

**HEALTH AND SAFETY COMMISSION and LOCAL GOVERNMENT PANEL
MEETING 7 NOVEMBER 2006**

A Stronger Voice for Health and Safety

**A Draft Consultative Document on Merging the Health and Safety
Commission and Health and Safety Executive**

**A Paper by Colleen Bowen, HSE Strategy Division
Cleared by Geoffrey Podger, Chief Executive HSE**

Issue

1. Proposed publication by HSC of a consultative document on merging HSC and HSE.

Timing

2. For discussion at the Panel's 7th November meeting.

Recommendation

3. That the Panel notes the proposed publication of the CD on 5th December 2006.

Background

4. At its July meeting (Paper HSC/06/07), HSC agreed that HSE should work up, under the guidance of a small sounding board of Commission and HSE Board members, a Consultation Document (CD) on the case for merging HSC/E into a single corporate structure, building on the following principles:
 - The independence of the merged body should be preserved by retaining its position at arm's length from Ministers;
 - The governing body should remain tripartite in composition and should continue to determine overall policy;
 - Local authorities interests should be represented, building on the stronger partnership working and Statement of Intent already agreed;
 - Individual enforcement decisions should be made by officials.
5. The draft CD was sent to the Commission for consideration on 7th November as a closed paper, seeking agreement to publication on 5th December 2006.

Implications for Local Government

6. The CD sets out the case for merger of HSC and HSE and how this will be realised in practice. The document:
 - Describes the origins of HSC/E, the role of LAs and the existing governance arrangements.
 - Sets out the case for merging the Commission and Executive, elaborates and seeks views on a set of principles that underpin our proposed framework for establishing a single authority for health and safety at work, to be known as the “Health and Safety Executive”.
 - Outlines our objectives for an improved governance structure and invites comments on how we propose to achieve it by establishing a governing body composed of between 9 and 11 non-executive directors in addition to the Chair. *A member will be appointed specifically to ensure that the interests and responsibilities of Local Authorities are considered.* Senior HSE officials will attend and speak at meetings, but will not have voting rights.
 - Affirms our intention that individual enforcement decisions will continue to be made by officials and that the principle is appropriately reflected in legislation.
 - Summarises the legislative options for merging HSC and HSE and timescales for transition – the timescale for legislative changes mean that the formal merger would take place around mid 2008.
7. We believe that the new arrangements will provide a more effective governance structure: greater accountability, better decision-making and a clearer public and regulatory presence. In particular, the new governing body will be more clearly accountable to Ministers for overarching delivery of the strategy while remaining independent. This will require it to take a broader view that will go beyond the operational responsibilities of HSE.
8. The CD points out that Local Authorities make a significant contribution to the delivery of HSC’s strategy. The proposals take into account the importance of this partnership. The personal involvement of members of the new governing body in the Local Government Panel will continue to provide an effective means of agreeing overarching objectives for LA’s contribution to the strategy.
9. Members of our sounding board have been informing interested parties, including Local Government, Trade Union and Business representatives of our proposed consultation as opportunity has

allowed. We have attempted to address in the CD any specific concerns raised informally in these discussions.

Invitation

- 10.** The Panel is invited to:
- note proposals to publish the CD;
 - flag up any initial views on the proposals to merge HSC and HSE;
 - comment on any implications for Local Authorities;
 - note that there will be an opportunity to provide further comments via your local government representative bodies.

Contacts

Colleen Bowen
colleen.bowen@hse.gsi.gov.uk
02077176283

Ami Badmus
ami.badmus@ hse.gsi.gov.uk
02077176876