

Advisory Committee on Toxic Substances Paper		ACTS/2/2010	
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ADVISORY COMMITTEE ON TOXIC SUBSTANCES

Reconstitution Principles for Advisory Bodies

A Paper by Joyce Levy - HSE

Cleared by Steve Coldrick on 29th March 2010

Purpose

1. This information paper outlines the principles that HSE would follow in anticipation of the HSE Boards decision to reconstitute ACTS.

Background

2. ACTS was originally constituted by the Health and Safety Commission (HSC) in line with the Code of Practice for Members of HSC Advisory Committees. This code follows the Seven Principles of Public Life set out by the Committee on Standards in Public Life.

Although it is not a Ministerial appointed committee, if ACTS is to be reconstituted, HSE will be expected to follow the Seven Principles and any related code.

The Seven Principles also underpin the revised Code of Practice for Ministerial Appointments to Public Bodies produced by the Commissioner for Public Appointments. Together they set out a framework to ensure a fair, open and transparent appointments process which commands public confidence.

The Seven Code Principles

3. The Code of Practice and The Seven Principles of Public Life can be found at: http://www.publicappointmentscommissioner.org/Code_of_Practice

The Seven Principles are as follows:

Ministerial Responsibility

The ultimate responsibility for making public appointments rests with Government Ministers and the appointment criteria and process must be agreed with the appropriate Minister in advance. HSE would adhere to this and would require agreement from the DWP Minister with responsibility for occupational health and safety.

Merit

Appointment on merit is the overriding principle within the public appointments process. The balance of skills and experience of each individual is matched with the needs of the

advisory committee. There must be an effective performance appraisal system to evaluate those seeking reappointment.

Independent Scrutiny

Independent scrutiny is a mandatory element of every public appointment process. An Independent Public Appointments Assessor (IPAA), accredited by the Office of the Commissioner for Public Appointments, must be involved in any public appointments process to act as a scrutineer.

Equal Opportunities

The promotion of equality of opportunity and diversity must be inherent within the public appointments process. Care must be taken not to discriminate, in accordance with current legislation. Any positive action to attract suitable candidates from all sections of society must also be within the law.

Probity

All members of public bodies must comply with the Principles of Probity. Candidates must therefore show an understanding and commitment to the Seven Principles of Public Life (the Nolan principles). Any actual or potential conflicts of interest must be disclosed and fully considered as part of the appointment process.

Openness and Transparency

To maintain public confidence, the procedures of the reconstitution process and any information provided must be fully documented at all stages and made readily available taking into account the Data Protection Act 1998 and the Freedom of Information Act 2000.

Proportionality

The appointments process can take into account the nature of the appointment, the potential availability of sufficient applicants and any special circumstances relevant to the appointment e.g. the need to appoint quickly.

Reappointment

4. In considering reconstitution, HSE will be expected to observe the total period that individuals have been in post for. Members may serve any number of terms provided that the total period does not exceed ten years and their performance has been regularly assessed as satisfactory. For information purposes, the table in Annex I gives the appointment dates of current ACTS members.

Financial/Resource Implications

5. The reconstitution process, whether it is carried out by HSE or external consultants will have a resource and financial cost.

Action

6. Members are asked to note the contents of this paper.

Contact

Joyce Levy (HSE)

Annex I List of Members and appointment dates

Member	Affiliation	Appointment date
Dr I F Carney	CBI (small firms representative)	March 1999
Mr R J Alesbury	CBI	July 1999
Mr R Chapman	CBI	May 2007
Prof. Alastair M Hay OBE	TUC	July 1994
Mr R A Hudspith	TUC (Unite)	March 2000
Ms S Murray	TUC (Unite)	September 2003
Mr R Miguel	TUC (Unite)	Autumn 2004
Mr D Tolley	LGA	July 2000
Mrs E Metcalfe	Independent (public interest member)	July 2000
Dr I Brown OBE	Independent	July 2001
Prof. L S Levy OBE	Independent	March 1983