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HEALTH AND SAFETY EXECUTIVE

AGRICULTURE INDUSTRY ADVISORY COMMITTEE (AIAC)

Review of the future role, membership and governance of the Agriculture Industry Advisory Committee and its project/working groups

Summary

1. This paper takes forward plenary and bilateral discussions on the membership, terms of reference and governance arrangements of the Agriculture Industry Advisory Committee (AIAC). It:
 - (a) Summarises historic arrangements and procedures for managing Advisory Committees (ACs) to HSE's Executive Board (PKA the Health and Safety Commission);
 - (b) Summarises recent strategic and other developments which impact on health and safety in agriculture; and
 - (c) Makes recommendations on the remit, membership, governance and future working arrangements of the committee and its project/working groups.

Background

2. The AIAC along with other Industry Advisory Committees (IACs) has been part of HSE's arrangements for stakeholder engagement for approximately 30 years. It was the first advisory committee to be established by Health and Safety Commission (HSC), taking over the role previously carried out by a joint consultative committee run by MAFF (now DEFRA). Throughout that time, the industry's health and safety performance has been poor and the fatal injury incidence rate is now the highest of the main industrial sectors in Great Britain, including construction.
3. The AIAC was last reconstituted in 2005 at which time its current membership and working group structure were established. The current membership is set out at Annex 1. It is supported by 6 task and finish project/working groups and by the Arboriculture and Forestry Advisory Group (AFAG).
4. There is no current corporate guidance on the administration and governance of HSE advisory committees (including IACs). Previous guidance ceased to apply with the merger of the HSC and the HSE in 2008. In the absence of other guidance, it is still used as a point of reference.

5. An internal review of advisory committees carried out in late 2010 concluded amongst other things that:
- The title AC/IAC gives rise to expectations both on the part of the stakeholders and HSE neither of which have been met in the majority of cases. On the one hand, very few committees have ever reported directly to the HSE Board (previously the Commission) whilst on the other, HSE has tended to overestimate members' ability to influence their industry and/or the difficulties in doing so;
 - There is uncertainty over the rules governing the appointment and tenure of members;
 - Membership appears to be largely historic and there are no obvious mechanisms in place for changing the composition of membership other than retirement or resignation;
 - In the absence of current guidance on the administration and governance of committees, the nature, terms of reference and extent of the committees have evolved over time.

It was recommended that revised and updated guidance on governance arrangements should be produced. To date, new guidance has yet to be developed.

6. In June 2009, Members agreed to interim proposals on the future membership of the AIAC and its working groups. including:
- Arrangements for periodic review and reconstitution of the AIAC and its membership;
 - Arrangements for proposing new members to represent important otherwise unrepresented stakeholders;
 - An overall limit to the size of the committee;
 - Arrangements for setting up (and closing down) task and finish Working Groups; and
 - Arrangements for terminating membership on the basis of non-attendance.
7. Members further agreed to the formation of an informal group to look at defining membership criteria and the format for meetings. In practice these initiatives have been overtaken by events. Although there have been discussions on these and related issues, progress has been deflected by the need to focus on the delivery of the HSE Board's Agriculture Revisited initiative and events in the run up to and following the General Election in May 2010.
7. Since May 2010 there have been a number of significant developments including:
- The Lord Young Review "[Common Sense, Common Safety](#)", published in October 2010;
 - The statement by the Minister for Employment, the Rt Hon Chris Grayling MP on reforming Britain's health and safety system, "[Good Health and Safety, Good for Everyone](#)" in March 2011;
 - The Independent Review of Health and Safety Legislation chaired by Professor Ragnar Löfstedt - due to report in autumn 2011;
 - The development of sector based strategies for the delivery of HSE's strategy "The Health and Safety of Great Britain\ Be part of the solution" launched in June 2009. For further information see <http://www.hse.gov.uk/strategy/strategy09.pdf> and separate agenda item 4;
 - The completion of the sector stakeholder mapping exercise carried out as part of the Agriculture Revisited initiative; and

- The NFU's Agriculture Safety Summit in September 2010, NFU Cymru's Welsh Safety Summit in January 2011 and the setting up of the Agriculture Industry Safety Partnership (agenda item 6 refers).

The Way Forward

- Proposals for new Terms of Reference are set out at Annex 2. These build on the existing remit but are intended to better reflect current realities, priorities, strategies and structural changes in the industry with the aim of reducing the incidence of fatal and non-fatal injuries and work related ill health. The existing remit can be found at: <http://www.hse.gov.uk/aboutus/meetings/iacs/aiac/index.htm#terms>
- The AIAC currently consists of 16 members plus observers, advisors and Secretariat support. The AIAC and HSE have previously agreed that this is the maximum size for effectiveness and should not be exceeded.
- Whilst HSE believes it is important to retain the tripartite core of the AIAC, through the involvement of NFU (employers) and UNITE (employees) membership it also believes it is important to widen representation to better reflect the changes in the structure of the industry and improve delivery of Agriculture Revisited and the Agriculture Sector Strategy. The stakeholder mapping exercise identified a number of organisations and types of organisations not currently represented on the AIAC but which have a legitimate interest and a role in tackling the industry's health and safety problems. These include large employing groups in the farming and fresh produce supply chain, labour providers, land agents and estate management groups, tenant farmers and the veterinary profession. We also need to consider how best to reflect the particular interests of Scottish and Welsh agriculture and whether or not to extend membership to other government departments and agencies e.g. Defra.
- The Agricultural Engineers Association (AEA) and the British Agricultural and Garden Machinery Association (BAGMA) have recently agreed to stand down as members of the main committee. In doing so they expressed the clear wish to remain engaged with AIAC through the more technically focussed task and finish working groups: at which level they believe they can make a more practical contribution. Discussions have also been held with the NFU and UNITE with a view to reducing their respective representation.
- To date no formal approach has been made to any potential new member but they are all organisations with which HSE has developed or is developing good and effective working relationships. Initial informal approaches suggest they would be keen to become members of the new AIAC
- It is also important that the membership needs to be refreshed from time-to-time. To that end, it will be kept under review. Pending further guidance from the HSE Board suggested arrangements for reviewing the membership and workings of the committee and its working groups are set out at Annex 3.
- At the same time it is appropriate to review the project/working groups. Set up as task and finish groups some of these e.g. the Training and Education and Machinery and Transport Groups have to some extent been refocused to support the Agriculture Revisited initiative. The current project/working Groups are listed at Annex 4.
- HSE believes there is scope to close down or restructure one or more of the existing groups and proposes to replace them with:

- A Large Employers Group - to address the particular health and safety issues of permanent and temporary staff 'employed' by large employers in the farming and the fresh produce supply sectors;
- An Occupational Health Group - to target work-related ill health in the industry; and
- A Business Case for Health and Safety Group to consider and develop guidance on good practice and promote the adoption of good health and safety management practice as an integral part of working in the industry.

Action

17. Members are invited to note and comment on the recommendations as to the future membership and working of the committee and its project/working groups.

Contact

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AGRICULTURE INDUSTRY ADVISORY COMMITTEE – Membership as at April 2011	
Chair	
HSE	Head of Agriculture & Food Sector or Head of OPStD – Graeme Walker/Stephen Williams
Members	
NFU	3 members
UNITE	3 members
LANTRA	1 member
Assoc of British Insurers / NFU Mutual	1 member
BRC	1 member
AEA	1 member
BAGMA	1 member
National Federation of Young Farmers' Clubs (NFYFC)	1 member
National Association of Agricultural Contractors	1 member
IOSH	1 member
Landex	1 member
AFAG/Confor	1 member
Advisors	
HSE	
Observers	
DEFRA	
HSE Northern Ireland	
<p>WORKING/PROJECT GROUPS:</p> <ul style="list-style-type: none"> • Nominally constituted for a fixed period of time to deliver agreed workplan outcome(s) / objective(s). • Meeting frequency - <i>Ad-hoc</i> and only meeting as/when required. • Small membership which varies depending on issue/topic. • May be made up of existing members or 'experts' from the industry. Project leader is nominated by main committee and is responsible for reporting progress. 	

Draft AIAC Terms of Reference (June 2011)

The Committee will:

- Provide an industry perspective on issues, topics, technical developments and emerging trends relevant to health and safety in agriculture¹.
- Provide an industry perspective on and support for the implementation of the Agriculture Sector Strategy and the Agriculture Revisited Initiative
- Provide advice, guidance and input as to how to achieve sustainable behavioural and cultural changes in agriculture so as to reduce the levels of fatal and non-fatal injuries and work-related ill health in the industry.
- Encourage the organisations they represent and the wider rural community to adopt, promote and support initiatives agreed by the Committee;
- Translate and disseminate information and guidance to members' constituencies to:
 - Reduce the number of fatal and major injuries and days lost caused by injuries and work related ill health in agriculture;
 - Promote a culture change in agriculture which recognises and accepts that high standards of health and safety are an integral part of good business practice;
 - Promote better awareness, recognition and understanding of the risks to the health and safety of employers, employees, the self-employed and members of the public;
 - Share information on strategies and approaches for preventing or controlling the risks; and
 - Build partnerships and commitment for future collaboration and joint working.
- Provide support for the Industry Safety Partnership in taking ownership of the industry's health and safety performance and provide leadership in developing and promoting solutions to health and safety problems in farming;
- Establish and support a small number of task and finish working groups to tackle specific issues as necessary.

*Notes

Where the term 'agriculture' means agriculture and the wider land based industries and includes arboriculture, agriculture service activities, aquaculture (inshore fish hatcheries and fish farming), forestry, horticulture and landscaping and amenity.

Future Membership and working of the AIAC

Pending further guidance from the HSE Board and until further notice, membership of the committee will be subject to the following principles:

1. Members will not normally appointed for a fixed term. Rather the terms of individual members should be determined by the contribution they can make to the achievement of specific outcomes or targets in the AIAC's work plan. As outcomes and targets are achieved, membership should be reviewed to ensure it is structured to achieve its new or remaining targets.
1. Notwithstanding, the AIAC will normally be constituted for a period of 3 years and membership will formally be reviewed as part of the reconstitution process.
2. Appointments should conform to the principles set out in the Code of Practice issued by the Commissioner for Public Appointments; including the general principle that membership should not normally extend beyond 10 years.
3. Appointments will be made by the Chair of the committee who will seek assurance that candidates put forward for appointment have the necessary experience, knowledge/skills and personal qualities.
4. Members of the AIAC are normally nominated by stakeholder organisations to represent employee, employer and other interests (e.g. consumer interests, local government, professional and academic bodies, etc.). All relevant stakeholder organisations, especially those which are representative of small and medium size employers (SMEs), should have an opportunity to put forward nominations.
5. Following appointment, Members should represent the health and safety interests of those in industry and those affected by an industry or hazard.
6. Wherever possible, membership of the AIAC should be representative of society as a whole. Positive encouragement should be given to the nomination of women, people with disabilities and ethnic minority candidates.
7. Consistent with Government policy on standards in public life, openness and accountability, members should operate in line with the Code of Practice for Members of the Commission's Advisory Committees.
8. Vacancies may arise through the resignation or retirement of a Member. Where this occurs, the Chair of the committee will seek a replacement from the same organisation.
9. Where the organisation declines to nominate a new Member or where it is not possible to approach a specific nominating body (i.e. where the member concerned was an independent member of the Committee) HSE may trawl wider than the usual nominating bodies – using the guidelines laid down by the Commissioner for Public Appointments, as far as practicable; and
10. Members who miss 3 consecutive meetings other than through sickness or pre-arranged long term leave shall be deemed to have resigned their appointments. Where the Member had been nominated by a particular organisation, that organisation should be advised of the situation as soon as possible after the second missed meeting.

Additional principles for membership of the AIAC and its working groups agreed by Members in June 2009

In addition, based on experience of the AIAC since formal reconstitution in 2005, the following principles were agreed and adopted:

11. The AIAC should not exceed a maximum of 16 independent members plus the Chair and officials

12. The Chair may propose one or more new members to represent important or otherwise unrepresented stakeholders - using the guidelines laid down by the Commissioner for Public Appointments;
13. In delivering the Plan of Work, the AIAC may form task and finish project/working Groups as it deems necessary;
14. The Chairs of project/working groups will be agreed by the AIAC;
15. Membership of the project/working groups may consist of Members, officials and co-optees agreed by the Group Chairs; and
16. Group Chairs will not co-opt anyone without first being satisfied that the nominee has the necessary skills and experience to bring added value to the work of the group and is willing to make a contribution.

AIAC Project/Working Groups (as at June 2011)

- Arboriculture and Forestry Advisory Group (AFAG)
- Amenity Project Group
- Transport and Machinery Project Group
- Vulnerable Workers Project Group
 - Casual, temporary and migrant working project
- Training and Education Project Group
- Gathering Intelligence about Behaviours, Attitudes and Cultures Project Group
- Livestock Project Group