

<b>Advisory Committee on Toxic Substances Paper</b>		<b>ACTS/41/2005</b>	
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<b>Exemptions:</b>	None		

**ADVISORY COMMITTEE ON TOXIC SUBSTANCES  
RECONSTITUTION OF THE COMMITTEE  
A Note by the Secretariat**

**Background**

1. The present constitution of ACTS expires in 2006. To justify its reconstitution as a formal Advisory Committee under s.13 of the Health and Safety at Work Act we are required to present a business case. This is a zero-base exercise. It has to answer the question whether, starting with a blank sheet, such a body is what would be designed to meet the needs of the Executive and Commission, and whether the costs of maintaining it are warranted by the benefits.
2. This is the right time therefore to consider whether ACTS should continue as it is now, or be constituted and operate differently. It is notable that in responding to the same question, and adapting to present day demands, few other s.13 Advisory Committees are remaining unchanged. Some are winding up; others are metamorphosing into new forms of consultative machinery.
3. Circumstances have changed in some significant ways since ACTS was established:
  - (i) since 2001 the constitution and reconstitution of Advisory Committees has been delegated by the Commission to the Executive, reflecting in part what was always in practice the case, that their output mainly takes the form of assistance to the Executive rather than high-level advice to the Commission;
  - (ii) the determinants of HSE's own work on toxic substances have themselves changed. For the most part they now derive from the Disease Reduction Programme, which forms part of HSC/E's strategic plan, itself determined by set PSA targets. Other elements of the workload are substantially determined by external factors. Government policy on REACH, for example, is an interdepartmental affair, and HSE must manoeuvre within that framework with no more authority than it can persuade others to grant. There is no longer the same emphasis on limit-setting: in COSHH limits have been subordinated to the application of good control

practice; and the primary process of limit-setting is now a Community-wide and not a domestic one;

(iii) these new work patterns have manifested themselves in our recent difficulties in assembling agendas of substance for the Committee; agendas based on real needs expressed by the staff of the Disease Reduction Division rather than the mere receipt by the Committee of a series of update reports. The development of the 2003-06 workplan from a framework to a concrete set of activities has run into related difficulties. The proposed sequel to the series of visits by ACTS members to other committees has met from those committees, preoccupied as they are with their own activities and adjustments, a uniform rejection of the invitation to receive a follow-up. The proposed epidemiological study of the impact of past ACTS advice encounters not only the methodological difficulty of distinguishing between the effects of that advice and those of other interventions, but also the imperative that any such expensive work must be absorbed into whatever is done to meet the intelligence gathering and evaluation needs associated with the Disease Reduction Programme, and carried out only when it is clear that the results could alter our future course;

(iv) the appearance of new consultative mechanisms is mentioned above in connection with subjects other than toxic substances, but they are emerging within that field also. A prominent example is the Programme Board being established to support the Disease Reduction Programme, the functions of which will inevitably overlap with those of ACTS;

(v) work methods appropriate to the early days of the Health and Safety at Work Act, and the means of communication available then, are generally too ponderous to support today's business needs. In particular, and in most areas of HSE work, systems based on fixed schedules of in-the-flesh meetings, arranged a year or more in advance, of formally and rigidly constituted committees, are perforce giving way to more flexible, fluid and responsive structures.

## Options

4. At the termination of the current constitution there will be three options. They are that the Committee:

(i) continue in much the same way as in the past, on the basis of a business case to be constructed;

(ii) be wound up without replacement;

(iii) become a body of a different kind.

5. Members may incline towards option (i), in which case it will have to be examined in greater depth. This note dwells no further on option (ii). Though it is always the datum from

which reconstitution exercises have to start, it might be expected to be seen as too radical a step for the time being, and to leave behind it an inexpedient void.

6. Option (iii) would be an approach not contemplated here before, though as noted above not unusual now in other areas. The possibilities are manifold, but some, again drawing on the experience of others, are that:

- (i) the Committee could cease to be a formal s.13 Committee and become an adaptable advisory committee to HSE without the constraints of a statutory footing;
- (ii) administrative rules and procedures could be much simplified, and reduced only to what would be needed to maintain propriety;
- (iii) the membership could be larger, more broadly based, and more fluid. Not everyone would need to attend every meeting or be involved in every issue;
- (iv) it would not be necessary to have a rigid programme of face-to-face meetings, holding them even when there was no natural agenda. Meetings could be matched more appropriately to the flow of work. In between the committee could function as a network, with business transacted electronically;
- (v) the name 'ACTS' could be kept, to maintain the established brand and ensure presentational continuity;
- (vi) the present set of sub-committees could be examined in a similar way, and their constitutions and procedures altered if that seemed likely to be beneficial. Each sub-committee could continue to be subordinate to the main committee, or could be detached and function as a stand-alone body.

7. Members are invited to take the above as a starting point and consider what proposals should be put to the Executive when the Committee is reconstituted, or even before.

ACTS secretariat  
November 2005