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MANAGING HSC's ADVISORY COMMITTEES

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Executive Summary

This paper has been produced following conversations with all HSE Advisory Committee (AC) Secretaries, a small number of Chairs of IACs and with the TUC and CBI. We are grateful to everyone who has given us their time.

This paper outlines a series of proposals setting out a recommended fit for purpose structure within which HSE can administer ACs.

The key proposals in this paper are:

Constitution and Reconstitution: To simplify procedures and reduce bureaucracy, the Deputy Directors General will have delegated responsibility for approving the constitution and reconstitution of ACs in line with the Commission's criteria. The proposed arrangements are based on a programme management approach aiming to achieve targeted control and monitoring of AC activities with better evaluation of AC achievements in the delivery of their outcomes.

Appointments: The Director General will continue to appoint AC members (he has since the HSC's Direction) but the processes will be simple, robust and transparent. Appointments will move towards a competence based approach and in developing this HSE will seek advice and help from its social partners.

Accountabilities and reporting to the Commission: ACs will continue to advise the Commission on specific issues but there will be a short annual highlight report (to replace individual AC reports) produced centrally to draw out major achievements and common themes.

Background

1. ACs have made a wide range of important contributions to health and safety in the last 25 years but the title 'Advisory Committee' serves to disguise the rich diversity of what is currently there. Discussions with the Secretaries confirm that differences of approach and administration exist and that these are strongly rooted in the ways individual committees have evolved to fill particular needs over time. And so, while the committees share common values: e.g. their role in advising HSC; tripartite membership; and a commitment to openness, there are (and will remain) differences in the way

they operate. This work is therefore aimed at encouraging consistency at the highest level, not creating uniformity.

2. In terms of how we got to where we are today, the Commission abandoned its formal review of ACs when that was overtaken by consideration of its own ways of working. The Commission's discussion and decisions on the future of ACs coming out of the ways of working meetings¹ can be summarised as follows:

- It agreed to direct HSE to undertake, on its behalf, the administration of its ACs (including the appointment and reappointment of members and the constitution and reconstitution of committees, and the payment of members' allowances) [The direction still allows the Commission to appoint members if it so wishes.]
- Tripartism remains the basis for membership of these committees, which the Commission see as being stakeholder bodies.
- The Committees remain ACs to the Commission and the Commission expects that, if an AC has advice it wishes to impart to the Commission, it will continue to do so and ACs will continue to operate in an open way
- In line with other changes in HSC/Es business (e.g. RHS) the Commission is looking to ACs to move from being output driven to playing a key role in the delivery of outcomes
- The Commission expects that the nature of the committees mean it will have closer relations with some than others (e.g. RIAC and NuSAC)²
- All sectors of industry should be engaged by HSC/E [but this does not mean that IACs are the only answer.]
- Subject ACs have been given a new role in preparing for the Commission a collaborative forward look on science and technology – the first of which is wanted by January 2003.

3. The proposals for the future administration of ACs by HSE, to which the Commission agreed on 4 September 2001, are reproduced at Annex 1. The HSC Chair wrote to all AC Chairs, Secretaries and AC members on 16 November 2001 informing them about this decision.

4. The Commission's decision did not address the issues that had prompted its original 'revitalising Advisory Committees review'³.

What makes an Advisory Committee?

5. Traditionally, subject ACs had been set up to address specific hazards (ionising radiations, GMOs etc). And generally there was little comment either for or against these arrangements.

6. The same is not true of industry advisory committees. There has been criticism that the structure reflected 'old' British manufacturing industries –

¹ HSC/01/178 'HSC Ways of Working'

² This has implications for the detailed administration of such Committees (which will be a matter for the Secretariat) and these Committees are generally outside the scope of this paper.

³ HSC/00/243 Annex 1 summarises the issues on which the revitalising review was predicated.

coal, foundries, textiles. This superficial criticism misses the point that education and health services have their own ACs and in tandem with the IACs HSE had evolved a whole parallel universe of other liaison arrangements to plug many of these gaps⁴. Indeed some of these committees were referred to as 'IACs in waiting'. Despite this a major factor inhibiting the further evolution of some of these bodies into 'full' IACs was the administrative 'overhead' associated with being an AC (e.g. the constitution, reconstitution, plan of work etc. procedures).

7. Although there were these two distinct 'types' of AC, other than that they were all creatures of the Commission, it has been difficult up to now to say in a generic way what it is that 'makes' a Commission advisory committee. And so the 'Ways of Working' paper is very important because it gives HSE two key tests for creating new ACs or dissolving existing ones:

- a. Does the committee meet the Commission's criteria for an AC^{5,6}?
- b. Is its membership tripartite?

Creating a New Framework

8. What follows largely reflects an attempt to work with the management arrangements that existed prior to the start of the change project, including the distinction between 'operations' and 'policy'. With the greater integration of work promoted by the strategic plan and delivered through the change project it is unlikely that the arrangements set out below can stand the test of time. They will certainly need to be reviewed carefully as part of the change project implementation stage.

9. There are 2 key management issues that need to be sorted out:

- Constitution of Committees
 - a. Who should approve the reconstitution of committees; approve the appointment of new committees; or the dissolution of existing committees?
 - b. What form should the reconstitution etc. take?
 - c. How long should committees be constituted for?
- Appointments
 - a. Who should appoint (re-appoint) members and chairs of committees?
 - b. How should the appointments process be organised?

10. Other issues raised in discussions with Secretaries were:

- Accountabilities and Reporting to the Commission
- Publications

⁴ SSB is working with operating D/Ds to map the principal liaison arrangement in order to report on these to the Commission.

⁵ For ease of reference the criteria are attached as Annex 1

⁶ ACs are not expected to meet all of the criteria all of the time. Other liaison arrangements may be more appropriate.

- Co-ordination of AC activities
- AC members day
- (for subject ACs only) Delivering the Commission's 'Forward Look'

Constitution and Reconstitution

11. Constitution and reconstitution procedures under the Commission excelled at process. The processes became bureaucratic but without, in some cases, providing any real control. And they had become a barrier to entry for other aspiring liaison arrangements to turn themselves into ACs. There is some evidence of plans being drawn up for reconstitution that did not reflect the realities of what ACs subsequently got up to. Certainly there is evidence that the plans were not always used as living documents for managing AC activities. And on a strategic level the Commission did not use the procedures to exercise ultimate control over ACs - for example, no committees were wound up despite a prevailing view within HSE that several may have 'passed their sell by date'.

12. Drawing on the discipline of programme management and the Board's clear intention to drive work down to the most appropriate level SSB recommends the following arrangements are put in place for constitution and reconstitution (for fuller details see Annex 2):

DDG-Operations: Overall control of IACs. Responsible for approving the constitution and reconstitution of IACs, monitoring progress and evaluating the success of the committee by controlling, challenging and giving strategic direction.

DDG-Policy: Overall control of subject ACs. Responsible for approving the constitution and reconstitution of subject ACs, monitoring progress and evaluating the success of the committee by controlling, challenging and giving strategic direction.

Heads of Division: Overall management of ACs. Responsible for providing assurance to the DDsG.

Chair: Direction of the AC to ensure it achieves its outcomes.

Secretary: Routine management of the AC e.g. responsible for preparing the case for constitution/reconstitution of an AC, reporting achievements and evaluation etc.

13. Working in this way undermines the present fixed term appointments arrangements but it also means appointments can become more flexible (for example, some particular skill or competence may be essential for delivering one crucial stage of the overall objective and in these circumstances a fixed term appointment could be made). Generally, appointments should be fixed in terms of delivering the committee's proposed outcome rather than as at present serving for a specific period of time (in practice the term of years is simply being replaced by a term based on achievement and so there should be no more work for Secretaries unless they decide to make more use of fixed term appointments as above). Secretaries are encouraged to plan to achieve their outcomes within 5 years and DDsG should only very exceptionally

approve the constitution or reconstitution of committees for longer periods. And if they do, they need to ensure that there are very clear sub-goals with milestones to allow them to monitor progress.

Appointment of Chairs and Members

14. We consulted all AC Secretaries some Chairs and the TUC and CBI on the matter of appointments. A number of issues emerged:

- Tripartism remains central to the Commission's thinking but we need to do more work to define the practical application this principle.
- We have been told that status is important to AC members and the change to HSE administered committees is seen as a form of downgrading. We have been warned that devolving appointments below the DG may adversely impact on member's willingness to remain involved. We have not been able to test this but believe it should be factored into immediate future arrangements.

Tripartism

15. In discussing the matter it has apparent that we need to become clearer about what we mean by tripartism – this needs further guidance; and we need also need to improve the consistency of approach in the way we deal with appointments, particularly the appointment of 'experts'.

16. Further work should be done in collaboration with the TUC and CBI (who are willing to help) in trying to define suitable competences for employee/employer members; and HSE needs to do more thinking to define and guide the appointment of expert and independent/public interest members.

Appointments

17. We tried working with some alternative models, including separating the appointment of Chairs from members and making different arrangements for IACs and subject ACs but have come back to recommend that appointments by the DG should be retained. The alternatives increase the bureaucracy and make the whole process less transparent.

18. But if this is to be the case there needs to be a simple robust process with build in checks and balances to reassure the DG and his private office that the person being recommended is the most appropriate one for appointment.

19. The model is essentially the same for the appointment of all members and Chairs but it has had to take account of the banding differences of staff chairing IACs and subject ACs and the concentration of IACs within FOD. And so the key assurance role has been put at the lowest practical management level.

20. In principle model operates as follows:

All Members

- the AC **Secretary**, in collaboration with the Chair is responsible for drawing up competency statements for members; undertaking internal consultations within HSE; identifying suitable candidates and making recommendations for appointment;

- assurance on membership recommendations will be given to the DG by the **Regional Band 0** (in the case of IACs chaired by Band 1) or else the Director of FOD and **Directors** (in the case of subject ACs)
- the **DG's private office** should receive the statement of competence, personal details about the recommended candidate and assurance from the Regional Band 0/Director that (s)he is satisfied the candidate recommended for appointment is the most suitable

Chairs

- the AC **Secretary**, is responsible for drawing up competency statements for Chairs, internal consultations within HSE and making recommendations for appointment;
- assurance on recommendations will be given to the DG by the **Regional Band 0** (in the case of IACs chaired by Band 1) the Director of FOD (in the case of IACs chaired by Band 0), or the appropriate **DDG** (in the case of IACs externally chaired and subject ACs - currently Directors chair a number of subject ACs and it would not be appropriate for them to assure their own appointments.)
- the **DG's private office** should receive the statement of competence, personal details about the recommended candidate and assurance from the Regional Band 0/Director FOD/DDG that (s)he is satisfied the candidate recommended for appointment is the most suitable

Other issues

Accountabilities and Reporting to the Commission

21. As the Commission has made clear, individual ACs will continue to have access to it in cases where the AC has advice for the Commission. However, with the change in management arrangements ACs will no longer need to prepare separate progress reports for the Commission. Instead, OGB will produce a short annual highlight report to draw out major achievements and common themes. Further details of the format and timing will be worked up for the revision of GAP2.

Publications

22. Custom and practice over the publication of advice and guidance from ACs varies. Some publish under the Commission's logo, others use HSE's logo. Any change will clearly be unpopular with some part of the AC community but the present arrangements are mainly historic and there is no clear evidence one or the other is particularly effective or significant. DIAS's preference is for consistent badging of guidance using a single (HSE) logo.

23. GAP 2 currently points out that all publications in the Commission's name will carry the Commission's logo and are subject to agreement by the Commission. And so an AC wishing to continue use the Commission's logo will need to make the Commission aware of its proposal to publish (this should normally need no more than a Misc paper or a below the line paper). Further guidance will be given in the next revision of the GAP about seeking

Commission agreement to the publication of guidance with particular sensitivities.

24. We suggest ACs currently using the Commission's logo continue to do so until they are reconstituted.

Co-ordination of AC activities

25. We believe this is mainly an issue of culture (knowledge sharing between the interested parties) and not something where central intervention or process can make substantial in-roads. SSB will set up an electronic community of interest for AC Secretaries and evaluate the results. If it is successful, the aim should be to create a members-only community of interest on HSE's web site.

Delivering the Commission's 'Forward Look'

26. The Commission has asked for the help of subject ACs in identifying any future emerging gaps in science and technology. The Commission want a managed programme of advice about current and future issues that it can own and prioritise to bring forward particular matters in a planned way. A guidance note has been prepared following an initial meeting with all the secretaries of subject ACs to help them develop a way to do this.

Evaluation

27. The Commission has asked for a brief report on the effect the Direction has had on the management of ACs and the impact this change has had on health and safety in the workplace. Some evidence was collected at the earliest stage of the original review on the costs of operation and many ACs agreed that the amount of staff time saved in simplifying processes would be a major indicator in evaluating change. It will be difficult to measure the effect the Direction has had on health and safety in the workplace given the indirect effect of many AC outputs on health and safety in the workplace. But one factor that has been suggested is that if people see the 'status' of ACs has gone down then it may become more difficult to attract members with greatest experience and expertise.

28. EEB will develop and consult on proposals to measure the effect the Direction has had, in time for preparation for the 2003 Strategic Plan.

Contact

Proposals for the future administration of advisory committees by HSE (reproduced from HSC/01/178, Annex 1)

General

1. The Commission has taken the view that, while it wishes to retain close contact with advisory committees, it should, subject to satisfying itself about the adequacy of arrangements, direct HSE to appoint and reimburse members of advisory committees. The Commission:
 - will receive information from committees about progress towards achieving outcomes in their Strategic Plan;
 - will continue to expect advisory committees to draw to its attention matters of concern; and
 - may seek a direct dialogue with committees on specific issues.
2. If the Commission is satisfied with the arrangements outlined below, a formal direction to HSE by HSC will result in the administration of the current advisory committees passing immediately to HSE. This includes:
 - reviewing current workplans and appointment of members to existing committees
 - arranging the reconstitution of existing committees and the creation of any new ones; and
 - paying Members expenses etc.
3. In line with the Commission's wish, HSE will retain the current tripartite nomination arrangements⁷ for Members and Members will be selected on merit against the person specifications (e.g. Members' abilities to effectively represent their employer or worker constituency).
4. HSE will, wherever possible, seek to establish partnerships arrangements with stakeholders for the future planning and management of individual committees' business.

Criteria for "Adequate Arrangements"

5. No new resources are available for this area of work. HSE will have to prioritise the available resource to ensure that the most efficient and effective means are used to secure the Commission's desire that there are adequate liaison arrangement between HSE and the whole economy. This will need to be done creatively and flexibly to suit the particular circumstances and may for example involve brigading some sectors or reducing the frequency of meetings to reflect the priority to deliver the outcomes from the Commission's Strategic Plan. Commissioners Hamid and Tudor undertook some invaluable preparatory work in seeking to establish criteria to inform the future administration of these committees by HSE. The following seeks to refine that work and to inform the administration of both industry and specialist committees.

1: High numbers/rate of injury/ill-health

⁷ For the avoidance of doubt this means representatives of workers, employers and independent (public interest) members

There are several uses for this criterion – to help explain why a committee exists, to inform the creation of a new one or to suggest other work that may be undertaken rather than create standing arrangements:

(a) The rate of major and fatal injuries or ill-health in the industry/sector is persistently in the [upper decile] of national injury/ill-health statistics
Application: If combined with a 'large number of workers' (see criterion 2.) this is persuasive evidence for standing arrangements e.g. a standing industry advisory committee (e.g. CONIAC), or a subject advisory committee if the issue is a generic one (e.g. stress).

(b) A rising rate of injuries or ill-health in an industry/sector over two or more years. Application: indicative of a need for specific industry/science/health analysis that may lead to consideration of standing arrangements.

(c) High number of major/fatal injuries or ill-health incidents in an industry/sector e.g. accounting for more than [40%] of national injuries/ill-health incidents in any year.

Application: Indicative of a need for a specific industry/science/health research project (preferably with a project board involving external stakeholders)

2: Large number of workers/public

(a) While this is a desirable criterion it does not stand on its own because of the practical difficulty of producing a meaningful measure (what does 'large' mean). This is left to the judgment of HSE managers but clearly linked to the injury/health issue above. The presumption being that sectors where the number of workers is in the low thousands and where there are no substantial injury/ill-health risk would be unlikely to justify standing arrangements (although other activities involving stakeholders are not ruled out).

(b) Also taken into consideration (but with the same caveat as in (a) above) will be situations where there are 'large numbers' of others affected, e.g. "customers" or "households".

(c) Alternatively, this can mean those issues where there is a high level of worker/societal concern.

3: Defined causes of harm

The original Hamid/Tudor criterion was 'defined sectoral boundaries' which may become imprecise and blurred by time and technology. Instead HSE will use the criterion 'defined causes of harm' since this can evolve with time and technology. This will help standing committees in focusing on the outcomes they are seeking to achieve.

4: Multiplicity of representative organisations (e.g. Contractors etc.)

The original criterion has been amended to make it easier to recognise when standing arrangements may be more appropriate. An additional factor to be borne in mind in considering standing arrangements or other forms of engagement is the homogeneity of the industry or opinion on a particular subject matter. In the absence of representative organisations or where strongly polarised views exist HSE may find it more appropriate to consider a project with external representation.

5. External requirements (e.g. EC law, public concern)

Many 'external requirements' come from immediate causes – political pressures, incidents etc. Where matters have matured more there tends to be greater structure and organisation among the different 'voices'

(a) Specific, time limited issues may be most amenable to being organised as projects. If standing arrangements already exist in the area affected and the committee can accommodate the work within its business plan then this may be the most appropriate way of handling the project.

(b) The Commission's advisory programme (see main paper) may be appropriate and the quickest way of 'listening to voices' in some of these areas.

(c) The presumption should be that this type of work would not normally result in standing arrangements being set up

6. Change of culture

This criterion would be best applied in cases where there is a definable outcome leading to a programme of work. The programme would have a fixed life expectancy and clear milestones. It could be managed by standing arrangements.

7. High/major hazard

(a) Areas of high/major hazard present themselves as strong candidates for some form of standing arrangement and that was clearly in the Commission's mind in its earlier discussions. But where standing arrangements are being considered HSE will look closely at the outcomes and other measures to satisfy itself that the most efficient and effective standing arrangements are put in place.

(b) The Commission has also made it clear that it may wish to have a direct dialogue with these committees and with other stakeholders who are not members of such committees.

Additional Criterion for New Advisory Committees

New advisory committees must be able to contribute significantly to the delivery of strategic plan outcomes.

Societal concern

At its 4 September 2001 meeting, the Commission asked for the addition of societal concern as a possible new criterion for the creation of an advisory committee.

Detailed future model for constitution and reconstitution of all ACs managed by HSE:

Control

- **Deputy Directors General (DDsG)** have a clear strategic view of the organisation and should be responsible for **approving** the constitution and reconstitution of ACs. Similarly they can play a key and independent role in **monitoring** progress. As part of the approval process, they will have agreed criteria for **evaluating** the success of the committee and so it would seem wholly appropriate they 'sign off' any final evaluation report
- However, they are not there to immerse themselves in the detail. They are there to control, challenge and give strategic direction. And so their involvement must be carefully managed.

Approval

- DDsG should satisfy themselves that a proposal for constitution or reconstitution meets the Commission's criteria for its ACs⁸ and that membership arrangements will be tripartite.
- In agreeing to a constitution or reconstitution they will also be looking to see that the committee has a clearly focussed outcome; that key outputs provide an opportunity to monitor and review progress; and that an evaluation plan will be in place from the start.
- In agreeing to a constitution or reconstitution they are in principle underwriting the resource to do the work.

It will be important to remember this is the start of a process. DDsG are essentially satisfying themselves that the idea is sound and meets HSC/Es business objectives, and that controls are in place. It is then down to others to develop the full model and manage it. [Since the details will still have to be worked up we envisage this part of the process should aim to take up no more than, say, 2 sides of A4 paper.]

The preparation of this case will normally be the responsibility of the AC Secretary in collaboration with the Chair of the committee (the Chair and Secretary may consult members of existing ACs and other stakeholders in preparing the case). Normal internal consultation should have been completed before the case goes to a DDG.

Monitoring

- Monitoring is an essential part of the ongoing process. If a committee is not delivering or there is a strong likelihood that it will not do so it is not in HSE's business interests to continue to support it. Rescue should be considered but termination should not be ruled out. For that reason clear milestones and a review process are essential.

⁸ See Annex to Commission's 'Ways of Working' Paper

The Secretary and Chair are best placed to report on the achievement of each milestone to the DDG. [But again we envisage a very simple report of probably no more than 1 side of paper.] The DDG may wish to use the opportunity to hold a face-to-face meeting with the Secretary and Chair or with the whole committee.

Evaluation

- An important discipline for the future of ACs will be to make themselves outcome focussed and in doing so to set in train a process for evaluation.

The Secretary and Chair are best placed to report on the evaluation to the DDG. [We envisage a very simple report but this will depend entirely on the complexity of the issues.] But it should be the DDsG's responsibility to sign off the final report. A DDG may wish to use this opportunity to hold a face-to-face meeting with the Secretary and Chair or with the whole committee.

Management

- The **Secretary**, working closely with the **Chair** of the AC should be responsible for developing the detail of the proposal put to the DDG (e.g. drawing up a detailed plan, specifying in detail any outputs and how they will be delivered, developing competency statements for members and identifying suitable candidates). They will, as necessary, consult their line managers and others in HSE with an interest.

If in working up these more detailed proposals they alter the outcome, change the milestones or the evaluation arrangements the DDG must agree the change before it is implemented.

Appointments to HSC Advisory Committees – a competence-based approach

Appointments of Advisory Committee members and Chairs will be made by the Director General of HSE. The selection process will be simple, robust and transparent, requiring evidence that candidates can carry out effectively the role for which they have applied or been nominated.

AC Secretaries will need to draw up **role and person specifications** for these committee positions. The Commission has stated that it wants its Advisory Committees to continue to operate as tripartite bodies. The help and advice of the social partners will therefore be essential when drawing up role and person specifications. Other stakeholder interests may also need to be consulted.

The role specification will set out the **purposes** and **objectives** of the post, and the person specification will set out the **experience, knowledge/skills** and **personal qualities** the post-holder needs.

The role specification will make clear links with the outcomes in the Advisory Committee's programme of work. The person specification should be competence-based, stating how post-holders are expected to work effectively to achieve the objectives.

In discussions about the role and person specifications, AC secretaries may find it helpful to use as a starting point the competence statements used in the *Senior Civil Service Competence Framework*⁹. These are broadly applicable statements of effective behaviour, grouped under the following headings:

- Giving purpose and direction
- Making a personal impact
- Thinking strategically
- Getting the best from people
- Learning and improving
- Focusing on delivery

⁹ Available at <http://www.cabinet-office.gov.uk/civilservice/scs/documents/pdf/competenceframework.pdf> or through the HSE Intranet site at http://intranet/personnel/pd_scs_info/