

Cabinet Office Public Bodies Review: Defence Nuclear Safety Committee Summary

Narrative Summary of the Review and its Findings

Context

1. This review of the Defence Nuclear Safety Committee (DNSC) was carried out under the [Cabinet Office's Public Bodies Reviews Programme](#)¹. It covered the efficacy, governance and accountability of the DNSC, and its provision of advice; along with terms of appointment for the chair and members.
2. The DNSC is an advisory Non-Departmental Public Body. Its TOR state that its purpose is to provide independent expert advice to the Secretary of State for Defence and senior officials on all nuclear safety aspects relating to the Defence Nuclear Programme². It was set up on an administrative basis.
3. It consists of 12 non-executive members, all appointed as fee earners, and is led by an independent Chair who is appointed and remunerated on a similar basis. Since it fulfils an advisory function, it is directly funded by the MOD and has no employees. The sponsor is the Defence Nuclear Organisation (DNO) within MOD.
4. The Defence Nuclear Programme is experiencing an increase in demand through the need to manage ageing assets (platforms, infrastructure, weapons) and support programmes for submarine construction, replacement warhead and major capital infrastructure. This is against a backdrop of an evolving regulatory environment, the creation of the Defence Safety Authority, and challenges over the supply of skills required to deliver the nuclear programme. Given the current and future needs of the Defence Nuclear Enterprise (DNE),³ this review of the DNSC is timely and offers a critical opportunity to ensure that it is fit for purpose and has maximum impact.

¹ <https://www.gov.uk/government/publications/public-bodies-review-programme/guidance-on-the-undertaking-of-reviews-of-public-bodies>

² The DNP consists of the Nuclear Propulsion Programme, the Nuclear Weapons Programme, Nuclear Submarines and their Supporting Infrastructure.

³ The organisations and arrangements that provide and maintain the UK's nuclear deterrent and its nuclear submarine forces.

Method

5. Evidence was taken from a comprehensive range of interviewees and desk-based research, using materials supplied by MOD.

Summary

6. The review found that DNSC members are well respected experts with significant professional experience and a demonstrable commitment to public service. The chair, [REDACTED], was in particular singled out for praise by several interviewees for the way in which he guided and led the work of the Committee and interacted with the MOD and others including industry and regulators. He was credited with driving significant improvements over his tenure, both in the operation of the DNSC and the quality of the advice which it provides.

7. The review also found that interviewees generally found it harder to articulate the ways in which the DNSC's work had had a demonstrable impact in recent years – for example, changes which the MOD or others had made because of DNSC's work. There were, however, some examples which were deemed to have made a positive difference and had supported ongoing work.

8. More widely, there was some evidence of duplication of bodies/committees; and a view that de-cluttering and better coordination between them is required. Although outside the TOR of this review, MOD could consider streamlining and simplifying the expert bodies/committees across the defence nuclear landscape.

9. The review identified opportunities for strengthening DNSC's impact, including the way in which it is run and the ways in which it and the MOD interact. These recommendations are grouped broadly into the themes set out in the TORs: efficacy, governance and accountability, alternative ways for the DNSC to provide advice, and terms of appointment for the chair and members.

The Review Team's Recommendations and the Department's Responses

10. The following recommendations were made:

Recommendation 1. Consider clearer prioritisation of DNSC's programme, driven by MOD in tandem with DNSC - to ensure better alignment with DNE's issues and risks and DNO Safety and Environment Board Themes. Couple this with regular MOD-DNSC feedback (see Recommendation 3).

Accepted. The Department recognises the need for clearer prioritisation. It has introduced new ways of working, where the Department now directs the Committee's Annual Programme of Work to align with the DNE's risks, issues, and themes.

Recommendation 2. Consider encouraging officials to take opportunities to seek advice from the DNSC, with more interactive discussions.

Accepted. Officials have been, and will continue to be, invited to contribute to defining the Committee's annual programme of work. Stakeholders across the DNE have been communicated on the changes to the Committee, and made aware of the opportunities to seek advice outside of the prescribed annual programme of work.

Recommendation 3. MOD should provide regular, targeted feedback to DNSC on how well it is fulfilling its role against (re-defined) objectives and ways of working.

Accepted. The Sponsor meets with the Committee chairperson on a monthly basis, with the Secretariat serving as a liaison in-between these engagements. This arrangement will continue, with more formal feedback gathered from stakeholders annually.

Recommendation 4. DNSC should minimise their focus on generic areas which are already well-trodden, e.g. skills, and increase their focus on areas which only they can do. MOD and DNSC should consider the following complementary arrangements for DNSC advice:

- Annual Report. Concise summary of top risks and key strategic themes (including multi-year issues) and identification of who needs to be galvanised to address them. This should include, but not go into detail on, matters which are already being dealt with elsewhere e.g. skills.
- Deep Dives on specific topics. This bespoke work should be agreed with MOD and should produce SMART recommendations (owned, timed).
- Site Visits. Hot feedback on tactical issues following visits, with a swift response from duty holders to close off recommendations on emergent issues in a timely manner.

Accepted.

Annual Report. The Committee Chairperson has been advised of the need for a concise annual report, which summarises the top risks and key strategic themes.

Deep Dives. Through inviting stakeholders from the DNE to contribute to defining the annual programme of work, opportunity is provided to specify deep-dive items for incorporation into the annual programme of work. Stakeholders also have opportunity to commission the Committee for advice on other emerging matters throughout the year, within the constraints of the agreed public appointment time commitments of the Committee members.

Site Visits. The Committee has been advised of the need to incorporate 'hot feedback' as a follow-up activity to its visits.

Recommendation 5. Consider amending DNSC's role to the provision of advice on matters relating to nuclear safety only, removing its security and environment-related roles.

Partially accepted. Provision of advice has been re-focused to nuclear safety only. The Committee will still consider environmental matters, where they relate to safety. The Security member role has been removed from the Committee.

Recommendation 6. Consider amending DNSC's name to better reflect its advisory nature – for example Defence Nuclear Safety Advisory Committee. This would mirror the approach of e.g. the Nuclear Research Advisory Council (NRAC) where their title makes their role clear.

Accepted. The Committee's name has been amended to the Defence Nuclear Safety Expert Committee (DNSEC).

Recommendation 7. MOD could consider an arrangement whereby DNSC provides independent safety advice to SoS if SoS seeks it, or if DNSC identifies an issue in the programme that they consider is not being adequately addressed. Routine reports would go to Minister for Defence Procurement and be reviewed annually by the Defence Nuclear Enterprise Board. See also Recommendation 3 above.

Accepted. The Secretary of State for Defence has delegated the Minister for Defence Procurement to be the 'Responsible Minister' for the DNSEC, who will oversee all routine matters pertaining to the DNSEC. The access between DNSEC and the Secretary of State is, however, retained for any emergent critical matters.

Recommendation 8. Increase timeliness on both counts, with clear expectations of each party's role in achieving it. More effective planning is required to ensure that

officials have sufficient time to provide good quality material in a timely manner for DNSC engagements.

Accepted. The new arrangements for planning the annual programme of work will facilitate the clearer expression of expectations, more effective timing, and provision of good quality material to support the DNSEC's work, and the provision of impactful advice to the Department.

Recommendation 9. The DNSC should ensure that the official in receipt of recommendations has been appropriately engaged prior to the recommendation being issued.

Accepted. The Committee has been advised of the need to engage with officials prior to issuing any recommendations.

Recommendation 10. Consider removing some or all DNSC roles from OCPA's remit (it is not essential for the appointment of non-execs to NDPBs to be OCPA-regulated). This would allow more flexibility over the process while maintaining fair and open competition. In tandem, work with the Kingman Review and Cabinet Office to make public appointment rules more proportionate. MOD officials should explore how the processes can be made more efficient, in line with Cabinet Office's Public Bodies Review guidance to make savings of at least 5% RDEL over 1-3 years. See also Recommendation 11.

Accepted. The potential to make the roles non-regulated was considered and concluded that the roles should remain regulated. MOD Officials have explored how the processes can be made more efficient and opportunities have been identified.

Recommendation 11. Consider a model whereby DNSC consists of a smaller number of standing members who have a wide purview across nuclear safety and major capital infrastructure delivery, with access to deep experts as needed on e.g. a call-off arrangement (see also Recommendation 10). Explore how to deliver a more diverse membership – e.g. through not employing members of other nuclear advisory bodies.

Accepted. The DNSEC has been resized to comprise five standing members, including a chairperson. It will have access to independent deep experts as needed. This arrangement, amongst advertising of vacant appointments, will contribute to the DNSEC having a broader, more diverse range of expertise to be involved in delivering its annual programme of work.

Recommendation 12. There is no recommendation to change the arrangements with respect to the release of DNSC advice into the public domain. A broader communications package could, however, help to strengthen the public's confidence

in nuclear defence arrangements. This could include a report of DNSC's work (e.g. one page summary of the annual report).

Accepted. The potential for broader communications about the Committee's work has been assessed where this is consistent with security requirements. The DNSEC Framework document will be published; however, the DNSEC annual reports cannot be published for security reasons.

Terms of Reference for the review of the Defence Nuclear Safety Committee 2022

Background

1. The Defence Nuclear Safety Committee (DNSC) is an advisory Non-Departmental Public Body (NDPB) that provides independent expert advice to the Secretary of State for Defence and Senior Officials on all safety aspects pertaining to the Defence Nuclear Programme (DNP)⁴. It was set up on an administrative basis.

2. The DNSC consists of 12 non-executive members who are all appointed as fee earners and is led by the Independent Chair who is appointed and remunerated on the same basis. As it fulfils an advisory function, it is directly funded by the MOD and has no employees. The sponsor is the Defence Nuclear Organisation (DNO), Ministry of Defence (MOD).

3. The DNSC does not deliver government policy and does not have any operational functions. It provides advice on defence matters, which is reserved. The focus of this advice is on the soundness of the safety practices and safety management arrangements in the DNP. The nuclear safety areas include equipment and facility design, development, manufacture, storage, in-service support, handling, transport, operational training, operations, decommissioning and disposal, support facilities and capabilities, and the safety of workers and the public. It may consider security and environmental issues, but only where such issues have the potential to impact upon nuclear safety. The DNSC operates an annualised programme of work with the areas selected informed by discussion with MOD senior officials.

4. The DNSC was last reviewed in 2019, which was a Classification Review undertaken by the previous DNSC Secretariat. The last full review of the DNSC, which was a joint review with the Nuclear Research Advisory Committee (NRAC), was undertaken in 2014 under the Triennial Review process.

Scope and Purpose of the Review

5. The purpose of this review is to ensure that the DNSC continues to operate with a clear mandate and effectively contributes to the safety assurance landscape across the Defence Nuclear Enterprise⁵.

⁴ The DNP consists of the Nuclear Propulsion Programme, the Nuclear Weapons Programme, Nuclear Submarines and their Supporting Infrastructure.

⁵ The DNE includes all the organisations, programmes and people within government that sustain the UK's strategic nuclear deterrent, as well as key industry partners.

6. The review will be proportionate to the size and form of the DNSC as an advisory NDPB that is directly funded by the MOD. It will be carried out in accordance with the draft guidance for the public bodies review programme⁶ which is replacing the Tailored Review Programme that ended in 2020.

7. The Review will address:

- a. Efficacy. Consider the function of the DNSC, and specifically consider the clarity and relevance of its mandate and its role in the safety assurance landscape across the Defence Nuclear Enterprise, and if there are any areas for improvement.
- b. Governance:
 - i. Whether the appointment process for the chair and members is proportionate for the DNSC's size and function.
 - ii. Whether it could be more transparent in terms of public communication balanced against security needs.
- c. Accountability. The effectiveness of the overarching Ministerial arrangements and any areas for improvement.

8. Additional areas that the Review will address are:

- a. Whether there are alternative ways for the DNSC to provide advice to Ministers and the DNO in addition to its annualised programme of work, including the provision of advice on specific issues that are not part of its programme of work, and if so what changes would be required to facilitate this.
- b. Whether any changes are required to the terms of appointment for the Chair and members, including level of commitment and the effectiveness of managing time commitments.

9. The Scope of the Review has been determined by the length of time since the last full review in 2014, which was undertaken before the formation of the DNO and its role as sponsor of the Defence Nuclear Enterprise, the creation of the Submarine Delivery Agency (SDA) and the change in AWE's status to an arm's length body wholly owned by the MOD. The outcome of the self-assessment also indicated that there were areas that merited a proportional review specifically around clarity over the function and role of the DNSC, and the role it should play in providing assurance for the Defence Nuclear Enterprise.

Department and DNSC arrangements

⁶ The Cabinet Office intends issuing new guidance in 2022

10. The Secretary of State for Defence is the responsible minister for the DNSC. They will receive the report from the Lead Reviewer, through the Sponsor, and agree the recommendations that will be implemented by the Department. The Permanent Secretary, as the Department's Principal Accounting Officer will receive a copy of the report.

11. The Chair of the DNSC will comment on the Terms of Reference, contribute to the review as a key stakeholder and be kept informed of progress through the Sponsor Team.

12. The Senior Sponsor has commissioned the review and the sponsor team will provide support to the Lead Reviewer as required and keep the DNSC Chair informed of progress.

Lead Reviewer

13. The Lead Reviewer is [REDACTED], an SCS1 from the Department of Environment, and Rural Affairs (DEFRA). She is responsible for ensuring a proportionate review is undertaken and accountable for the recommendations. Responsibilities include:

- a. Agreeing the terms of the Review with MOD
- b. Leading the Review Team to complete the Review in a timely, efficient and proportionate manner, following the draft Cabinet Office ALB Review Guidance.
- c. Keeping a clear communication channel between themselves and the MOD, raising concerns where necessary.
- d. Engaging with the Sponsor, keeping them sighted on progress, emerging findings and recommendations.
- e. Ensuring a representative and proportionate number of stakeholders are engaged and given the opportunity to feed into the review.
- f. Overseeing the development of an evidence base to form the Review, in line with the agreed scope and depth of the review.
- g. Developing hypotheses and clearly articulating evidence-based findings in a clear, objective and proportionate report to the MOD.
- h. Delivering a set of feasible recommendations.
- i. Working with the MOD to communicate progress and outcome of the Review to departmental SCS, and Ministers where necessary.
- j. Completing a lessons learnt template to help future reviews.

Review Team

14. The Review Team consists of two Grade 6 civil servants on a part time basis from the DNO who are independent of the Sponsorship team. They are [REDACTED] and [REDACTED]. Administrative support will be provided by the DNSC Secretariat.
15. The responsibilities of the Review Team include:
- a. Ensuring appropriate engagement between the Lead Reviewer and key stakeholders.
 - b. Arranging and providing support for interviews and meetings for the Lead Reviewer with relevant stakeholders, and collating input.
 - c. Ensuring that the Review is done in a timely manner.
 - d. Evidence gathering and analysis.
 - e. Assisting with the writing of the final recommendations and report.

Evidence Gathering and Stakeholder Engagement

16. Evidence to support the Review will be gathered from the following sources:

- Review of existing arrangements, including DNSC Terms of Reference
- Records of the work of the DNSC including Annual Reports and visit summaries
- Observation of relevant DNSC meetings
- Interviews with stakeholders

17. The DNSC Secretariat will facilitate access to documentation relating to the DNSC required by the Review Team.

18. As an advisory NDPB, the DNSC will not be involved in delivery of the Review. The Chair will be consulted on the Terms of Reference, and the Chair and Sub-group chairs will be interviewed as key stakeholders.

19. The senior Sponsor has commissioned the Review and will be interviewed, as will the sponsor. The Lead Reviewer will keep the sponsor informed of progress and will raise any issues concerning the Review with them.

Deliverables

20. The deliverables from the Review will consist of the completed Self-Assessment Model, the final internal review report and recommendations, and a report, including recommendations, that is suitable for publication.

Timetable

21. The Review shall adhere to the following stages:

- **Stage 1 – Evidence Gathering** Evidence gathering and analysis begins, undertaken by the Lead Reviewer and Review Team.
- **Stage 2 – Evidence Analysis:** External research/inspection/interview is led by the Lead Reviewer and supported by the Review Team.
- **Stage 3 – Report production.** The Review Team prepares the report containing its findings and recommendations.
- **Stage 4 – Dissemination of Review’s findings and recommendations.** The Review Team communicates their findings to key stakeholders.
- **Stage 5 - Publication:** Publication of the recommendations and a summary of the review by the MOD.
- **Post-Review:** Implementation of recommendations by the department.

22. The Review will begin in March 2022, and be completed over a course of three months with the final report and recommendations delivered to the Sponsor in June 2022.