

BRISTOL CITY COUNCIL

Human Resources Committee

14th May 2009

Report of: (Designate) Service Director: Strategic HR and Workforce Strategy.

Title: Creation of Joint Consultative Board for Health and Safety

Ward: City Wide

Officer Presenting Report: Paul Fudgell, Corporate Safety Manager
Mark Williams, HR Manager

Contact Telephone Number: 0117 92 22698/0117 92 24838

RECOMMENDATION

The Committee is asked to:-

- i. approve the establishment of a Health & Safety Board from the beginning of July 2009, to be created on a pilot basis, subject to a review by the Joint Secretaries, and a further report to this Committee in April 2010.
- ii. note that the Joint Agreement on Corporate Health and Safety Employee Consultation and Facilities for Safety Representatives and Safety Committees as set out in the draft Terms of Reference (Appendix A) will be amended to reflect the changes set out in the report. Eg The split in statutory and management functions.

Summary

The report seeks the committees approval of the revised Council's Corporate Health and Safety Consultative Framework with effect from the beginning of the municipal year 2009/10.

The significant issues in the report are:

- That a new Health & Safety Board will be established on a pilot basis for the Municipal Year 2009/10 with trade union and Employer side membership. The Board will oversee all aspects of health and safety management within the organisation and, if successful, may replace management functions of the Corporate Employee Health and Safety Consultative Committee (CEHSCC).
- That the role of Directorate Safety Committees will be strengthened.
- That it will be a requirement for Elected Members who are members of either the CEHSCC and/or the Health and Safety Board to be trained in Health and Safety.
- A proposed reduction in the membership/attendance levels, to make meetings more efficient.

1. Policy

- 1.1 The Council has Joint Agreement on Corporate Health and Safety Employee Consultation and Facilities for Safety Representatives and Safety Committees. This specifies the arrangements for consultation with health and safety representatives.

2. Consultation

2.1 Internal

- (i) The proposals have been the subject of extensive consultation with health and safety representatives. Safety representatives support the establishment of the Health and Safety Board but wish to retain the Employees side of Corporate Employee Health and Safety Consultative Committee (CEHSCC).
- (ii) The CEHSCC considered the proposals at their meeting on 24th April 2009 and their views are as set out in the draft minutes: Appendix B, attached.

An agreed safety board would be established for a twelve month period as a pilot project. The trade union and employer side secretaries would write a joint report to the HR Committee in April 2010.

A number of issues including the language, responsibility and membership were discussed at the meeting with TU and CSM on Friday 1st May. At this meeting, some modifications to the terms of reference to the Board were discussed and agreed. These are reflected in the terms of reference (Appendix A). In addition, the Joint Secretaries agreed

that the pilot arrangement would be more appropriate for the whole of the Municipal Year 2009/10, rather than for six months. This committee are asked to endorse this arrangement. The final decision regarding the perceived success of the pilot to be agreed by the Joint Secretaries on behalf of the full CEHSCC Committee.

2.2 External

Not applicable.

3. Context

- 3.1 Officers have been reviewing the effectiveness of the corporate trade union consultation framework . For example, the CEHSCC is a large committee (33 members in total excluding officers) and because of this it is difficult to ensure the participation of all non Trade Union committee members in the discussion and debates.
- 3.2 Whilst it is the Employers' side view that the current arrangements need to be modernised and streamlined, a number of issues arose at the CEHSCC meeting, which required further clarification / discussion. These discussions have continued as above (para 2.1).
- 3.3 Notwithstanding this, there is also a recognition from the officers that the Employee Side of the CEHSCC wish to retain their current membership numbers in any new consultative frame work. Eg one safety representative per 1000 employees.
- 3.4 The Employers Side of the CEHSCC is currently compiled of 15 elected members, but will be reduced, as set out below.
- 3.5 A full Employer's side response was given at the CEHSCC, a summary of which is contained in the draft minutes (Appendix B).

4. Proposal

- 4.1 It is proposed to create a Safety Board in accordance with the membership and terms of reference, set out in Appendix A. In recognition of the Employee Side wish to retain the existing CEHSCC. It will meet prior to the Safety Board on a quarterly basis during 2009/10. The terms of reference for the CEHSCC will be reviewed and amended to reflect the changed arrangements and to ensure that there is no duplication of responsibilities with the Safety Board. Issues arising from the statutory safety committee functions will remain with the CEHSCC. Safety management issues will transfer to the Board. These

arrangements will be reviewed after twelve months, during which time it will operate on a pilot basis, in parallel with the CEHSCC. Any future decision made either to the effectiveness or lack of effectiveness, will not alter the status or function of the CEHSCC without further negotiation and agreement.

- 4.3 The Employers Side of the Board will be comprised of 5 elected Members, 1 of whom will be an Executive Member. It is proposed that any Elected Member who sits on the CEHSCC or Safety Board must have received training in health and safety. This is consistent with the approach that the council takes in other regulatory areas such as Employee Appeals and Development Control. This proposal is consistent with the best practice guidance on the role of elected members in Health and Safety. It is proposed that there should be a pool of 10 trained elected members.
- 4.4 The effectiveness of this arrangement will be reviewed in April 2010, when a Joint Secretaries report will be submitted to the CEHSCC and the HR Committee.

5. Other Options Considered

- 5.1 The existing arrangements could be retained. However, this option is not being pursued, for the reasons set out in the report (paragraph 3.1).
- 5.2 At a further consultative meeting held on 1st May 2009, the possibility of the integration of the proposed Joint Safety Board and the existing 2nd tier safety co-ordinators meeting was discussed. This option is not being pursued at this stage.

6. Risk Assessment

- 6.1 Health and safety legislation places as requirement upon employers to agree the consultation arrangements with safety representatives. As long as the Employee Side confirm they agree with the statutory function allocation proposals there are no risks associated with the proposal.
- 6.2 If there is a failure to agree, then safety representatives can establish their own safety committees etc. This would not be in the interests of good health and safety, industrial relations and the reputation of the Council.

7. Equalities Impact Assessment

- 7.1 An impact assessment has not been completed as this is not a project that impacts upon service or policy development.

Legal and Resource Implications

Legal

"It is a legal requirement that the Council consult union-appointed health and safety representatives on health and safety matters affecting the employees they represent. The proposed arrangements for Health and Safety will comply with this requirement."

(Legal advice provided by Husinara Islam for Head of Legal Services).

Financial

(a) Revenue:

"There are no quantifiable financial implications arising from this report the purpose of which is to replace the existing Corporate Employee Health and Safety Consultative Committee with a new Health and Safety Board. However, it is believed that the proposed reduction in membership/attendance levels will make meetings more efficient. If this efficiency is achieved then cost benefits should follow."

(This would not be achievable during the 2009/10 year when the pilot and the CEHSCC would operate: Service Director: Strategic HR & WS)

(b) Capital:

Not Applicable.

(Advice from Stephen Skinner, Head of Finance, CSS and Chief Executive Depts)

Land

Not Applicable.

Personnel

As set out in paragraphs 4.1 to 4.4 above, and in Appendix A.

Appendices

- Appendix A - Proposed Terms of Reference for the Safety Board
- Appendix B - Draft Minutes of the CEHSCC (24 April 2009)

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 Background Papers:

Think about health and safety - what elected members of local authorities need to know. Institute of Occupational Safety and Health

<http://www.iosh.co.uk/index.cfm?go=news.campaigns05-06&#www>

Draft terms of reference for Bristol City Council's Health and Safety Board

Background:

Why establish a health and safety board?

At this time of Business Transformation it would seem to be prudent to critically examine the current health and safety consultation processes to maximise their potential to enhance:

- A “one” Council philosophy
- Greater strategic emphasis on health and safety of the workforce.
- Greater emphasis on Health and Safety outcome orientated Key Performance Indicators (KPI's)
- Raise the Strategic profile of the business importance of health and safety, and Well Being agenda.
- Health and Safety issues being resolved at the lowest possible level, and being escalated to the Corporate level only when necessary

The proposal to enhance the Departmental Safety Committees is viewed as a way of re-energising the Health and Safety agenda at local level. The proposal aims to devolve decision making to the lowest level possible. But to maintain the backstop position of the “Board” being able to “call in” Health and Safety issues which remain unresolved or particularly contentious, or have citywide implication for the authority.

The Safety Board will have the authority to intervene on key business issues decisively with the least possible delay. A strategic aim is too health and safety issues will be reflected in the corporate risk register, and the corporate governance standards. The proposals will also ensure compliance with the regulatory framework on consultation being maintained.

Role

Establish a Joint Health and Safety board which will :

1. Oversee the development and implementation of the authority's health, safety and wellbeing strategy
2. Ensure departments make adequate resource provision for the management of health and safety issues
3. Resolve issues which have not been successfully addressed at directorate level
4. Receive reports and presentation on cross departmental health and safety issues
5. Issue formal instructions via the Safety Director to departments to force compliance on safety critical issues where appropriate.
6. Monitor health, safety and welfare compliance in Health and Safety through a programme of member visits.

Membership

- 1 Safety Director (or their nominee)
- 5 Elected Members (Chair)
- 5 Trade Union members (Vice Chair) (Joint secretary) Plus one teaching union and two others.
- 1 Employer Side Secretary

Non-voting observers / contributors (@Mandatory attendance)

Corporate Safety Manager @
Senior Safety Advisor(s)
Occupational Health and Counselling Manager

Voting

In the event that there is a disagreement between the Employers and the TU side (e.g. referral of an issue to the HR Committee) each side will vote separately. In the event that there is not a majority on each side, in support of a proposal, a “failure to agree” will be recorded.

Terms of Reference/functions of Board

- (1) As part of the Council's consultative framework, to ensure compliance with new/revised strategic health and safety policies, procedures and practices and to submit views to the Director of Resources in conjunction with the appropriate Executive Member and/or other Chief Officer or the Scrutiny Management Committee, as appropriate.
- (2) To deal with health, safety and welfare matters which relate to issues which are of a corporate nature, as referred to by either of the Joint Secretaries.
- (3) To consider matters which have not been resolved at department level safety committee (DSCs), where either Joint Secretary refers the matter to the Health and Safety Board.
- (4) To ensure (in relation to local circumstances) the effective implementation of health and safety matters which have been prescribed or recommended in new legislation, health and safety codes of practice, guidance or other appropriate source.
- (5) To provide a forum for the Council and for the trade unions to consider matters which contribute towards securing a safe working environment for its employees, contractors, clients, Councillors, members of the public and other service users.
- (6) To receive reports on any adverse safety visit by the CEHSCC.
- (7) To receive and consider monitoring information pertinent to health, safety and welfare matters within the authority.
- (8) To monitor and make recommendations upon time off and facilities for corporate trade union safety representatives.
- (9) To review health and safety issues annually July each year and recommend amendments to policy and procedures as necessary.

Frequency of Meetings

Quarterly (January, April, July, October,) - Special meetings may be called, by agreement between the Joint Secretaries

Quorum

2 members of the Employers side

3 members of the TU side

Committee Officers

Appointment of "Chair"

Appointment of Joint secretaries (TU reps and Officer rep)

Review

ADMINISTRATIVE ARRANGEMENTS

As well as a standard agenda, other agenda items can be submitted by both management and by the trade union safety representatives. Meetings will be convened by Democratic Services. A note of the meeting, the attendees, and the outcomes will be produced and circulated to all parties after the meeting.

Linkages with other Health and Safety related committees

- Departmental Safety Committees (Employee consultation)
- 2nd Tier Departmental Safety Co-ordinators group. (Management group with TU representation, non-voting role)
- TU/CSM Monthly consultation meetings.

| MINUTE NO: | AGENDA ITEM | RESPONSIBLE OFFICER |
|---|---|---------------------|
| <p>CEHSCC 46.04/09 SAFETY BOARD PROPOSAL</p> | <p>The Committee considered a report of the Employer's Side Secretary (agenda item 9) to seek the observations of the Committee on the content of the proposals to establish a Health and Safety Board from the beginning of the Municipal Year 2009/10. The proposal, and comments of the CEHSCC would be considered by the HR Committee on the 15th May 2009.</p> <p>A meeting had taken place between the Corporate Safety Manager (CSM) and TU representatives. The main concerns of the TU side were outlined within the report and a transcript of the meeting distributed.</p> <p>During the discussion the TU Side made the following comments:</p> <ul style="list-style-type: none"> • The TU Side had not been consulted sufficiently on the report to the HR Committee. • If the TU Side refused to participate then it would be a breach of the Health and Safety at Work Act and cause chaos for the consultative arrangements. • The approach had not been of a project management style. • There had been no agreement of what was wrong with the current arrangement, if anything, and what the outcome of any change should be. • The current consultative committee was balanced to represent all members of staff. A reduction in the number of representatives would limit the ability to do a good job. | |

| MINUTE NO: | AGENDA ITEM | RESPONSIBLE OFFICER |
|------------|---|---------------------|
| | <p>During the discussion Officers clarified the following points:</p> <ul style="list-style-type: none"> • Disagreements appeared to be based on misunderstandings, and in particular the language used. • The intentions for the health and safety and employee relations boards had been known for some time and the general principle had been agreed. • It was acknowledged there was not enough detail within the terms of reference. • The Human Resources Committee approved constitutional bodies that fell under its ambit. • The proposal had not been driven by any proposed cost saving but to enhance the role of the departmental health and safety committees and access higher levels of management. • Under the new arrangements, officers and departments would be asked to justify their actions and ensure a response from the highest possible level. It would be a positive step to have employee representatives on the board with senior management. • The trade union representatives would not have responsibility for management or be held accountable. They would have a consultative role. • It was not the intention for the safety board to be the CEHSCC reduced in size. • The CEHSCC role would oversee if the Safety Board worked over a series of meetings. | |

| MINUTE NO: | AGENDA ITEM | RESPONSIBLE OFFICER |
|------------|--|---|
| | <p>It was suggested that the Safety Board could be piloted for six months and monitored for two successive quarters. It could be run in parallel, and report to the CEHSCC for that time. The CEHSCC would make the final decision whether the pilot had been successful.</p> <p>The Joint Secretaries would write the report to the HR Committee (to include an extract from the minutes of the CEHSCC). More substantial information would be presented to the July meeting of the CEHSCC.</p> <p>AGREED: An agreed safety board would be established for a six month period as a pilot project. The trade union and employer side secretaries would write a joint report to the HR Committee of the 15th May 2009.</p> <p>A number of issues including the language, responsibility and membership would be discussed at the meeting with TU and CSM on Friday 1st May, and agreement reached.</p> <p>The final decision regarding the perceived success of the pilot to be agreed by the full CEHSCC Committee.</p> | <p>Paul Fudgell Pete Fryer Mark Williams</p> |