

A Review by the Department for Work and Pensions of the Industrial Injuries Advisory Council

A combined review of IIAC as a Non-Departmental Public Body and as a Scientific Advisory Committee

July 2012

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Background to the reviews

In June 2011 the Cabinet Office published guidance on the principles and processes by which departments should review their Non-Departmental Public Bodies (NDPBs) in the future. This includes processes to examine the key functions of a NDPB, how these contribute to the work of the NDPB and the sponsor department, and whether these functions are still needed. If it is decided that the functions are still needed then the review should examine whether a NDPB is the most appropriate delivery model.

The second stage of the review would then examine whether the body's control and governance arrangements are in accordance with the recognised principles of good corporate governance.

The list of bodies that will be reviewed in 2011/12 was confirmed by the Minister for the Cabinet Office in a [Written Ministerial Statement on 15 December 2011 \(pdf, 97kb\)](#), and included the Industrial Injuries Advisory Council (IIAC).

Cabinet Office guidance stresses that reviews should be robust, but not overly bureaucratic, and should be appropriate to the size and nature of the NDPB in question. Departments should also consider combining the requirements of such a review within the scope of any already planned reviews of the public body. The Council is purely an advisory body with no executive or administrative functions or duties, and the Department considers that review by Departmental senior civil servants independent of the Department's sponsorship arrangements with the Council is proportionate and appropriate for such a body.

The Council is also due to be reviewed as a scientific advisory committee, and so, in the interests of proportionality and value for money, these reviews are being combined.

The combined review of the Council was announced by means of a Written Ministerial Statement on 26 January 2012.

Consultation took place with leading stakeholders in February 2012. The Council has been involved with the review and has had the opportunity to comment.

Dr James Bolton and Dr Peter Wright

Executive summary

The Industrial Injuries Advisory Council (IIAC) is a NDPB that provides expert scientific advice to the Secretary of State for Work and Pensions and the Department for Social Development in Northern Ireland about the State Industrial Injuries scheme.

Guidance from the Cabinet Office sets out that all NDPBs should be reviewed every three years, and guidance from the Government Office for Science (GOScience) sets out that scientific advisory bodies should also be reviewed every three years.

The Cabinet Office guidance requires that reviews should not be overly bureaucratic and should be appropriate for the size and nature of the body in question. In view of IIAC's purely advisory role, small size (around 16 members in total) and its lack of executive or operational role, we have combined the NDPB and scientific advisory body reviews. We consider this a proportionate and appropriate approach, giving value for money for the taxpayer.

The combined review was announced on 26 January 2012. A proportionate consultation exercise with key stakeholders took place in February 2012 and received 15 responses.

Stage 1

The first stage of the combined review identified and examined the key functions of the Council. We concluded that:

- There is a continuing need for independent, impartial scientific advice about the Industrial Injuries scheme to be provided to the Secretary of State for Work and Pensions and the Department for Social Development in Northern Ireland. Provision of expert advice in a technical and complex area such as occupational medicine and epidemiology enables the Secretary of State to be confident that the scientific basis for the Industrial Injuries scheme, particularly the schedule of prescribed diseases, is and continues to be reliable, robust and accurate, and based on sound and up-to-date evidence.
- The continuance of a standing committee of independent experts and involved stakeholders with specialist knowledge of occupational medicine and health in the context of Industrial Injuries scheme benefits is the most efficient way to deliver robust evidence-based advice that carries the expert weight required by the Secretary of State. To provide advice of this calibre requires expert knowledge of science and medicine and the ability to critically analyse worldwide research, whilst understanding the effects and interaction of scientific advances on the Industrial Injuries scheme.

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- The Council meets all three tests required by the Cabinet Office guidance¹, in that it is:
 - **Technical** – The Council provides a technical function which needs external expertise of the highest calibre to deliver
 - **Impartial** – The advice to the Secretary of State is, and is seen to be, delivered with political impartiality, and
 - **Independent** – Advice in this field needs to be delivered independently of Ministers by experts to establish the scientific facts with integrity.
- We also concluded that the Council operates in line with the main principles of giving scientific advice to Government set out by GOScience in their code of practice, in that it has:
 - clear roles and responsibilities in its relationship with Ministers
 - is independent and free of political interference, and
 - operates in an open and transparent manner.
- Responses to a consultation exercise in February 2012 were unanimously supportive of the view that IIAC's function remains necessary. Stakeholders also considered that delivery of advice about the Industrial Injuries scheme through an NDPB was the best method to deliver advice to Government, and that the Council provides impartial and independent technical advice.

Stage 2

Cabinet Office advice requires that where the outcome of the first stage of the review is that the NDPB should remain, the Department should review and ensure the public body is operating in line with recognised principles of good corporate governance.

We have examined the governance of the Council, and its working practices as a NDPB and as a scientific advisory body, and conclude that these arrangements are in line with government guidance and reflect the proportional approach to be expected from an advisory body. We also recommend the following measures to strengthen compliance with the guidance:

Recommendations

- That the function of providing advice to the Secretary of State on the Industrial Injuries scheme should continue to be delivered by the Council, acting as both a NDPB and as a scientific advisory body.
- That regular meetings between the Chair and the responsible Minister should be formally arranged at least annually.

¹ The “three tests” are: is this a **technical** function (which needs external expertise to deliver); is this a function which needs to be, and be seen to be, delivered with absolute political **impartiality** (such as certain regulatory or funding functions); or is this a function which needs to be delivered **independently** of Ministers to establish facts and/or figures with integrity.

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- That the Department and the Council should consider whether written terms of reference should be agreed.
- That evaluation of the Council's performance becomes a formal agenda item in annual meetings between the Chair and responsible Minister and the Chair and DWP's Chief Medical Adviser.
- That the Council attach a lay summary of the more technical discussions in its minutes (we understand the Council is taking this measure forward).
- That DWP ensures the Departmental Board is updated regularly on the Council's work and advice to Ministers.

Key principles of the combined review

1. A review of the Council as a scientific advisory body was completed in July 2008. This current review combines the requirements of the review required by the Cabinet Office of the Council as a NDPB and that required by GOScience of IIAC as a scientific advisory body. Both reviews are required to be carried out to a three yearly cycle.

2. The Cabinet Office guidance requires that the review be carried out in line with the following key principles. Reviews should be:

- Proportionate
- Timely
- Challenging
- Inclusive
- Transparent; and offer
- Value for money.

3. GOScience requires that departments review their scientific advisory bodies in line with principles set out in the Code of Practice for Scientific Advisory Committees. Namely, Departmental scientific advisory bodies should have:

- Clear roles and responsibilities
- Independence; and
- Transparency and Openness.

4. In addition GOScience request that the review:

- Provides details of the role, remit and make up of the body
- Provides details of the body's openness, transparency and publication policy
- Provides evidence of how the body's advice has been received by the sponsoring department
- Sets out any areas of concern affecting the running of the body; and
- Sets out the body's understanding of the robustness of its network (i.e. its strength and/or fragility).

Proportionality, cost effectiveness and timing of the review

5. Cabinet Office guidance requires that a review should not be overly bureaucratic and should be appropriate for the size and nature of the NDPB in question.

6. The Council has no executive or operational role, and its statutory remit limits it to providing advice. The Department considers that, in the light of these factors, an internal review cleared by DWP Senior Civil Servants independent of the sponsorship of the Council and with the right knowledge and experience of the area of work is appropriate, proportionate and value for money for the taxpayer.

7. In the interests of proportionality, it is also appropriate to combine the review of IIAC as a NDPB with the review of IIAC as a scientific advisory body. These analogous reviews have many principles in common and share a three year timetable.

Challenge and inclusivity

8. This review is a robust examination of both the need for the Council's functions to continue, and whether the advice the Council gives to the Secretary of State could be delivered as effectively or more effectively by alternative means.

9. The Council have been engaged with this review and has had the opportunity to comment on this report. Key stakeholders, including the Work and Pensions Select committee have been approached directly for their views. Parliament has been informed of the start of the review and will be made aware of its conclusions.

Transparency

10. The review will be announced and published by the DWP and will also be made available on its website.

The Council's role and remit

Role

11. The role of the Council is to advise the Secretary of State about the Industrial Injuries scheme. The Council's role is purely advisory, it has no power or authority to become involved in individual cases or in the decision-making process, and has no executive or administrative functions.

Remit

12. The Council's statutory remit is set out in Section 171 of the Social Security Administration Act 1992. The Act states that the Secretary of State may refer questions relating to Industrial Injuries benefit or its administration to the Council for consideration and advice, and that the Council may also give advice on any other matter relating to such benefit or its administration. Additionally, where the Secretary of State proposes to make regulations regarding Industrial Injuries benefit or its administration, he shall refer the proposals to the Council for its advice. Schedule 6 to the Act sets out the constitution of the Council.

Industrial Injuries Scheme

13. The Industrial Injuries Scheme provides state compensation that can be paid to an employed earner because of an occupational accident or prescribed disease. The principal benefit is Industrial Injuries Disablement Benefit (IIDB), and there are other payments and allowances that come under the definition of industrial injuries benefits. IIDB is 'no-fault', tax-free, non-contributory and administered by the DWP. It is paid in addition to other incapacity and disability benefits, but is taken into account when determining the level of payment for income-related benefits.

Membership of the Council

14. Members are appointed by Secretary of State in line with guidance from the Commissioner for Public Appointments. Statutory legislation sets out that the Secretary of State shall determine the number of members of the Council. Currently there are 17 members.

15. It is formed of independent members with relevant specialist skills, representatives of employees and representatives of employers. The independent members currently include medical practitioners, academics, scientists and lawyers. Legislation requires an equal number of representatives of employees and employers. Current membership is set out in **Annex A**.

Stage 1 of the review

16. The first stage of the review identifies and examines the key functions of the Council, assesses how those functions contribute to the core business of the DWP, and considers whether the functions are still needed.

17. If the review concludes that a particular function is still needed the review should examine how the function might best be delivered.

Key functions of the Council

18. The Council exists to provide advice to the Secretary of State and the Department of Social Development in Northern Ireland to assure him that the basis for the Industrial Injuries Scheme is sound and based on current scientific evidence and expert opinion.

19. The payment of state ‘no-fault’ compensation through industrial injuries benefits to those disabled by accident or disease through their work is currently a part of DWP core business.

20. The statutory framework of the scheme requires the Secretary of State to decide:

- which diseases and relevant occupations should qualify for payment;
- if the individual claimant’s disease or accident was caused by their work, and
- the extent of the disablement for which compensation should be paid.

21. In order for the Secretary of State to be confident that these specialist elements of the scheme are scientifically sound and administratively practicable, he requires advice of the highest order from recognised and respected experts in the fields of occupational epidemiology and medicine, who also have knowledge of the requirements of the Industrial Injuries scheme.

22. The provision of expert advice in a technical and complex scientific area such as occupational epidemiology and medicine enables the Secretary of State to be confident that the scientific basis for the Industrial Injuries scheme, particularly the schedule of prescribed diseases, is and continues to be reliable, accurate and up-to-date.

23. **Stakeholder comments:**² Considered that while the Industrial Injuries scheme remains in place the continued provision of advice from independent impartial experts outside the DWP is required to run this part of the Department’s core business. In particular such advice is necessary in relation to the scheduling of diseases for which benefit should be payable.

- Necessitates extensive technical knowledge and an expert command of the subject area” (Confederation of British Industry (CBI))

² A list of stakeholders who responded is at **Annex B**.

- The level of medical, scientific and academic expertise on the Council provides for comprehensive and informed decisions” (Department for Social Development, Northern Ireland).

24. We conclude that the function is still needed, and that the delivery options for provision of this advice should be examined by the review.

Delivery options for provision of expert advice on the Industrial Injuries scheme

25. The Council model for delivering advice to Ministers in this complex scientific area has stood the test of time. In 1946, the Council was set up to provide high-calibre reliable expert advice about the Industrial Injuries scheme, balancing the input of employers and employees. There has been no spontaneous suggestion that the Council should be significantly altered from any stakeholder before this review, and it retains their public confidence.

26. New evidence about the type and level of risks of disease from occupations continually emerges in the scientific literature. Analysis of this evidence is further complicated because many of the diseases currently being studied are common in the general population and have interacting occupational and non-occupational causes (e.g. hearing loss). Effective analysis of this evidence in the context of the statutory requirements of the Industrial Injuries scheme requires expert knowledge and experience.

27. The financial cost of the IIAC NDPB model is extremely modest; none of the members receive salaries or pensions and no consultants are retained. Members receive a fee for attending meetings and appropriate travel expenses in line with civil service rules. Despite this the Council continues to succeed in attracting the participation of eminent scientists and occupational health experts in fields relevant to the needs of the Industrial Injuries scheme, and providing the benefits of a continuity of knowledge and service in the two complicated areas of occupational medicine and Industrial Injuries legislation. This is largely due to the high intellectual regard with which the Council is held in the scientific community.

28. As a body whose role is purely advisory, a proportionate approach to consideration of alternative delivery options is appropriate. Alternatives considered were:

Abolition

29. While the Industrial Injuries scheme remains in place, independent, impartial and transparent expert scientific advice from outside the Department continues to be an essential requirement to enable the Government to run a scheme based on medical and epidemiological principles and assessment. Scientific research on occupational causes of disease develops continuously and requires regular informed monitoring to ensure the scheme is based on up-to-date, reliable and scientifically sound evidence.

30. **Stakeholder comments:** The majority of stakeholders considered that the Council clearly continues to meet the Government's three tests, and that abolition is not appropriate while the Government continues to operate a compensation scheme for industrial injuries and diseases. Stakeholders considered that the Council is very efficient in providing technical impartial advice in a complex area where external independent expertise is required.

- IIAC meets all 3 criteria for an NDPB. (RSI Action)
- IOSH believes IIAC meets all three of the Government's tests. (Institution of Occupational Health and Safety and Health)
- Easily passes all three of the stated tests. (Society of Occupational medicine)

31. Our conclusion is that to stop the provision of expert advice in this area would quickly render the Industrial Injuries scheme open to challenge, inequitable and out-of-date with current scientific evidence.

Move out of Central Government

32. Bringing together a group of experts with national standing and reputation to provide unimpeachable consensus advice on the specialist provisions of a national benefit scheme is a task more suitable to central government than to local government, the voluntary sector or the private sector. The advice is required to help Ministers run a national, high-volume low-cost publicly-funded scheme through a government Department and its agencies. There are no existing providers in other sectors that could provide the breadth and experience required in this narrow expert field.

33. Privatising this function is likely to increase the financial cost of delivery with no likelihood that the quality of advice would improve. Currently the advice is provided at minimal cost (a fee for attending meetings and travel expenses). The Council is a public body not run for profit, with no salaried employees, supported by a small Secretariat within DWP. This arrangement is likely to be unacceptable to other sectors but is sustainable by IIAC because of the reputation and standing of the Council and its work and its public service ethos, which together serve to encourage participation and high quality results at minimum cost to the taxpayer. Administrative costs are currently £55K for the administration of IIAC, and £105K staff costs for the secretariat provided by and paid for by DWP. See Annex C for details.

34. **Stakeholder comments:** Stakeholders considered that in comparison with expert input into industrial injuries compensation cases in common law, the expert advice of IIAC is of high quality and good value for money. This helps to minimise administrative costs while ensuring decisions are fairly based.

- Remarkable value for money. (Prof Newman Taylor, National Heart and Lung Institute)
- Doubtful that the Government could acquire such a large amount of scientific information at such low cost in any other way. (Society of Occupational Medicine).
- Expert advice of IIAC is of high quality and good value for money. (Medical Research Council)

35. Our conclusion is that there would be no benefits from moving the advice function out of central government, and there would be a loss of experience and continuity of knowledge. Most importantly, the reputation the Council has built up for high quality trustworthy advice would also be lost.

Bring in-house

36. There is insufficient in-house expertise in the relevant specialist areas required of occupational medicine and epidemiology. Sufficient in-house expertise could only be provided at significant additional cost to the taxpayer. In addition it is important that advice on the scheme is delivered at arms length from Ministers as the provision of impartial, independent and transparent advice is an essential requirement for public confidence. Ministers must also have complete confidence that the Industrial Injuries scheme has a sound basis in science and medicine.

37. Stakeholder Comments: Stakeholders considered that DWP does not have the required expertise to undertake this work in-house.

- DWP does not have the required expertise to undertake this work in-house. (Medical Research Council)
- Expertise in occupational epidemiology is scarce within Government. (Health and Safety Executive)

38. Our conclusion is that DWP has insufficient in-house ability to carry out the Council's function, and continued independent delivery is essential to ensure that the advice provided is regarded as impartial.

Merge with another body

39. There are other scientific advisory bodies across central government that provide expert advice related to health and work, but none whose role and remit are solely concerned with investigating the scientific evidence base for occupational injury in relation to the legislative requirements of the Industrial Injuries scheme. The skills and experiences of these other bodies are not suited to provide the quality of specialised advice related to the specific statutory requirements of the Industrial Injuries scheme that is required by the Secretary of State. An example might be the Advisory Committee on Toxic Substances (ACTS) that advises the Health and Safety Executive. They have experience in an area that touches on one of the Council's subject areas (occupational exposure to certain chemical substances), but without the knowledge of the specific probabilistic statutory requirements of the Industrial Injuries scheme.

40. An element of the Council's job is to advise the Secretary of State on draft Industrial Injuries Scheme regulations he proposes to bring forward. The Council considers one or two sets of such regulations each year. Another advisory body, the Social Security Advisory Committee (SSAC) which is sponsored by the DWP has the statutory remit of examining the vast majority of social security legislation that the Secretary of State intends to bring forward that is not related to industrial injuries benefits. SSAC, however, does not have members with the expertise in occupational medicine and epidemiology required to advise the Secretary of State in this area.

41. **Stakeholder comments:** One stakeholder raised the possibility of merging with SSAC, but considered that because this would require a specialist sub-committee there would be no significant advantages.

- IIACs work is pro-active, based on constant monitoring of new scientific research publications and evidence unrelated to DWP's usual interests or other benefits, whereas SSAC's work is largely reactive to the legislative proposals of the Department. (Professor Harrington)
- Could merge with SSAC, but due to its specialist nature I cannot see any significant advantage. (Professor Harrington)

Another stakeholder considered that there was a strong continued need for external experts in the area of industrial diseases to scrutinise draft regulations to ensure that DWP aligned legislation correctly with the scientific evidence used in the Council's recommendations.

- There is a need for continuing independent scrutiny of the way in which the industrial injuries scheme operates in practice. (Medical Research Council).

42. In our consideration, there would be no advantages, in cost to the tax-payer or the continued provision of high quality impartial advice, in merging IIAC and SSAC. SSAC has no scientific expertise or experience in occupational medicine or epidemiology. If it were to be given this extra unrelated work, a standing committee co-opting expert advice would be required to discharge the responsibility to the standards required. The financial cost of running such a standing committee would be the same or more as for IIAC, but at the expense of the loss of identity that IIAC has built up that attracts those with the expert knowledge to contribute and give their time and skills.

Continued delivery by a NDPB

43. Cabinet Office guidance requires that for a function to carry on being delivered through an NDPB it has to pass three Government tests, in that it:

- performs a technical function which needs external expertise to deliver (providing advice based on expert analysis of scientific evidence relating to the narrow field of occupational injury)
- provides advice which needs to be, and be seen to be, delivered with absolute political impartiality (all the Council's decisions are published and the constitution of the Council ensures that experts, employers and employees all have a voice in agreeing conclusions and recommendations); and
- provides a function which needs to be delivered independently of Ministers to establish facts with integrity (the Council's advice is entirely evidence-based in order to present to Ministers robust scientific opinion on a wide range of complex, technical issues taking into account the views of employers and employees).

44. Stakeholder comments: Stakeholders who commented agree that the Council meets the three tests, in that:

- There remains a strong need for IIAC, principally because it provides a technical function which needs external expertise. (Medical Research Council)

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- Overall, IIAC continues to operate openly, transparently and with scientific rigour. (Medical Research Council)
- IIAC score highly on each of the three tests - expertise, political impartiality (essential), working independently to establish the facts. (Professor Harrington)
- There is a need for continual monitoring and rigorous evaluation of new evidence in the scientific literature. (Medical Research Council).

Conclusion

45. We conclude that IIAC's function of providing expert advice on the Industrial Injuries scheme is still required. We also consider that it should continue to be delivered through a NDPB as it meets the three tests of technicality, impartiality and independence, and is the most appropriate method for delivering consistent expert advice in this area.

Requirements of a scientific advisory committee

46. GOScience requires that scientific advisory bodies should engage with Government in line with the following three broad principles:

a) Clear roles and responsibilities in the giving of scientific advice;

The Council is required to respect the democratic mandate of Government to take decisions based on a wide range of factors and recognise that science is only part of the evidence that Government must consider in developing policy

47. The Council has a track record of respecting the range of factors that Government takes into account when formulating policy. In the main Government has accepted the Council's findings in relation to scientific matters, but the Council has taken account of Government concerns where appropriate. For example, the Council decided to accede to a Government request to await further research findings in the matter of exposure at work to organophosphates.

The Council should not act to undermine the mutual trust with Government

48. The Council has built mutual trust with Governments of different persuasions and Department officials over many years, and there have been no occasions over the last three years when the Council or its members have undermined that trust. The constitution of the Council requires equal representation of employers and employees, which requires that the Council considers fully the impact of its work and recommendations and how it may affect government policy.

The Chair of the Council has a particular responsibility to maintain open lines of communication with their sponsor department and its Ministers

49. Over the years Council Chairs have maintained cordial and open relations with Ministers, and made efforts to ensure that priority is given to those tasks that Ministers have specifically asked the Council take forward. An example is the review of pleural plaques undertaken in 2010 and a review of the prescription of osteoarthritis of the knee in underground coal miners in 2011. The current Minister attended a full Council meeting in January 2011, and has a standing invitation to attend others. The DWP considers that there are no barriers to communication with the Chair and the Council.

b) Independence

Scientific advisers should be free from political interference, and free to publish their work and advice, including when it may appear to be inconsistent with government policy

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50. It is an essential characteristic of IIAC's work and advice to the Secretary of State that it is independent, and should be seen to be independent.

51. The Council considers that there has been no political interference or pressure in how they go about their work, or in choosing their areas and methods of enquiry. No barriers have been placed in their way regarding publication of their reports or placing of their views on their website, even when these may be inconsistent with government policy. Council members have confirmed that their conclusions and reports are published without change or alteration to their agreed version, and that the existence of the IIAC website continues to perform an essential role in making their reports publicly available.

52. The Council's conclusions and recommendations are always discussed and agreed by the full Council. Members have confirmed that they are able to contribute to discussions and the formulation of the Council's conclusions.

Scientific advisers should have the right to engage with the media and public independently of Government

53. The Council's area of work is confined to a narrow speciality of occupational disease, and there is little contact with the media or media interest in their work. However the Council has its own website and is free to decide what should appear there. The Council also holds an annual public meeting in a different location in the UK each year in order to help fulfil its duty to engage with the public.

c) Transparency and Openness

The Council's scientific advice should be publicly available

54. The Council has always been able to publish its advice, whether this has been to recommend adding or amending diseases to the list for which Industrial Injuries benefits can be paid, or where the advice was not to recommend such changes. When the Council's advice has not merited publication of a report, they have been able to use their website to make their conclusions publicly available. Council members have never been required to sign non-disclosure agreements.

Timing of publication of advice should be discussed with the Department but is for the advisory body to decide

55. Timing of publications is discussed with DWP beforehand, especially in relation to reports where IIAC are recommending additions or amendments to legislation. Recommendations for change are always published in the form of Command papers and presented to Parliament by the Secretary of State. This practice allows for publication of the report close to the completion of that report, rather than delaying publication until after the Secretary of State has decided whether or not to accept the recommendations of the report.

Government should not pre-judge the Council's advice, allow time for proper consideration of that advice and explain the reasons when they do not take the Council's advice

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56. The Council considers that this approach is reflected in its operation, that its reports are not prejudged and that it is given reasons when Government does not accept their advice. There are occasions when the time taken by the Secretary of State to respond to a Council report takes longer than the Council considers is reasonable, usually because of priorities in the Department's agenda.

Conclusion

57. We conclude that the Council operates in line with the guiding principles set out by the GOScience for giving scientific advice to Government.

Stage 1 – Conclusion

58. That the Secretary of State continues to require expert specialist advice to ensure the Industrial Injuries scheme is based on scientifically robust evidence.

59. That the continuance of the Council as an independent, expert scientific body including involved stakeholders is the most efficient way to deliver robust evidence-based advice on the Industrial Injuries scheme.

60. That the Council meets all of the Government's three tests for NDPBs:

a) The Council provides a technical function

b) it is impartial; and

c) it delivers a function that needs to be delivered independently of Ministers to establish facts.

61. It operates with openness and transparency. Its advice is underpinned by rigorous robust expert analysis of worldwide scientific research advances that carries the expert weight required by the Secretary of State. The Council takes full account of the effects and likely future effects of change on the provisions of the Industrial Injuries scheme.

62. We are also content that the Council satisfies the core principles laid down by GOScience for scientific advisory committees.

Stage 1 – Recommendation

63. We recommend that the function of providing advice to the Secretary of State on the Industrial Injuries scheme should continue to be delivered by the Council, acting as both a NDPB and as a scientific advisory body.

Stage 2 of the review – Governance

64. The first stage of the review concluded that the Council’s function is still required and that delivery as a NDPB remains appropriate.

65. This second stage of the review examines whether the Council operates in line with recognised principles of good corporate governance that should operate in relation to NDPBs. The Council is an advisory body, without any executive or operational functions and responsibilities, and this review concentrates on those governance arrangements that are relevant and proportionate to advisory bodies, including accountability, openness, and transparency.

66. Stage 2 is also an appropriate place to ensure that the Council’s working practices as a scientific advisory committee are in line with the requirements in the GO Science Code of Practice for Scientific Advisory Committees.

Governance of the Council as a Non Departmental Public Body

Accountability

67. The Council is set up on a statutory basis as set out in Section 171 of the Social Security Administration Act 1992 to provide advice to the Secretary of State for Work and Pensions and the Department for Social Development in Northern Ireland. Ministers are ultimately accountable to Parliament and the public for the overall performance and continued existence of the Council. The responsible Minister and the sponsoring Department exercise appropriate scrutiny and oversight of the Council as follows:

Accountability for public money

68. The Council is solely an advisory body and has no executive functions that require funding. The cost of running the Council is small, and a budget is provided by and administered by the sponsor department who carry out the required financial controls. Administrative costs are currently £55K per year for the administration of IAC, and £105K per year staff costs for the secretariat team provided by and paid for by DWP. See **Annex C** for details.

Appointments

69. Appointments are made by the responsible Minister in line with the Code of Practice issued by the Office of the Commissioner for Public Appointments (OCPA). There is a rigorous, transparent and OCPA compliant process in place for the

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appointment of both the Chair and members of the Council. These appointments are included in the audit scrutiny of DWP non departmental public bodies carried out by the OCPA.

Ministerial meetings with the Chair

70. Arrangements are in place to increase the frequency of meetings between the responsible Minister and the Chair. The Minister has attended a meeting of the Council, although meetings between the Chair and the Minister have been dictated by events rather than as a matter of course

Recommendation: That regular meetings between the Chair and the responsible Minister should be formally arranged at least annually.

Annual Report

71. The Council publish an Annual Report that is placed in the libraries of the Houses of Parliament and is available on the Council's website.

Data Protection and Public records

72. The Council is compliant with data protection legislation. Members have no access to any DWP data systems (staff or claimants) and on the rare occasions when claimant information is supplied to them it is fully anonymised. The Council has not received any data protection enquiries.

Role of the Sponsoring Department

Terms of Reference

73. The Council's role in advising the Secretary of State is set out clearly and succinctly in Section 171 of the Social Security Administration Act 1992. The Council currently carries out its function without agreed written terms of reference. The Council's legal remit and method of operation are set out clearly on their website, and their limited role as an advisory body has worked against the need for such a document.

Recommendation: That the Department and the Council should consider whether written terms of reference should be agreed.

Departmental Board

74. The Board's responsibility to monitor performance of the Council is primarily exercised through the Director-General of Professional Services and the non-executive member of the Board who has responsibility for relations between the Department and its non departmental public bodies.

Sponsor Team

75. A Departmental sponsor team provides appropriate and proportionate oversight and scrutiny of the Council. Sponsorship is delivered via the Department's Chief Medical Adviser, and staff within his Health and Well-being Directorate, including at senior civil servant level.

Secretariat

76. The Department provides the Council with a secretariat, comprised of a Secretary (at Grade 7 level – part-time), a Scientific Adviser (part-time) and two administrative staff (full-time). The Secretariat provides the Council with sponsorship links to Ministers and the DWP, scientific support and administrative services.

Scientific assistance

77. A Scientific Adviser provides the Council with experienced help in obtaining, presenting and analysing research evidence relevant to the Council's reviews and investigations.

Regular and ongoing dialogue between the Council and the DWP

78. Dialogue is achieved through representation at all IIAC meetings of DWP medical policy group, Industrial Injuries scheme policy group and through the use of the Secretariat as a conduit between the Council and the sponsoring Department.

Annual evaluation

79. Evaluation of the Council's performance centres on consideration of the annual report and ongoing stewardship input throughout the year into the work of the Council and the quality of its advice to Ministers. This is a proportionate approach reflecting that the Council has no executive or administrative role.

Recommendation: That evaluation of the Council's performance becomes a formal agenda item in annual meetings between the Chair and Minister, and the Chair and DWP's Chief Medical Adviser.

The Role of the Chair

80. The Chair of the Council clearly directs the Council's work and ensures its overall effectiveness, involving other members to ensure the work is shared and that the skills and experience of the other members are fully utilised.

81. The Chair is fully involved in the selection process for appointing new Council members. He is involved in the sifting, interviewing and selection of candidates in line with OCPA requirements.

82. Our review confirms that the Chair:

- Represents the Council in discussions with Ministers
- Advises the sponsoring Department and Ministers about appointments to, and the performance of, Council members. The Chair is fully involved in the appointments process for members and their appraisal
- Ensures, with the help of the Secretariat and the sponsoring Department that members have a proper induction, fully understand the Council's remit and the need for efficient working and the importance of representing the Council to other stakeholders and the public. The Chair has been involved in quality checking the member's induction pack; and
- Ensures the members have their performance appraised regularly.

The role of members

83. The IIAC members provide independent expert advice to Ministers on the Industrial Injuries scheme. An example of the advice was a report (September 2011) recommending that lung cancer in coke oven workers should be added to the list of diseases for which IIDB can be paid. On a less scientific note, the Council wrote to the responsible Minister to advise him that, in their opinion, IIDB should not be included in the calculation for the benefit cap introduced by the Welfare Reform Act. The provision was dropped before the Act received Royal Assent in March 2012.

84. Members are independent of the Department and of any other vested interest, other than those members acting as representatives of employers and employees, as required by the Council's statutory remit.

85. Members are drawn from as wide a range of backgrounds as is reasonably compatible with providing Ministers with expert, robust advice in the relatively narrow field of industrial injuries and occupational medicine.

86. Stakeholder comment:

- Its members provide a balance of technical expertise and workplace representation. (RSI Action)

87. The mix of members with scientific and medical backgrounds with those bringing the experience of employers and employees continues to serve the Council well in providing Ministers with rounded advice on the Industrial Injuries scheme.

88. Officials from DWP and the DSD in Northern Ireland attend the Council's meetings to give advice and guidance to Council members on policy matters and the operation of the Industrial Injuries Scheme. Representatives from the Health and Safety Executive and the Ministry of Defence also attend as observers.

89. There is an induction process for new members, with a review by the Chair and the Secretary of further training and development in relation to the needs of the Council. Members are aware of their responsibilities to the Council, and are provided with copies of current government guidance on their responsibilities as members of an advisory NDPB.

90. Members are provided with written details of their role and responsibilities, their terms of office, expenses and fees when they are appointed.

Communications

91. The Council demonstrates the required commitment to a spirit of openness in its activities.

92. All the Council's advice and conclusions are published, either by DWP or by the Council itself on its website. The website is used to engage and consult with stakeholders and the public, and to publish agendas and minutes of Council meetings.

93. The Council holds a public meeting every year, in different regions of the UK where this is affordable, in line with GOScience guidance that scientific advisory committees should provide specific opportunities for direct public access.

94. Freedom of Information requests have been dealt with by the Secretariat in line with the statutory requirements and spirit of the Freedom of Information Act 2000. The Council received 13 Freedom of Information requests directly through its website in the past three years which were all dealt with within the specified time limits.

95. The Council's adherence to openness and transparency are demonstrated in more detail later in the report³.

Conduct and behaviour

96. Members are aware of, and receive as part of their induction, a copy of the Cabinet Office Code of Conduct for members of public bodies. This includes guidance on political activity, the rules around the acceptance of an appointment, and the conduct required of members including the key principles of public life.

97. Members are aware of the rules and procedures for declaring any conflicts of interest. They are asked at each meeting whether they have any new conflicts of interest to declare and records are kept.

98. There are clear rules, in line with civil service arrangements, for claiming expenses.

Conclusion

99. We conclude that the governance arrangements for IIAC as a NDPB are in line with government guidance and reflect the proportional approach to be expected from an advisory body.

Recommendations

100. That regular meetings between the Chair and the responsible Minister should be formally arranged at least annually.

101. That the Department and the Council should consider whether written terms of reference should be agreed.

102. That evaluation of the Council's performance becomes a formal agenda item in annual meetings between the Chair and Minister and the Chair and DWP's Chief Medical Adviser.

³ Paragraph 122.

Governance of the Council as a Scientific Advisory Committee

IIAC's approach to formulating its scientific advice

103. GOScience provides a Code of Practice for scientific advisory committees who provide advice to allow Ministers and Government Departments to understand the scientific information relevant to their area of interest – in this case the industrial injuries scheme and in particular the list of diseases prescribed for the purpose of entitlement in that scheme. This section of the review examines whether the Council's working practices as a scientific advisory committee are in line with the requirements of that Code of Practice.

104. The Council's approach to formulating its scientific advice to Ministers shapes its working practices, and is explained below.

105. The Council has a permanent sub-committee, the Research Working Group (RWG), which meets independently of the full Council four times a year and undertakes the detailed scientific examination of evidence before reporting to the full Council. The Secretariat includes a scientific adviser at senior scientific officer grade to research and monitor the scientific literature in order to keep members updated with developments in scientific research relevant to occupational causation of injury and disease.

106. The majority of the council's work is self generated through horizon scanning and monitoring of research publications. Council members bring their practical knowledge, experience and awareness of risks at work to bear on deciding which areas to examine. Scientific, medical and academic members may also bring their awareness of emerging research findings. Issues are also referred directly to the Council by Ministers, the Department, members of the public, their representatives or other interested bodies, including Members of Parliament and trade unions.

107. When IIAC decides to investigate a particular area the scientific adviser will undertake a comprehensive focused literature search for research evidence published in high quality learned international medical and scientific journals. It is usual practice to issue a call for evidence to interested parties to submit any relevant research through the Council website, and through the Society of Occupational Medicine and the Faculty of Occupational Medicine. IIAC may also approach specific experts in the relevant field (e.g. academic researchers, trade union or industry officials), to attend the Council or RWG meetings or to submit evidence in relation to

a particular query. Unpublished, or 'grey', literature is also considered by the Council for certain investigations.

108. The Council does not have a research budget to fund scientific studies, although in the past it has been able to secure funds from the DWP – when these are available - to commission reviews of the literature on specific topics by academic experts outside IIAC.

109. In general the Council seeks consistent evidence from different studies, ideally with different research designs, and from the UK and elsewhere, to confirm a link between an occupation and a disease. The standard of proof usually required by the Council (a greater than doubled risk of a disease occurring in an exposed worker compared to a suitable comparator group) is derived from legislative requirements and case-law, and is explained in the Council's reports.

Working practices

110. The Code of Practice produced by the GOScience sets out guidance, operating from an assumption of openness that should be followed by scientific advisory committees. The paragraphs below summarise our review of the practices currently in place for the Council.

111. **Openness:** The Council operates from a presumption of openness, publishing its agendas and minutes and also the conclusions of its work and any recommendations to Ministers. In the last year they have widened this approach to include placing their conclusions on the IIAC website for those investigations where publication of a full report was not appropriate.

112. **Papers:** The Council aims to prepare papers in accessible language, although issues often involve technical discussion. IIAC recently introduced a glossary section into their reports to explain technical terms in more detail for the lay reader. The Council also decided to include a lay explanation of technical discussions in the Council's minutes when this was necessary.

Recommendation: That the Council attach a lay summary of the more technical discussions in its minutes (we understand the Council is taking this measure forward).

113. **Research:** Although the Council itself has no research funds, when an area of investigation reveals a dearth of research evidence in a potentially useful area, the Council uses its website to ask anyone with relevant evidence to submit it. The Council makes clear in its papers that previous advice to Ministers can be reviewed in the light of new, robust scientific evidence.

114. **Inadequate or contradictory evidence:** The Council takes the same evidence-based approach to setting out the basis of their conclusions, whether or not they lead to a recommendation to Ministers to amend the Industrial Injuries scheme. If evidence is scarce or contradictory the Council makes this clear, and highlights that emerging robust scientific evidence will always be considered.

115. Early identification of issues: The Council has arrangements in place to monitor new research findings that might affect the Industrial Injuries scheme – in particular a biannual search of research publications relating to occupational injury focusing on areas of current and past interest to the Council or the Department.

116. Reporting risk and uncertainty: The Council makes a point of setting out the statutory framework to the Industrial Injuries scheme that underlines its investigations in every report where recommendations are made to Ministers. This framework clarifies the importance of the balance of probabilities in the Council's assessment of evidence when estimating the risk of disease from occupation. The Council's website also clarifies this area.

117. Procedures for arriving at conclusions: The Council has agreed mechanisms for arriving at decisions. In the main, the Council's RWG will assess the scientific evidence in detail and provide a draft report for the Council to consider and agree before any recommendations are made to Ministers. All Council decisions are made by the full Council unless urgency requires expedient clearance by the Chair. In such urgent cases the full Council is informed and given opportunity to comment as soon as possible, and any disagreements would be communicated to the sponsor Department.

118. Dissenting views: The Council sets great store by having agreement if at all possible for the Council's conclusions. Any significant divergence of opinion would be accurately reflected in the body of any report. Open and frank discussion is encouraged, and differences impartially and unattributably recorded in minutes of meetings.

119. Communication with the public: The Council's policy is to use its website for all reports, calls for evidence, information notes, position papers, press releases and other news. The Council's Secretariat responds to all emails or letters, clearing with the Chair or members as necessary. The Council has invited many experts over the years to come and give evidence on their areas of interest, and has a meeting once a year dedicated to public discussion of the Council's work and public forums.

Stakeholder comment:

– Seen to be entirely independent and open to public contribution and scrutiny.
(Confederation of British Industry)

120. Peer Review: The Council produces no new research itself, but has in the past asked experts outside the Council to review their reports before passing them to Ministers.

121. Confidential information: The vast majority of information the Council handles is in the public domain and/or anonymised; it has no access to DWP data systems. Any information sent to the Council uninvited is dealt with by the Secretariat according to Departmental policies and government protocols in line with legislation on handling information.

122. Engaging the broader academic community: It is a strength of IIAC, and a reflection of its standing, that there is constant fruitful contact with colleagues,

departments, institutions, societies and associates involved with the study of occupational injury and medicine. The response to the consultation bears this out.

123. Handling disagreement with Sponsoring Department or Minister: There have been rare occasions when the Government's decision does not accord with the Council's advice. The Council accepts that policy decisions are based on a range of factors in addition to its own advice, and on these occasions the Chair may discuss with the Minister or Departmental officials the basis for the decision. To date this approach has been successful, although there is a route for formal escalation of disagreement through discussion with the DWP Chief Scientific Adviser.

Openness and Transparency in working practices

124. The Council has an independent website that sets out its membership, current work, its remit, copies of all its reports, meeting agendas and minutes, associated Departmental press releases and other information notes the Council wishes to make public.

125. The Council produces an annual report which is submitted to the Secretary of State. The report is placed in the libraries of the Houses of Parliament and the library of the Northern Ireland Assembly, and published on the Council's website. The report sets out in detail the work carried out that year and its programme of work for the future.

126. For the last nine years IIAC has held a public meeting at least once a year, in different locations around the UK. The meetings have been well-attended, between 60 and 70 people attending each of the last two meetings in Manchester and London. Invitations are sent out in advance to locally based stakeholders, advertisements placed in relevant media, and attendees are asked to supply questions that they would like answered on the day of the meeting. Open forums are a feature of the public meetings where any questions can be put directly to the Council. Several Council reviews have been instigated by queries raised at Public Meetings, including prescription for chronic obstructive pulmonary disease in surface coal miners.

127. All Council reports are published, either by the Department through the Command Paper process, when a change to the scheme is proposed, or independently as position papers, when the Council concludes that the evidence does not support a recommendation for change. The reports include references to published and unpublished research evidence and experts and other stakeholders who were consulted or submitted evidence considered during the course of the review. The Council has decided in recent years to include in each report a glossary explaining any technical terms used in each report. This ensures a high degree of transparency in its decision making process for a broad audience of stakeholders (academics, policy makers and lay persons).

128. In 2009/10 the Council began issuing information notes on its website. These notes summarise evidence relating to an occupational health topic where there is insufficient evidence to support a full investigation warranting publication of a

Command or position paper. This increases transparency of the decision making process for topics the Council considers, however small or limited the subject matter.

129. The Council publishes agendas and minutes of its meetings on the Council website. Publication of the full minutes from Council meetings has been agreed from 2011. The Council is happy to fully comply with Freedom of Information requests from individuals or organisations who request excerpts from minutes of meetings. However, some elements of the minutes may not be included where they are exempt under the Freedom of Information Act or contain personal information.

Standing of the Council's scientific work

130. Through the consistent high quality of its scientific work, the Council has become an accepted authority in the area of occupational injury and disease. This is demonstrated by the HSE basing its list of diseases in the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) on the IIDB prescribed diseases list, and the weight given to IIAC reports by judges of the Upper Tribunal Administrative Appeals Chamber.

131. The Council's conclusions have not been challenged in academic and scientific circles, or by the Judges of the Upper Tier Tribunals or higher courts, and its scientific conclusions and recommendations are almost always accepted by the Secretary of State for Work and Pensions and the Department for Social Development in Northern Ireland. Indeed Judges at all levels, up to and including the Supreme Court, have referred to the Council's reports as an authority in their judgments.

Stakeholder comments:

- Unusual in having the respect of leading figures from the worlds of law, medicine and academia combined with support from both sides of industry. (Trades Union Congress)
- Membership consists of scientists of a very high calibre who are well-renowned in their respective fields. (Confederation of British Industry)
- IIAC reports used as a kind of gold standard by lawyers, civil courts, insurance companies, trades union, safety officials, occupational physicians and others. (Society of Occupational Medicine)
- Seen to be entirely independent and open to public contribution and scrutiny. (Confederation of British Industry)

Strength or Fragility of the Council

132. The Council continues to be a highly cost-effective way of providing Ministers with high-quality scientific advice on occupational injury and disease and how current scientific knowledge relates to the Industrial Injuries Scheme. Stage 1 of the review concluded that the Council's functions could not be better delivered in any other way, a view supported by stakeholders.

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133. In recent times it has been a strength that all the Council members have agreed the Council's conclusions. The Council sets great store by reaching a consensus view through discussion.

134. One concern for the future of the Council is the increased difficulty that may be experienced over time in recruiting and retaining occupational health experts of the necessary high quality from a small field of candidates. This links to problems with the future of the field of academic occupational medicine which have already been flagged with Professor Sir John Beddington (Government's Chief Scientific Adviser). The Council are concerned that the provision of reliable scientific advice and data to Government in general may be reduced or affected by future shrinkage of the choice of candidates, and by general lack of funding in this area of study.

135. Another concern lies in the inherent difficulties in investigating potential prescription for diseases that are common in the population at large irrespective of occupation. For these diseases it is much less straightforward to be clear about causation. Examples are stress and musculoskeletal disorders or for diseases where active research of the quality required by the Council is not being undertaken.

Conclusion

136. We conclude that the governance arrangements in place for the Council are in line with the GOScience Code of Practice for Scientific Advisory committees. The arrangements allow the Council's advice to be open, transparent and evidence-based.

Stage 2 – Conclusion

137. We conclude that the Council does operate in line with those principles of good governance relevant to advisory NDPBs and scientific advisory committees, in particular:

- Ministers and the Department for Work and Pensions exercise proper scrutiny and oversight of the Council
- The Department ensures that the appropriate governance arrangements are in place
- The Council's working practices are in line with the requirements of the GOScience
- The Chair exercises leadership and ensures the Council's overall effectiveness
- The Council provides independent and expert advice to Ministers
- The Council is open, transparent, accountable and responsive in its communications, as required by both NDPB and scientific advisory committee guidance
- Members work to the highest personal and professional standards

Stage 2 – Recommendations

- That regular meetings between the Chair and the Minister should be formally arranged at least annually.
- That the Department and the Council should consider whether written terms of reference should be agreed.
- That evaluation of the Council's performance becomes a formal agenda item in annual meetings between the Chair and Minister and the Chair and DWP's Chief Medical Adviser.
- That the Council attach a lay summary of the more technical discussions in its minutes (we understand the Council is taking this measure forward).

Conclusion of the reviews

138. In line with the requirements of the Cabinet Office and GOScience for reviewing the Council as a NDPB and as a scientific advisory committee, we are satisfied that:

- There is a continuing need for its expert independent scientific advice to ensure that sound evidence is available for maintaining the Industrial Injuries scheme in accordance with primary legislation.
- This supports the core business of the Department in paying State ‘no-fault’ compensation for those injured by their work.
- The Council’s work continues to be impartial. Its considerations are entirely evidence-based, and advice to Ministers now includes a clearer and more detailed account of the evidence and the Council’s assessment of that evidence in framing its advice.
- The Council’s approach to its work, and its publication processes are increasingly transparent, particularly through the clear referencing of evidence used in making conclusions, and through its publication of information on the Council website and its engagement with stakeholders during its annual public meetings.
- The provision of top-rate independent expert scientific advice cannot be met cost-effectively in another way.
- The operating arrangements are fully effective and offer excellent value for money.
- The Council, and other key stakeholders, have been aware of this review and have had the opportunity to comment, and have done so.
- The current sponsorship arrangements work effectively and are fully proportionate in the context of a scientific advisory body without executive or administrative functions.

Recommendations of the reviews

We recommend that the function of providing advice to the Secretary of State on the Industrial Injuries scheme should continue to be delivered by the Council, acting as both a NDPB and as a scientific advisory body.

Further recommendations:

- That the function of providing advice to the Secretary of State on the Industrial Injuries scheme should continue to be delivered by the Council, acting as both a NDPB and as a scientific advisory body.
- That regular meetings between the Chair and the responsible Minister should be formally arranged at least annually.
- That the Department and the Council should consider whether written terms of reference should be agreed.
- That evaluation of the Council's performance becomes a formal agenda item in annual meetings between the Chair and responsible Minister and the Chair and DWP's Chief Medical Adviser.
- That the Council attach a lay summary of the more technical discussions in its minutes (we understand the Council is taking this measure forward).
- That DWP ensures the Departmental Board is updated regularly on the Council's work and advice to Ministers.

Dr James Bolton and Dr Peter Wright

Department for Work and Pensions

July 2012

Annex A - Current Membership of IIAC

Professor Keith Palmer DM MA MSc FRCP FFOM (Chair of IIAC)

Re-appointed 18 January 2011

Independent member

Honorary Professor of Occupational Medicine, University of Southampton

Professor Mark Britton MD MSc FRCP DIH

Re-appointed 1 May 2012

Independent member

Retired Consultant Physician

Professor Sir Mansel Aylward CB FFPM FFOM FFPH FRCP

Re-appointed 20 June 2011

Independent member

Director, Centre for Psychosocial and Disability Research, University of Cardiff

Professor Damien McElvenny BSc MSc Cstat CSci

Re-appointed 1 September 2011

Independent member

Principal Epidemiologist, Institute of Occupational Medicine and
Director, Statistics and Health Limited

Professor Paul Cullinan MD MSc FRCP FFOM (RWG Chair)

Re-appointed 1 September 2011

Independent member

Professor in Occupational and Environmental Medicine, National Heart & Lung
Institute (Imperial College) and Royal Brompton Hospital, London

Professor Neil Pearce BSc DipSci DipORS Phd DSc

Appointed 1 October 2011

Independent member

Professor of Epidemiology and Biostatistics, London School of Hygiene and Tropical
Medicine, London

Dr Ira Madan MB BS (Hons) MD FRCP FFOM

Appointed 1 October 2011

Independent member

Consultant occupational physician and honorary senior lecturer, Guy's and St
Thomas' NHS Foundation Trust and King's College, London

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Professor Diana Kloss MBE LL B (London) LL M (Tulane) Hon FFOM

Re-appointed 1 May 2012

Independent member

Employment judge

Mr Simon Levene MA

Re-appointed 1 May 2012

Independent member

Barrister - Recorder of the Crown Court

Mr Richard Exell OBE

Re-appointed 8 June 2012

Representative of employed earners

Senior Policy Officer, Trade Union Congress, London

Ms Claire Sullivan

Re-appointed 1 December 2010

Representative of employed earners

Assistant Director - Employment Relations and Union Services, Chartered Society of Physiotherapy, London

Mr Fergus Whitty

Re-appointed 8 April 2011

Representative of employed earners

Retired former Legal Director at the Transport and General Workers Union

Mr Andrew Turner

Re-appointed 1 December 2010

Representative of employed earners

Workplace Health Advisor to Rotherham Occupational Health Advisory Service (ROHAS) NHS Rotherham Community Health Services and Trade Union Official for UCATT the Construction Union

Dr Ian Lawson MB BS CMIOSH FFOM FACOEM FRCP

Re-appointed 30 October 2011

Representative of employers

Chief Medical Officer for Rolls-Royce plc

Professor Russel Griggs OBE

Re-appointed 8 June 2012

Representative of employers

Chair of the Regulatory Affairs Group for CBI Scotland

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Mr Paul Faupel CBiol MSB MIRM CFIOSH

Re-appointed 8 June 2012

Representative of employers

Head of Campus Health & Safety and Scientific Facilities, Genome Research Limited
at Wellcome Trust Sanger Institute, Hinxton, Cambridge

Dr Paul Baker MA DM MB BS MRCP MFOM

Appointed 1 October 2011

Representative of employers

Senior Regional Physician, Occupational Health, BUPA Health & Wellbeing UK

IIAC Secretariat:

Secretary to the Council: Mr Gareth Roach

Scientific Adviser: Dr Marianne Shelton

Administrative Secretary: Ms Catherine Hegarty

Assistant Administrative Secretary: Mrs Zarina Hajee

Annex B - Responses to the consultation

Name of Stakeholder
Professor Malcolm Harrington
Professor David Coggon (Medical Research Council)
NUM
RSI Action
Professor Russel Griggs (IIAC member)
DWP
ATOS Healthcare
Society of Occupational Medicine
TUC
HSE
Institute of Occupational Medicine
Institution of Occupational Safety and Health
Professor Sir Anthony Newman Taylor
CBI
Department for Social Development, Northern Ireland

Consultation comments

Responders	Main points
CBI	<ul style="list-style-type: none"> - a very important role. - necessitates extensive technical knowledge and an expert commend of the subject area. - membership consists of scientists of a very high calibre who are well-renowned in their respective fields. - inclusion of authoritative voices from within industry and employee representation. - judgements are made impartially on the basis of the evidence available. - seen to be entirely independent and open to public contribution and scrutiny.
Prof Sir Tony Newman Taylor	<ul style="list-style-type: none"> - work requires continuous, painstaking analysis of the scientific literature. - recommendations in whose scientific objectivity and validity Ministers can have sufficient confidence to make decisions. - independent of Government. - quality of reports is such that they are used as the basis for RIDDOR and as a source of evidence in the Courts and by occupational health and safety professionals. - published, widely available and open to external scrutiny. - remarkable example of a NDPB working at its best. - wholly transparent in its evidence seeking and in publishing its findings and recommendations. - Difficult to conceive of an alternative means of Government obtaining the advice necessary. - remarkable value for money.
Institute of Occupational Medicine	<ul style="list-style-type: none"> - undertaken its tasks fairly and impartially
Institution of Occupational Safety and Health	<ul style="list-style-type: none"> - evidence base continues to grow. - valuable technical and scientific function. - should continue as a NDPB in order to maintain its important impartiality and independence. - could develop a higher profile. - IOSH believes IIAC meets all three of the Government's tests. - meets the test of being open, transparent and accountable. - <i>Continued delivery by a NDPB</i> – we agree with this option. - a continuing issue is the diminishing and ageing pool

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Responders	Main points
	of suitable and disinterested experts.
Health & Safety Executive	<ul style="list-style-type: none"> - IIAC passes all three of the tests. - depends on a careful assessment of epidemiological research. - Expertise in occupational epidemiology is scarce within Government. - As a tri-partite NDPB IIAC ensures political impartiality. - undertakes its work with considerable diligence, to a high scientific standard, and to good effect. - new evidence... on an almost daily basis. - would not seem appropriate to have the Council's functions delivered by private or voluntary sectors. - ideal combination of Government and voluntary support.
Trades Union Congress	<ul style="list-style-type: none"> - IIAC passes two of the tests. - highly technical matter... - High level skills in medicine, occupational health and epidemiology have to be applied to the judgement of the evidence in these areas. - Unusual in having the respect of leading figures from the worlds of law, medicine and academia combined with support from both sides of industry. - TUC and trade unions have confidence in the independence of IIAC.
Society of Occupational Medicine	<ul style="list-style-type: none"> - work is technical and painstaking. - highly evidence-based. - the "criterion" performs a technical function which needs external expertise" is easily met. - doubtful that the government could acquire such a large amount of scientific information at such low cost in any other way. - Cost effective for the IIDB scheme as well. - IIAC reports used as a kind of gold standard by lawyers, civil courts, insurance companies, trades unions, safety officials, occupational physicians and others. - independent scientists in IIAC have an arms length relationship with Government. - acts independently to establish the facts. - easily passes all of the 3 stated tests.
Atos Healthcare	<ul style="list-style-type: none"> - IIAC does indeed provide a technical function. - IIAC's independent stance is considered vital in terms of professional credibility and transparency. - could convene a small team of appropriate technical experts as and when the need arises. - reports can be a little circuitous. - advances in clinical investigation and treatment modalities may not be reflected in the guidance IIAC

Departmental review of the Industrial Injuries Advisory Council

Responders	Main points
	issues.
DWP benefit policy and medical policy.	<ul style="list-style-type: none"> - provides a tailored, nuanced analysis of the world literature. - difficult for the expertise required to be easily drawn together on an ad hoc basis. - scientific advice given is politically impartial.
RSI Action	<ul style="list-style-type: none"> - IIAC meets all 3 criteria for an NDPB. - performs a technical function that needs external expertise. - operates in an open, transparent and accountable way. - recommend that the IIAC function continues to be delivered by an NDPB.
National Union of Mineworkers	<ul style="list-style-type: none"> - the NUM is not in favour of any reform of IIAC. - NUM believes that IIAC passes all three of the Government's "three tests".
Professor M Harrington	<ul style="list-style-type: none"> - IIAC scores highly on each of the three tests. - not suitable for devolving. - could merge with SSAC, but due to its specialist nature cannot see any significant advantage.
Medical Research Council (Professor D Coggon).	<ul style="list-style-type: none"> - provides a technical function which needs external expertise. - new evidence for occupational hazards continually emerges. - DWP does not have the required expertise to undertake this work in-house. - is a need for continuing independent scrutiny of the way in which the industrial Injuries scheme operates in practice. - IIAC continues to operate openly, transparently and with scientific rigour. - expert advice of IIAC is of high quality and good value for money.
Department for Social Development, Northern Ireland	<ul style="list-style-type: none"> - the level of medical, scientific and academic expertise on the Council provides for comprehensive and informed decisions. - provides balanced decisions based on fact rather than political opinion. - recommendations of the Council are transparent and independent allowing it to advise with impartiality. - believe the Council meets all three of the Government tests. - performs a technical function that needs external expertise. - no real advantages to a change in delivery.

Annex C - IIAC Administrative and Secretariat Costs

The administration budget for IIAC over the past five years was:

Year	Budget
2011 – 2012	£55,000
2010 – 2011	£67,000
2009 – 2010	£73,000
2008 – 2009	£71,000
2007 – 2008	£67,000

The Chair and members receive a set fee for attending Council meetings. The fees were set from April 2009 as follows:

Full Council meetings:	Chair	£262
	Member	£142
RWG meetings:	Chair	£182
	Member	£142

Council members also receive travel expenses, payable in accordance with the DWP rate and conditions.

The DWP provides a small secretariat, equivalent to three full-time staff, made up of a Secretary at G7 level, a Senior Scientific Officer at SSO level, both working part time to the Council, and two full time administrative staff. Approximate costs for providing the secretariat is £105,000/yr, based on median salaries and pension costs.