

SAFETY PANELS REVIEW REPORT (Arrangements for consultation with employees on Health, Safety and Welfare matters)

1. RECOMMENDATIONS

- 1.1 That the HR Committee note the contents of the report which includes Terms of Reference for the Safety Panels, Structure Chart, Template Agenda and current panel membership.

2. INTRODUCTION

- 2.1 The Council has a legal duty to consult with workers on health, safety and welfare matters through two sets of regulations made under the Health and Safety at Work etc. Act 1974. Those being the Safety Representatives and Safety Committee's Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996. The Health and Safety Executive (HSE) has issued an Approved Code of practice on the regulations *Consulting Workers on Health and Safety* (L146), and additional guidance *Involving Your Workforce in Health and Safety* (HSG263). These national documents provide a framework on achieving good employee consultation on occupational risks in the workplace.
- 2.2 The HSE guidance states that consultation on health and safety is a simple two-way process between management and employees, where as the employer we: **talk** to Union and Safety representatives about issues; **listen** to their concerns and raise our concerns; **seek** and **share** views and information; **discuss** issues in good time; and **consider** what employees say before a decision is made. This is considered good management practice.
- 2.3 In addition to the legal requirement's placed on the Council it's important as an organisation to do the best we can to provide a safe and healthy workplace for our staff. Research undertaken in the UK has shown that where employees feel they have a say in health and safety matters the accident rates and sickness absence rates are lower. It therefore makes good business sense to have a working consultation process with employees, which supports a good health and safety culture.
- 2.4 Under Regulation 4A of the Safety Representatives and Safety Committees Regulations 1977 (as amended) it details that every employer shall consult safety representatives in good time and with regard to:-
- The introduction of any measure at the workplace which may substantially affect the health and safety of the employees the safety representative represents;
 - Arrangements for the appointing of competent persons under the Management of Health and Safety at Work Regulations 1999;
 - Provision of health and safety information to employee safety representatives under relevant statutory provisions;
 - The planning and organisation of any health and safety training which is required to be provided to employees under relevant statutory provisions; and
 - The health and safety consequences for employees with the introduction of new technologies into the workplace.
- 2.5 The items listed above (2.4) are indicative and not exhaustive. There is a need to have flexibility for Safety Panels to cover items raised which may not appear to be the core function, but are none the less of concern to the workforce. These issues can be

brought to the attention of the Chair, with advice from the Corporate Health and Safety Team, and they may agree there is benefit for the issue to be discussed in more detail.

- 2.6 Although Safety Panels suggest a focus on just this one workplace issue (safety) the Code of Practice issued by the HSE under the two sets of Regulations details the functions of health and safety representatives to comprise health, safety and welfare at work and so safety committees should therefore be concerned with all relevant aspects of these matters in the working environment. It will be detailed in the Terms of Reference (see Appendix) for the Safety Panels to cover all these workforce issues.
- 2.7 Additional benefits to having a robust consultation process with staff can include: underpinning good health and safety culture; a stronger commitment to implementing decisions; greater trust between management and the workforce; joint problem-solving.

3. BACKGROUND

- 3.1 Safety Panels have been in place for many years at New Forest District Council as the formulated process for consulting with the workforce. As you would expect there have been changes to set up to the Safety Panels in the past, for example with the splitting of the Operations Safety Panel into two groups previously, but the current format is considered appropriate by most of those attending the group.
- 3.2 As with most local government organisations there have been changes over the years to the internal processes for health, safety and welfare consultation within the organisation. The 2014 Health & Safety Communications and Consultation Structure Chart details a working Heads of Services Safety Group which was attended by senior managers from Property Services, Environmental Services, Leisure, and Human Resources. This group is no longer functioning. It is also noted that within this historic Structure Chart the Housing Service is not detailed.
- 3.3 The Leisure Safety Panel is no longer in existence following the transfer on 1st July to Freedom Leisure, so the duty is now with the management of Freedom Leisure to consult with staff across the leisure centres.
- 3.4 New Forest District Council workforce are represented at the Safety Panels by both Unions Safety Representatives (where there are unionised staff) and by elected Health and Safety representatives from a specific service. At New Forest District Council union membership is supported, and the appointment of Union Safety Representatives is encouraged. The elected representatives will be nominated and voted on every two years, and is a process organised by individual Services. The organisation is committed to providing suitable training to these staff members, and providing time off from their core roles for this training and attendance at Safety Panels. The Corporate Health and Safety Team will co-ordinate the training provided.
- 3.5 Communication by the Safety Panels: For the individual Safety Panels the process of providing an agenda and minuting of the meetings, and distributing to members of the group has ordinarily been lead by the Chair. However, it is believed that this process can be clarified further through the updating of the Safety Panel Terms of Reference. Where an Action Plan/ Actions Table is in place this may be administered by the Corporate Health and Safety Team, in addition to the reporting of accident, incident and ill health feedback for the previous quarter.
- 3.6 Communication across the organisation: It has been identified through health and safety representative feedback that there is a need to improve the communication process for employees being updated on the outcomes of the Safety Panels. One simple way to make this improvement will be to ensure that Agenda's, Minutes and

other relevant documents from the Safety Panels are held on a central Health and Safety Team ForestNet page, to signpost the work of the Safety Panels and provide greater transparency. The Corporate Health and Safety Team have this as an action on their work programme.

- 3.7 Frequency of Safety Panel meetings: historically the groups have met quarterly which is in keeping with how many other organisations run their H&S Committee structure, and this also ties in with the normal business reporting practices, e.g. looking at the previous quarter statistics and comparing with those from 12 months previous. This approach also allows the time for actions to be worked on, and documents to be reviewed before coming back to the group in a final draft. It is accepted that this helps to highlight patterns of incidents which the group need to review. In the majority of cases meeting every 3 months will allow consultation “*in good time*” with the workforce, as detailed in the Approved Code of Practice.
- 3.8 It is important to note the effects the Covid 19 pandemic has had on the Safety Panels over the last 18 months, with meetings going onto MS Team video conferencing platform, and that this has demonstrated the resilience to keep the consultative approach working from both sides.

4. CLARIFYING THE EXISTING ARRANGEMENTS

- 4.1 There are currently three Safety Panels: Housing Service; Office Based; and Operational Services. This structure is performing well and although there may be some cross-over between the groups, the three are relatively easy to manage and there are no plans to make any changes. The current set-up is sustainable. With there being a total of 12 meetings per annum the Corporate Health and Safety Team is able to support each group, and with meetings being held quarterly this ties into current corporate reporting patterns.
- 4.2 Although the different Safety Panels provide the same opportunity for consultation with employees and there is an expectation that the meetings, agenda and minutes will have a similar format, strict uniformity between each of them is not necessary. A template Agenda is detailed in the appendix to this report. It is more important that the core function of consulting on safety, health and welfare for that group of employees/ work environment works.
- 4.3 The Safety Panels need to have the objective of promoting the co-operation between employer and employees for health, safety and welfare, and have specific functions which will be covered during the meeting:-
- Review of incidents, accidents, notifiable diseases and ill health reporting over the previous quarter, and the corrective actions which have been highlighted by the investigation;
 - Review the reporting process for near misses incidents, accidents, notifiable diseases and ill health;
 - Review of health and safety audit reports for relevant workplaces;
 - Consider factual information provided by an inspector of an enforcing authority appointed under the Health and Safety at Work etc Act 1974, e.g. HSE;
 - Consider reports which a health and safety representative has undertaken following an organised workplace inspection;

- Review the development of workplace safety rules, safe systems of work, and relevant standard operating procedures;
 - Review of the health and safety training being provided to employees.
- 4.4 Membership of the Safety Panels: in order to ensure that there is value in the health and safety consultation process it is critical to have the correct people at the meetings, and more detail on group membership is include in Terms of Reference for the Safety Panels (in the Appendix).
- 4.5 Chair of the Safety Panel: again to ensure that the meeting functions correctly and decisions are able to be taken quickly and issues actioned the Chair of the Safety Panel needs to be someone who has authority to approve these actions to be taken. In order to achieve this requirement it makes a relevant Service Manager the correct person to Chair. Ideally this person will attend all of the Safety Panels, however, it is accepted that there may be an occasion when a deputy needs to step in. It is the expectation that this deputy will be another Service Manager, who is regularly in attendance at the meetings, or the Corporate Health and Safety Manager.

5. CONCLUSIONS

- 5.1 The current arrangements for Safety Panels are satisfactory and do not require any significant changes. Feedback on the three Safety Panel meetings will be taken to Executive Management Team by the Corporate Health and Safety Team quarterly, so that significant health, safety or welfare issues can be discussed and accident and incident data reviewed.
- 5.2 The Corporate Health and Safety Team need to ensure that agenda's, minutes, action plans, and other documents from the Safety Panel meetings are uploaded to a signposted page of ForestNet, in order to keep employees up to date on health, safety and welfare matters and ensure there is transparency.
- 5.3 See attached *Terms of Reference, Health and Safety Consultation (Safety Panels) Structure Chart, and Template Agenda*.

6. FINANCIAL IMPLICATIONS

- 6.1 None. No significant changes to the current practices being considered.

7. CRIME & DISORDER IMPLICATIONS

- 7.1 There are none.

8. ENVIRONMENTAL IMPLICATIONS

- 8.1 There are none.

9. EQUALITY & DIVERSITY IMPLICATIONS

- 9.1 No new requirements or issues identified.

10. DATA PROTECTION IMPLICATIONS

- 10.1 No new requirements or issues identified.

11. EMT COMMENTS

11.1 EMT noted the content of the report and welcomed the progress made in bringing a consistent approach to the Safety Panels moving forward.

12. EMPLOYEE SIDE COMMENTS

12.1 Employee Side noted the content of the report.

13. Appendices:

- A. Terms of Reference.
- B. Health and Safety Consultation (Safety Panels) Structure Chart.
- C. Template Safety Panel Agenda.
- D. Current membership of panels

For further information contact:

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Background Papers:

"None".