern Ireland; Scottish Government; and the Welsh Government. Assessors receive and respond to the advice and views supplied by the Committee to their Ministers. Where appropriate they are responsible for seeking the views of their Minister on the advice from the Committee. Assessors shall receive the meeting documents at the same time as Committee members and have the right to attend ECP meetings. They will contribute to discussions when invited to do so.

ANNEX II: Types of Interest

Personal interests

1. A personal interest involves payment to the Member personally. The main examples are:
 - Consultancies: any consultancy or work for the pesticides industry that attracts regular or occasional payments in cash or kind.
 - Fee-Paid Work: any work commissioned by the pesticides industry for which the Member is paid in cash or kind.
 - Share holdings: any shareholding in or other beneficial interest in shares of the pesticides industry. This does not include share holdings through unit trusts or similar arrangements where the Member has no influence on financial management.
2. A personal specific interest arises if a Member has at any time worked on a product under consideration and have personally received payment for that work, in any form, from the pesticides industry. A Member who has declared a personal specific interest will not receive the papers for the item and will be asked to leave the meeting when that item is discussed. The Member shall take no part in the proceedings as they relate to the product, except that they may at the Chair's discretion answer questions from other Members. If the interest is no longer current, the Member should declare it as a lapsed personal specific interest.
3. A personal non-specific interest arises if a Member has a current personal interest in the pesticide company concerned that does not relate specifically to the product under discussion. The Member shall take no part in the proceedings as they relate to the product, except that they may at the Chair's discretion answer questions from other Members.

Non-personal interests

4. A non-personal interest involves payment that benefits an organisational unit for which a Member is responsible, but which is not received by the Member personally. The main examples are:
 - fellowships: the holding of a fellowship endowed by the pesticides industry.
 - support by the pesticides Industry: any payment, other support or sponsorship by the pesticide industry which does not convey any pecuniary or material benefit to a Member personally but which does benefit his position or department, for example:

- a grant from a company for the running of a unit or department for which a Member is responsible;
 - a grant or fellowship or other payment to sponsor a post or a person in the unit for which a Member is responsible. This does not include financial assistance for students provided by the pesticides industry;
 - the commissioning by the pesticides industry of research or other work by, or advice from, staff who work in a unit for which a Member is responsible.
5. Members are under no obligation to seek out information about work done by their organisation for or on behalf of the pesticides industry if they would not normally expect to be informed.
 6. A non-personal specific interest arises if a Member is aware that the department for which they are responsible has at any time worked on the product but the Member has not personally received payment in any form from the pesticides industry for the work done. The Member may take part in the proceedings unless they have personal knowledge of the product through their own work or through direct supervision of other people's work, in which case they should declare this and not take part in the proceedings (except to answer questions).
 7. Members need not declare non-personal non-specific interests. These can arise, for example, if a Member is aware that the department for which they are responsible is currently receiving payment from the pesticide company concerned that does not relate specifically to the product under discussion. If, exceptionally, a Member feels such an interest might be thought to influence their advice, they should seek guidance from the Chair on whether to draw the facts to the attention of other Members.
 8. If a Member is aware that a product under consideration is or may become a competitor of a product manufactured, sold or supplied by a company in which the Member has a current personal interest, they should declare their interest. The Member should seek the Chair's guidance on whether they should take part in the proceedings.