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HEALTH AND SAFETY COMMISSION

Future Governance of Health and Safety Commission and Executive

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Issue

1. To seek approval for work to increase the accountability and effectiveness of HSC and HSE's current governance structure.

Timing

2. For agreement at 4 July meeting.

Recommendation

3. That the Commission agrees that HSE work up a consultation document on the case for merging HSC/E into a single corporate structure, and that a small group of Commissioners act as a sounding board for HSE.

Background

4. The Robens report which underpins our current regulatory system suggested a single independent regulatory body to oversee health and safety. However the subsequent HSW etc Act 1974 provided for two separate Non Departmental Public Bodies with distinct roles: the Health and Safety Commission and Health and Safety Executive. This structure has stood the test of time, and overseen significant improvements in GB's health and safety performance over the last 30 years. But there is now a strong case for looking closely at these structures to see if we can make them more effective and accountable. The HSC at its residential in Edinburgh in early June 2006 agreed that such a review would be timely and helpful.

Argument

5. In considering possible future change, we believe we should be guided by the following key principles:
 - i) HSC/E retains its independence as a body at arm's length from Ministers
 - ii) HSC remains a tripartite body in composition, continuing to enjoy the support of major stakeholders

- iii) Individual regulatory and enforcement decisions are taken by officials not by the tripartite body
 - iv) Local authorities interests are clearly reflected in any new governance structure, building on the stronger partnership working and Statement of Intent already agreed.
6. The exact form of a single corporate model is for further detailed discussion but we propose key building blocks should be:
- HSC and HSE become one body
 - Chair of HSC becomes Chair of the new body and Commissioners become independent non-executive members of the new Board
 - Chief Executive HSE becomes Chief Executive and Accounting Officer for the new body as a whole
 - The status of HSE Executive member is abolished
 - The new body – as now – would report to Ministers
7. The aim of these evolutionary changes would be to increase Commissioners' capacity to challenge and support the executive team, to improve the way we present ourselves to the outside world (the present HSC/E split is confusing to many stakeholders), to position better the organisation for meeting future challenges and to ensure effective governance.

Resources

8. The immediate resource costs of preparing the Consultation Document are not great, and will be met primarily by redeploying one existing member of staff from within Policy Group.

Costs and Benefits

9. We will examine this as part of preparing the CD. Our current view is that there should be net benefits from a reduction in costs from servicing two bodies and in improved efficiency and challenge. But this needs to be tested.

Presentation

10. We see this as an evolutionary change. The Chair and Chief Executive are writing to HSE staff to coincide with publication of this paper, and Commissioners agreed in Edinburgh informally to sound out key stakeholders. In the light of 4 July discussion, we are drawing up a fuller media and stakeholder engagement plan.

Next Steps

11. We are keen that any such changes in governance are discussed fully with, and enjoy the support of, our key external stakeholders and HSE staff. We therefore propose that we should issue a consultation document in November 2006 with a view to firming up proposals and recommendations to Ministers in Spring 2007. We will want

to engage Commissioners fully in the preparation of this document, and a small group of Commissioners could act as a sounding board. We will need to allow time for discussion in September and October. In parallel DWP will – if HSC agree – provide that the job description for the next HSC Chair (likely to be issued this autumn) will reflect the possibility of change.

Action

12. Commissioners are invited to agree to HSE undertaking this work, and give a steer on how they wish to be involved in preparation of the Consultation Document.