

COOPERATION BETWEEN THE HEALTH AND SAFETY EXECUTIVE (HSE) AND THE OFFICE FOR NUCLEAR REGULATION (ONR)

Principles of co-operation

We agree to cooperate in order to enable each other to carry out their responsibilities and functions and to maintain effective working arrangements for that purpose. In particular, ONR and HSE will:

- a) secure, through their regulatory activity including enforcement, consistent standards of protection for people at work and members of the public affected by work activities and high hazard industries;
- b) share information and avoid duplication of effort to maximise efficiency in government and minimise burdens on business;
- c) cooperate to ensure that the allocation of responsibilities between them, as set out in legislation including the Energy Act 2013, the Health and Safety at Work Act etc 1974, and the Health and Safety (Enforcing Authority) Regulations 1998, is effective and provide clarification for duty holders as necessary;
- d) ensure that the development of policy takes account of issues relevant to both organisations' areas of responsibility; and
- e) ensure that business critical activity is continuously maintained.

Six key areas of cooperation

1. Service Management Agreements

ONR and HSE have made arrangements for the provision of services between the two organisations under two SMAs. ONR and HSE will provide mutual expertise and assistance to enable the organisations to fulfil their functions in accordance with the arrangements as set out in the SMAs and Memorandum of Understanding (MOU) for non-nuclear health & safety (see below). Co-operation and partnering arrangements are set out within the introductory sections of both SMAs. This is recognised as the least mature area of cooperation between our organisations.

2. Regulating nuclear site health and safety

Co-operation on the regulation of non-nuclear health and safety on nuclear licensed sites (and beyond for construction activities associated with nuclear new build) will be delivered under an MOU agreed between HSE and ONR. The MOU will be reviewed periodically.

HSE and ONR will provide inspection and enforcement expertise to each other in accordance with the SMA and MOU and enter into agreements where necessary concerning enforcement practices and standards on cross cutting issues

Where HSE and ONR have a shared interest, they will keep each other informed about issues of interest to both parties eg. intelligence on the failures of machinery relevant to both regulators.

3. Enforcement

Each organisation will be guided by their individual enforcement policy statements in the carrying out of enforcement activity. HSE and ONR will share their statements with each other and notify each other of any amendments made to them.

4. Secondments of staff between ONR and HSE.

There will continue to be an exchange of seconded staff between HSE and ONR for the purposes of business requirement and career development. Under the terms of the Staff Transfer Scheme ONR will retain a substantial number of non-operational staff at Bands 4-6 on secondment from HSE until April 2016, plus a small number of named exceptions. The vires of HSE in respect of these staff is noted as absolute.

5. Mutual learning from regulating health and safety, particularly in high hazard sectors

The HSE and ONR Boards' agreed strategy for regulating non-nuclear health and safety on GB nuclear licensed and authorised sites provides opportunities for the alignment of intervention plans and mutual learning. ONR participation in HSE Construction Division early strategic intervention engagement has been effective and productive. Integrated work planning for COMAH regulation between HSE HID, ONR, and the Environment Agency, promises valuable information sharing and we fully support this continued engagement.

6. Health and safety policy development

HSE and ONR agree to involve one another as appropriate in relevant policy development. This may cover, for example:

- a) policy issues where the two organisations have a common interest in legislation and a consistent approach is necessary, such as in dealing with certain international regulation;
- b) cross-departmental policy initiatives, such as better regulation, where mutual legal and policy issues may exist and coordination of response would be desirable;
- c) the determination of strategies and targets for the improvement of generic health and safety standards, and the development of programmes or other initiatives to tackle them;
- d) the development of statistical or other information systems on health and safety, and the sharing of such information; and
- e) formal consultation exercises; each will normally include the other in these

7. Management of cooperation

HSE and ONR have appointed a senior representative of their organisations to oversee these arrangements for cooperation. Should any disputes arise between ONR and HSE, this level will be the place for resolving them, with recourse to escalation to CEO level only in exceptional circumstances.

8. Review of cooperation arrangements

To be decided by the senior representatives referred to in the previous paragraph but at no less than 3 yearly intervals.