

MEMORANDUM OF UNDERSTANDING
on the collaboration between
**THE DEPARTMENT FOR WORK & PENSIONS /DEPARTMENT OF HEALTH AND SOCIAL
CARE (DHSC) JOINT WORK AND HEALTH UNIT**
and
THE HEALTH AND SAFETY EXECUTIVE

Introduction

1. This Memorandum of Understanding (MoU) has been prepared in response to the following recommendation in the Tailored Review of HSE:

"Recommendation 1: HSE and the joint DWP and DHSC (Department of Health and Social Care) Work and Health Unit should review their collaboration and agree a Memorandum of Understanding".

2. This MoU complements the existing over-arching Framework Document between HSE and DWP¹ which sets out the respective roles and responsibilities of DWP and HSE.

Purpose and Objectives

3. The purpose of this MoU is to ensure that HSE and the joint DWP/DHSC Work and Health Unit (hereinafter referred to as the "Joint Unit") cooperate and collaborate effectively on matters concerning their respective health responsibilities, informed by an awareness and appropriate understanding of their respective roles.
4. The Joint Unit's responsibilities flow from the Government's Command Paper, Improving Lives: The Future of Work, Health and Disability², published in November 2017. This paper sets out how the government will make and influence changes

¹ http://data.parliament.uk/DepositedPapers/Files/DEP2016-0071/DWP_HSE_FRAMEWORK_DOCUMENT_2016.pdf

² <https://www.gov.uk/government/publications/improving-lives-the-future-of-work-health-and-disability>

across the welfare system, the workplace and health services to see one million more disabled people in work by 2027.

5. HSE is responsible for the regulation of a wide range of risks to health and safety that affect both workers and the public, arising from work activity. Its remit is to protect people's health and safety by ensuring risks in the workplace are properly controlled. Its specific responsibilities, for purposes of this MoJ, relate to the prevention of work-related ill health.
6. The Joint Unit and HSE have worked together to produce general guiding principles in relation to their respective responsibilities, as detailed below, and to explain in principle how they have agreed to work together. However, the principles cannot be exhaustive, and detail of individual cases may need to be discussed with the relevant Joint Unit or HSE topic leads, or legal advice sourced, to determine an appropriate way forward.

Working arrangements between the Joint Unit and HSE – specific matters

7. The Joint Unit and HSE already work closely together, including action to implement various recommendations from *'Thriving at Work': The Stevenson/Farmer review of mental health and employers*. To build on this positive working relationship, the Joint Unit and HSE commit to the following arrangements going forwards.
 - I. HSE will be a standing member of the Joint Unit-led stakeholder advisory groups for employer incentives and occupational health and will offer the groups the full benefit of its experiences and expertise on matters concerning work-related ill-health and its prevention;
 - II. Where the Joint Unit is involved with developing policy and initiatives concerning the prevention of work-related ill health, it will ensure that HSE is always consulted in all cases;
 - III. The WHU is consulted in all cases when HSE is developing programmes, initiatives and guidance relating to the prevention of work-related ill health;
 - IV. Where the Joint Unit requires advice and support from any of HSE's health professionals and technical experts, HSE will endeavour to make such resource available in as timely a manner as possible, and the Joint Unit will reciprocate should HSE need to call on them for DWP expertise. Where either HSE or the Joint Unit is concerned about the level of resource potentially involved, in any given case, they will consult one another and agree on a way forward;

- V. The Joint Unit and HSE will consult and assist one another as necessary on any Parliamentary business which potentially requires their joint input;
- VI. Any discussions on research and technical support will be co-ordinated through the HSE Chief Scientific Adviser's Office.

8. Subject to paragraph 7 above, the Joint Unit and HSE will further co- operate on matters of mutual interest which may from time to time arise, including:

- engagement with employers;
- research into demographics; e.g, extending working lives;
- research into occupational psychology and behavioural science
- horizon scanning and foresight

Working Arrangements between the Joint Unit and HSE – guiding principles

9. Working arrangements, conducted on the basis of mutual trust and respect, are guided by the following principles:

- The Joint Unit and HSE will appreciate each other's legal vires and how they act in different or complementary ways to influence the health of the working-age population, depending on whether the health issues are related to the workplace or external factors;
- the Joint Unit and HSE will ensure reliable and secure information handling and exchange between our organisations within agreed and appropriate timescales;
- the Joint Unit and HSE are able to work effectively, on either an individual or complementary basis, with other public bodies and organisations as appropriate;
- the Joint Unit and HSE continue to consult each other during the process of regulatory decision making on matters that may affect the other taking account of each other's views;
- the Joint Unit and HSE will do nothing which inhibits DWP, DHSC or HSE in the exercise of their respective statutory powers, functions and duties, (including taking enforcement action);
- the Joint Unit and the HSE will act in accordance with, and over time review and improve the operation of this MoU as a basis for further strengthening their working relations.

Provision of Services and Advice

10. The Joint Unit and HSE will provide advice to each other for the purpose of this MoU. Unless agreement is made to the contrary, the Joint Unit and the HSE will not raise invoices against each other.

Where allowed by relevant legislation, the Joint Unit and HSE may, by mutual agreement, enter into arrangements to pay for advice or services from the other.

Disclosure of information

11. The Joint Unit and HSE will follow the requirements of the Health and Safety at Work etc. Act 1974 and other relevant legislation with respect to the disclosure of information shared under this agreement. The Joint Unit and HSE are subject to the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the General Data Protection Regulation. To encourage a consistent approach to disclosure, if either the Joint Unit or HSE is intending to disclose information relevant to the other, such disclosure shall not take place until it has been agreed as appropriate by both parties.

Resolution of Disputes

12. The Joint Unit and HSE will, in the first instance, resolve any disputes at a working level, escalating them to relevant managers as appropriate. In the rare event that agreement is not possible at this level, the WHU DD, Strategy and Employers Policy and the HSE Head of Health Policy will meet to resolve the issue.

Review of the Memorandum of Understanding

13. Delegated representatives of the Joint Unit and HSE will review this MoU not later than three years after it has been signed.

Signed



Angus Gray

Deputy Director, Strategy and Employer Policy,
Work and Health Unit, DWP/DHSC
on behalf of the
Department for Work and Pensions

Date: 1/4/2019



Selvin Brown

Head of engagement and
Policy Division
on behalf of the
Health and Safety Executive

Date: 2/4/19