

Health and Safety Committees in Multi-Academy Trusts

Health and Safety Committees have a proven track record of benefiting both employers and employees. Employers see benefits through reduced illness and accident rates, as well as higher productivity and retention of the workforce as a result of employees working in a safer and healthier environment. Having an effective Health and Safety Committee should also make it easier to recruit Health and Safety Representatives.

The effectiveness of these committees has been demonstrated throughout the COVID-19 crisis, as they have been an effective vehicle to ensure that plans and risk assessments are developed in consultation with Health and Safety Representatives.

Health and Safety Committees produce these benefits by providing a forum to raise health and safety issues, and for monitoring and responding to trends in health and safety-related statistics, such as accident and illness figures.

The vast majority of local authority employers have overarching Health and Safety Committees, and although a growing number of multi-academy trusts (MATs) are recognising the benefits and advantages to constituting trust-wide Health and Safety Committees, there are still significant gaps in the academy sector.

The Safety Representatives and Safety Committees Regulations 1977 specify that where at least two Health and Safety Representatives of a recognised trade union request a committee, then the employer is obligated to create one within three months of the request. The regulations cover both individual workplace committees, and committees which cover a number of workplaces. Please note, however, that to make a formal request under the regulations, the Health and Safety Representatives must be employed by the employer in question.

The NASUWT would recommend that each workplace has a Health and Safety Committee, and that employers with multiple sites, such as local authorities and MATs, have an overarching committee.

Trust-wide committees should be used to:

- review, consult and negotiate on the health and safety policy and any associated manual;
- review and consult on any generic risk assessments produced;
- moderate a sample of completed risk assessments, anonymised where appropriate, on an annual basis;
- review accident and illness headline statistics, looking for and addressing any common trends or individual hotspots rather than looking at individual cases. This should also include work-related stress and mental health;
- review statistics around incidents of abuse, aggression and violence, again looking for and addressing trends and hotspots;

- review any incidents reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR);
- review and address, as appropriate, health and safety audits of individual workplaces;
- review and consult on the employer's health and safety-related continuing professional development (CPD) offer;
- calendar a list of agenda items which should be reviewed/monitored on an annual basis, such as high temperatures and inclement weather;
- create and review action plans based on the reviews of statistics or other areas of concern; and
- discuss any health and safety issues at individual workplaces that have not been addressed at the local committee.

This list is not intended to be exhaustive and the points for discussion in any committee will evolve over time and depend on the Trust's individual circumstances.

The Health and Safety Executive (HSE) has produced extensive guidance on setting up Health and Safety Committees, but it is important that any committee has effective membership and clear terms of reference. A model Terms of Reference can be found in Appendix 1.

In the case of Trust-wide membership, this will depend to a degree on the corporate structure of the employer, but would, in addition to NASUWT Representative(s) and those of other recognised trade unions, normally include the director of estates (or equivalent), representative(s) of HR, site managers*, the health and safety competent person(s) and any other senior managers with a health and safety-related role. The composition of the Committee and the terms of reference should be agreed.

Some larger MATs operate a hub or regional organisational model, and this may need to be reflected in the organisation of Health and Safety Committees.

* In small trusts, each site manager could attend, but in larger trusts this will need to be a representative of a secondary and a primary site manager.

How to Proceed

Usually, the first step in raising the request for a dedicated Health and Safety Committee would be at the Trust Joint Consultation and Negotiation Committee (JCNC) or equivalent body. Sometimes health and safety will be a standing item already, or the employer will offer to make it a standing item in response to the request. This is not satisfactory, as the Health and Safety Committee will have different attendees, and sufficient time to discuss the issues must be allowed. A separate Health and Safety Committee should, therefore, be insisted upon. There is no problem, however, with the Health and Safety Committee meeting on the same day as the JCNC. A model proposition is included in Appendix 2.

If the employer agrees, then the terms of reference and composition of the Committee should be agreed.

In the case that the employer declines, the Trades Union Congress (TUC) has produced substantial evidence of the benefits of Health and Safety Committees, which can be used to make arguments for the establishment of the committee. A further tactic can be to 'flood' the agenda of the JCNC (or equivalent) with items that are more readily discussed at a Health and Safety Committee meeting. It can also be useful to point out that employers have a duty to consult over health and safety, and a committee is the easiest way to fulfil this statutory requirement. The lack of proper consultation machinery may also impact negatively if an incident occurs that requires an HSE investigation, particularly if this has been requested and refused.

If two or more Health and Safety Representatives can be recruited from within the members across the Trust, and the NASUWT is recognised, then they can make a formal request that the employer cannot refuse.

If the NASUWT is not recognised, then this should be addressed as a priority. However, it does not remove the requirement for the employer to consult on matters of health and safety with staff, and a committee still represents the most effective way to do this. Therefore, a request should still be made.

Appendix 1

Model Terms of Reference

[Employer] Health and Safety Committee – Terms of Reference

Terms of Reference

Purpose/Aim of the [Employer]'s Health and Safety Committee:

1. The prime purpose of the Committee is to enable negotiation and consultation between management, trade union representatives and staff on health and safety issues. It also advises the Chief Executive on health and safety issues and enables monitoring of the Trust's overall Health and Safety Action Plan.
2. The Committee operates in a positive way – reinforcing safety culture and employee participation in the management of health and safety within the [Employer].

The Committee will:

3. Review performance of its academies via the [Employer]'s health and safety management systems.
4. Consider trends and issues and seek to engage with stakeholders on ways to address trends and issues, as appropriate.
5. Consider accident and illness figures across its academies in order to establish any trends of concern and recommend actions to improve performance in those areas to the Chief Executive.
6. Endeavour to ensure an agreed, uniform approach to health and safety across the Trust's academies, particularly in relation to implementation of the [Employer]'s Health and Safety Policy.
7. Consider reports, correspondence or relevant issues from trade union safety representatives, Local Governing Bodies (LGBs), outside agencies and enforcing authorities.
8. Review health and safety audit action plans as deemed appropriate by the [Employer], in accordance with the prevailing legislation, standards, departmental guidance or other requirements.
9. Agree and monitor the delivery of health and safety training by the academies across all aspects required by the above pieces of legislation, standards, guidance, regulation and departmental advice, as is required by the Corporate Governance Standards.
10. Receive relevant feedback from other sources (i.e. Departmental Managers and Audit Committee) to ensure effective information sharing.
11. Flag up any concerns in writing to both the Chief Executive and the Principal of the academy concerned (if relevant).

Membership of the Committee

1. There should be an equal membership of managers and trade union representatives. The trade unions will be invited to nominate local/regional/national safety representatives.
2. The [senior manager] of [Employer] chairs the Committee. In absentia, the [senior manager] will nominate the [alternative senior manager] to chair a meeting of the Committee.

3. The Chief Executive should appoint to the Committee management representatives with sufficient authority to give proper consideration to views and recommendations.
4. The Health and Safety Advisor/Consultant (or nominated representative) must be invited to attend.
5. Co-opted advisors may include Service Managers from [Employer], such as Estates, PR and Comms, IT, HR, Governance, Finance and other specialists.
6. See Appendix 1 below for current list of members/attendees by name.

Organisation

1. The Committee should review service systems and not become a forum to report operational issues that should be dealt with locally by managers/principals.
2. The Committee should meet at least [insert number] times a year.
3. Meetings should be held just prior to the [name of committee, e.g. trust board, JCNC] in order to report progress/salient items as required.
4. Meeting dates should be published well in advance where staff / committee members can see them and plan to attend. Meetings should not be cancelled or postponed, except in exceptional circumstances when the rearranged date should be announced as soon as possible.
5. Agenda items – all members (union and management) are expected to contribute to forming of the agenda and to table items for special consideration where relevant.
6. If a member of the group is unable to attend a meeting, the member concerned should nominate a named substitute.
7. Responsibility for meeting arrangements and facilitation, as well as taking, recording and distributing minutes, lies with [job title of person responsible within the employer].
8. Minutes should be circulated to all invited members of the Committee and made available for all staff to view as soon as possible after the meeting.
9. An agenda and draft previous minutes should be sent to all invited members seven days prior to the Committee meeting, including all papers.

Suggested Standard Agenda

1. Apologies
2. Minutes of previous meeting
3. Actions and matters arising
4. Minutes from other forums, e.g. Audit Committee
5. Standing items

Operational Plan, Health and Safety Action Plan progress report (Operational Plan)

Briefing

- Accident and illness statistics and investigations/outcomes update;
- Inspections and monitoring update, including fire checks;
- Recent health and safety audits and their outcomes, including action plans, where strategic items or items of major concern have been brought to the Trust/academy's attention.

General Health and Safety Update – new duties, guidance or responsibilities for delivery by academies

- Live issues, e.g. events, incidents, near misses, risk assessments;
- Training report;
- Union representative's report(s).

6. Items for Communication

7. Items for [name of higher committee]

8. Date of next meeting

Appendix 2 – Draft Proposition for MATs to Consider

Proposition – For [Name of Employer] to implement a Trust-wide Health and Safety Committee

The NASUWT would propose that [Name of Employer] implements a Trust-wide Health and Safety Committee for the purpose of improving consultation and consideration of health and safety-related issues.

Health and Safety Committees have a proven track record of benefiting both employers and employees. Employers see benefits through reduced illness and accident rates, higher productivity and retention of the workforce, as employees work in a safer and healthier environment.

Although health and safety issues can be discussed at the JCNC meeting, this is not satisfactory, as a Health and Safety Committee will have different attendees, with appropriate qualifications and experience, and sufficient time to discuss the issues must be allowed.

It is envisaged that the functions of the Health and Safety Committee would include:

- reviewing any generic risk assessments produced;
- reviewing accident and illness headline statistics, looking for any common trends or individual hotspots rather than looking at individual cases;
- reviewing statistics around injuries caused by acts of violence, again looking for trends and hotspots;
- reviewing any RIDDOR-reportable incidents;
- reviewing health and safety audits of individual workplaces;
- reviewing the employer's health and safety-related CPD offer;
- creating and reviewing action plans based on the reviews of statistics or other areas of concern; and
- discussing any health and safety issues at individual workplaces that have not been addressed at a local level.

The Committee will be formed of appropriate managers from the Trust, together with Union Representatives/Health and Safety Co-ordinators.

In addition, [Name of Employer] is asked to consider the creation of Trust-wide Health and Safety Co-ordinator roles. This role will fulfil the role of a Health and Safety Representative for the purposes of the Safety Representatives and Safety Committees Regulations 1977, for workplaces without local health and safety representatives, and to work with local health and safety representatives in responding to issues and feeding back to/from the Committee, so that consultation can be maximised. These roles would be appointed by unions in line with the regulations and their rules. Appropriate time off with pay in line with the regulations above would need to be provided. The NASUWT would undertake to ensure any NASUWT co-ordinators are appropriately trained.

The NASUWT can provide a model Terms of Reference for such a committee.



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