

# **INDUSTRIAL INJURIES ADVISORY COUNCIL**

## **TERMS OF REFERENCE**

**SEPTEMBER 2016**

### **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 for Communities 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:

- Ongoing stakeholder engagement, with an open public meeting every two years. The next public meeting will take place in 2017.
- 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).