



Department
for Work &
Pensions

Triennial review of the Industrial Injuries Advisory Council

Call for evidence

16 January 2015

Introduction

This call for evidence is to provide evidence and information to inform the triennial review of the Industrial Injuries Advisory Council (IIAC).

Government policy is to review Non Departmental Public Bodies (NDPBs) on a three yearly cycle. The purpose of these reviews is to test whether there is a continuing need for the NDPB to exist and, if that need is established, to ensure that the body is complying with good corporate governance. Guidance on reviews for NDPBs can be found on the Cabinet Office website at

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/Cabinet-Office-Guidance-on-Reviews-of-Non-Departmental-Public-Bodies.pdf>.

This review is also being combined with a triennial review of the Council as a Scientific Advisory Committee (SAC) as required by the Government Office for Science. SACs are required to work to its principles of providing scientific advice to Ministers such that committees should have clear roles and responsibilities, they should act independently and with transparency and openness. The Code of Practice for Scientific Advisory Committees is described more fully at <http://www.bis.gov.uk/go-science/science-in-government/independent-scientific-advice>.

Background to the Industrial Injuries Advisory Council

IIAC is a NDPB sponsored by the Department for Work and Pensions (DWP). The Council's statutory remit is to provide advice to the Secretary of State on matters relating to the Industrial Injuries Scheme or its administration. The majority of IIAC's time involves reviewing and recommending changes to the list of prescribed diseases recognised under the Industrial Injuries Scheme. Further information on the work of the Council, including the reports it publishes and recent minutes from its meetings, can be found on IIAC's website at www.gov.uk/iiac.

The triennial review process

On 16 January 2015 Mark Harper MP, the Minister of State for Disabled People, announced the triennial review of IIAC by a Written Statement.

The review is being led by Dr Pui-Ling Li, Chief Medical Adviser and Chief Scientist at the DWP and Dr James Bolton, Deputy Director of DWP's Medical Advisory Team. Both are independent of the departmental stewardship team responsible for IIAC and of IIAC itself. They are supported by a small review team.

The first stage of the review is the gathering of information, of which this call for evidence is an important part. In addition to written responses, the review team will

also conduct interviews with key stakeholders as appropriate. Both the DWP and IIAC will be invited to comment on findings and emerging conclusions.

The final report and recommendations will be submitted to the Minister of State for Disabled People and will be published in March 2015.

Call for Evidence

The purpose of the triennial review of IIAC is to challenge the continuing need for the body, that its function is necessary and that it remains appropriate to be delivered by government.

We are keen to hear views and gather evidence from all parties with an interest in the work of IIAC, such as claimants' representatives, occupational medical and health institutions, trade unions, employer organisations, and any other individuals or organisations with an interest in IIAC's work.

Some specific questions are set out below and it would be helpful if respondents could structure their replies around these.

The Questions

Please include the following in your responses:

Name

Organisation (if applicable)

Telephone

Email

Please categorise your response as from an:

- Individual
- Public sector
- Charitable/voluntary sector healthcare organisation
- Private sector – pharmaceutical or medical devices
- Private sector – other
- None of the above.

If your response is from an umbrella organisation representing a wider membership, please indicate the number of members consulted and the number of responses received.

Please indicate what interactions/relationship you have with IIAC.

Question 1. Does the function of IIAC remain necessary? If so, there are three tests for continued delivery by a NDPB.

Do IIAC perform a technical function (which needs external expertise to deliver)?

Do IIAC's functions need to be delivered with political impartiality?

Do IIAC need to act independently to establish facts and/or figures with integrity?

Please consider whether IIAC satisfies each of these tests.

Question 2. If the function does remain necessary, the review will consider whether there are alternative means of delivering IIAC's functions which would be more efficient and effective. Some alternative delivery options which could be considered are:

- Abolish IIAC
- Move IIAC out of central government
- Commercial model
- Bring IIAC in-house within the DWP
- Merge IIAC with another body
- Consider a less formal structure for IIAC
- Delivery of IIAC functions by an executive agency
- Retain IIAC as a NDPB

These delivery options are outlined at Annexes A and B (for further information about the commercial option). However, you do not need to restrict your suggestions to the options listed. Could IIAC's functions be done by any of these alternative models?

Question 3. Is IIAC effective and efficient at delivering its purpose (as outlined in its terms of reference (see Annex C)?

Question 4. What potential is there for IIAC to use digital (e.g. online, electronic) tools which could contribute to improved services and increased efficiency?

Question 5. Are there any other issues or evidence the review team should take into account about IIAC's role, functions, performance, efficiency or governance?

How to respond to this consultation

Any comments should be returned by **Friday 30 January 2015** either by email:

ppsd.triennialreviews@dwp.gsi.gov.uk

Or by post to:

Pauline Convery
Medical Advisory Team – IIAC Triennial Review
Department for Work and Pensions
2nd Floor, Zone B
Caxton House
Tothill Street
London
SW1H 9NA

Contact telephone number: 0207 449 5614

Freedom of information

The information you send us may need to be passed to colleagues within the DWP, published in a summary of responses received and referred to in the published consultation report.

All information contained in your response, including personal information, may be subject to publication or disclosure if requested under the Freedom of Information Act 2000. By providing personal information for the purposes of the public consultation exercise, it is understood that you consent to its disclosure and publication. If this is not the case, you should limit any personal information provided, or remove it completely. If you want the information in your response to the consultation to be kept confidential, you should explain why as part of your response, although we cannot guarantee to do this.

To find out more about the general principles of Freedom of Information and how it is applied within DWP, please contact the Central Freedom of Information Team:
Email: freedom-of-information-request@dwp.gsi.gov.uk.

The Central FoI team cannot advise on specific consultation exercises, only on Freedom of Information issues. Read more information about the [Freedom of Information Act](#).

Checklist of Delivery Options

This checklist sets out a range of delivery options for consideration when reviewing the functions of NDPBs. This is not an exhaustive list, and you are encouraged to think creatively when considering how functions might be delivered.

Delivery options

Abolish: Why does the function need to continue? How does this contribute to the core business of the sponsor department? How does this contribute to wider Government policy objectives? Is there a demand for the function or activity? Is there a legal requirement for the function? Is providing the function a justifiable use of tax payers' money? What would be the cost and effects of not delivering the function? Does the function contribute to economic growth?

Move out of Central Government¹: Why does central government need to deliver this function? Can this function be delivered by local government, by the voluntary, or by the private sector? Is there an existing service provider (or providers) in the local government or voluntary sector that could deliver this function? What are the risks and benefits of moving the function out of central government? Could efficiencies be made by delivering the function through a different model?

Commercial Model²: Can the function be better delivered by the private sector, or delivered under contract by the voluntary or private sector? Can the function be delivered by a mutual or social enterprise? Is there an existing service provider (or providers) in the private sector that could deliver this function? Could the body increase its private sector revenues? What are the risks and benefits of moving to a more commercial model? Could efficiencies be made by delivery through a more commercial model?

Bring in-house: Why does the function need to be delivered at arms-length from Ministers? Can the function be delivered more efficiently or effectively by the sponsor department or by an existing Executive Agency of the sponsor department? What would be the costs and benefits of bringing the function in-house? Could efficiencies be made by bringing the functions in-house?

Merger with another body: Are there any other areas of central government delivering similar or complementary functions? Does the function duplicate work undertaken elsewhere? Could the function be merged with those of another public body, or vice versa? What would be the costs and benefits of merger? Could efficiencies be made by merging the body, or some of its functions, with other bodies?

¹ In the case of Advisory NDPBs, such as IIAC, this option should include assessing whether the functions of the body can be provided by engaging directly with users, stakeholders, sectors and communities.

² See also Annex B on commercial models.

Less formal structure: Why does the function need to be delivered through a formal structure? Could the function be delivered by an informal stakeholder group? Could the function be delivered by an internal committee? What would be the costs and benefits of moving to a less formal structure? Could efficiencies be made by moving to a less formal structure?

Delivery by a new Executive Agency: Could the function be better delivered by an Executive Agency? What would be the costs and benefits of this?

Continued delivery by an NDPB: Does the function pass at least one of the Government's three tests³? How well is the NDPB currently delivering its functions? What are the costs and benefits of remaining with this model?

³ 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?; or is this a function that needs to be delivered independently of Ministers to establish facts and/or figures with integrity?

Commercial Models

The following list of questions will help you consider whether the body being reviewed may be suitable for a more commercial delivery model.

- Does the body receive funding and / or have turnover / revenue of at least £10m?
- Does the body perform a service that is also provided by / within other Government departments?
- Does the body provide a service that could be marketed outside of government (UK and / or outside the UK)?
- Are there businesses in the private sector that provide a similar service to the body?
- If so, do they generally tend to perform more cost efficiently (e.g. with lower employee cost / turnover, total cost / turnover)?
- Does the body have a higher cost ratio (than its private sector “peers”) simply because it is restricted to providing services to government?
- Does the body have IT infrastructure that needs upgrading to be compatible with today’s standards?
- Are there private sector “peer” companies equipped with better / more modern IT infrastructure?
- Is there a digital element to the body’s service delivery?
- Does the body have a management team and / or staff that would be better motivated / engaged by a Mutual ownership structure?

In the event that the answer to any of these questions is yes, Cabinet Office guidance suggests there might be opportunities for exploration of commercial models.

INDUSTRIAL INJURIES ADVISORY COUNCIL TERMS OF REFERENCE

JANUARY 2015

PURPOSE AND CONSTITUTION

To advise the Secretary of State for Work and Pensions, the Medical Advice Team of the Department for Work and Pensions (DWP) and the Department of Social Development in Northern Ireland on the Industrial Injuries Scheme.

The Social Security Administration Act 1992 sets out the Council's remit (see Annex A). The Council exists to provide consideration and advice to the Secretary of State on matters relating to Industrial Injuries Disablement Benefit (IIDB) or its administration, and to consider any draft regulations the Secretary of State proposes to make in relation to that scheme. In particular, this includes advising which diseases and occupations should give entitlement to Industrial Injuries Benefits.

MEMBERSHIP

The Council consists of a Chairman appointed by the Secretary of State and such number of other members so appointed as the Secretary of State shall determine. Independent members include specialists in occupational medicine, epidemiology, toxicology and the law. There are four members representing employers and four representing employees. Legislation requires an equal number of representatives from employers and employees.

Appointments shall be made by the Secretary of State or another Minister of the DWP as determined by the Secretary of State. Appointments shall be made in accordance with guidance provided for Non-Departmental Public Bodies by the Office of the Commissioner for Public Appointments.

Members will serve a term of three years, and can be reappointed (dependent on satisfactory appraisal) for two further three year terms and a possible final term of one year – giving a maximum of ten years in total.

Other persons, who are not members of the Council, will at the Council's invitation attend meetings of the Council as advisers or observers.

DEPUTY-CHAIR AND SUB-GROUPS

The Chair shall determine who shall deputise for him in his absence, and in the case of any sub-group of the Council, who shall chair that sub-group.

The Council has a standing sub-group – the Research Working Group (RWG), which undertakes the detailed scientific investigations required by the Council's work, particularly with reference to the prescription of diseases within the Industrial Injuries

Scheme. The make-up of the RWG is decided by the Chair, in discussion with the RWG Chair.

The Chair will determine the need for other sub-groups as required by the Council's work programme. In agreement with the Council he will set their terms of reference, membership and Chair.

AUTHORITY

The Council has no executive or operational functions in relation to the Industrial Injuries Scheme, which is operated by the DWP and its agencies and has no authority in relation to individual benefit decisions or appeals.

CONDUCT AND FREQUENCY OF MEETINGS

Current arrangements are that the full Council meets four times a year, and in addition the RWG also meets four times a year. Further meetings will be arranged if required and as directed by the Chair. Subject to availability of Departmental funding, the Council will conduct an open public meeting at least once a year in different locations of the United Kingdom, offering opportunities for members of the public to question the Council members on matters relating to its advice to Government.

SPONSORSHIP OF THE COUNCIL

The Private Pensions and Stewardship of the DWP will sponsor the Council. Sponsorship will consist of ensuring the Council has the means to carry out its advisory function efficiently and independently and that it operates in line with Government guidance for Non-Departmental Public Bodies and Scientific Advisory Committees.

Sponsorship of the Council will take place in line with the high level Framework of Principles set out in the Departmental Framework published by the DWP for managing the relationships of the Department with its Arms Length Bodies.

The DWP will provide staff to act as the Secretariat of the Council (including experienced scientific support), and provide budgetary resources for the Council to carry out its business.

The Department will carry out triennial reviews of the Council as both a Non-Departmental Public Body and a Scientific Advisory Committee, as required by Cabinet Office and Government Office of Science guidance.

These terms of reference will be reviewed, updated and agreed in consultation with the sponsor Department at least every three years.

ANNUAL REPORT

The Council will publish an annual report, to be published by the end of July each year, setting out its work in the previous year and its forward work programme for the forthcoming year.

PUBLICATIONS

Where the Council advises the Secretary of State to make legislative changes to the Industrial Injuries Scheme the Council will prepare a draft paper to be presented to Parliament by the Secretary of State for Work and Pensions by Command of Her Majesty. Where the Council has carried out a full review of a topic, but is not advising the Secretary of State to make legislative changes, the Council will prepare a position paper for publication, setting out its conclusions and reasoning.

The Council shall, with the aid of the Department, run an internet website where agendas and minutes of its meetings will be published, where copies of its advice to Ministers shall be made available, and where the details of membership, the Council's remit and other matters and items of information shall be published.

METHOD OF ENQUIRY

The Council's task is to advise the Secretary of State on the Industrial Injuries Scheme. The majority of this work concerns updating the list of Prescribed Diseases and the occupations that cause them for which IIDB can be paid.

Identifying areas of investigation

The Council's work programme has reactive and proactive elements.

Reactive elements:

The Council interprets its reactive role liberally, to include responsiveness to stakeholder questions and the emerging research literature. The work programme therefore considers requests from many parties, including (and not limited to): the Secretary of State, Members of Parliament, the DWP, medical specialists, trade unions, health and safety officials, victim support groups, delegates of public meetings, and Council members themselves. It also takes account of new peer-review research reports, items in the scientific and general press and the decisions of IIDB Upper Tier tribunals.

This reactive element is an essential ongoing component of the work, valued by stakeholders, and which makes the Council accessible and open to reasonable enquiry, adaptable, and an intelligent user of information.

Proactive elements:

The Council employs a range of tools to directly and continuously monitor changing scientific evidence and new topics that may impact on the Industrial Injuries Scheme. These include: periodic review of existing Prescribed Diseases and their terms; a watch list of topics from earlier reports; periodic review of IIDB statistics; review of a biannual compendium of research abstracts; benchmarking exercises which compare the IIDB list with lists of other schemes; and, when budgetary constraints allow, an annual commissioned review of topics of interest to the work plan.

The Council's approach

Once an area of investigation has been identified the Council's approach will typically be to:

- Check original sources

- Conduct a review of the relevant scientific peer- review literature
- Check the reports of major authorities (such as the International Agency for Research on Cancer)
- Take evidence from subject experts
- Make a public call for evidence and, where appropriate, direct calls for evidence to key informants (e.g. trade unions, health and safety officers, Health and Safety Executive)
- Collate the evidence, summarise it, and formulate a view in the context of the Scheme
- Draft an appropriate report, agreed by the RWG and the full Council, setting out the Council's advice to the Secretary of State for Work and Pensions and to other stakeholders.

Openness and transparency: This requirement to be met in various ways:

- Annual public meetings
- Publication of Command and Position Papers
- Publication of Information Notes
- An Annual Report
- Publication of the minutes and agendas of Council and RWG meetings
- Accessibility to stakeholder enquiries
- Information published on the IIAC Website.

Where inquiries are more than trivial and of sufficient public interest there is always an intention to publish; and to respond constructively to the original inquirer. Reports shall cite the considered background literature (to allow a transparent audit trail) and offer a glossary (to promote understanding).