

Chapter 6

Consultation arrangements

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Version

The table below shows the history of the document and the changes that were made at each version.

Version	Date	Summary of changes
1.0	17 th August 2012	Initial issue
1.2	07 th August 2013	Update contact information

1. Introduction

- 1.1 The London Borough of Hackney and school governing bodies recognise the right of Trade Union representatives to be actively involved in the arrangements for health, safety and welfare of their members.
- 1.2 Similarly, The London Borough of Hackney and school governing bodies recognise the rights of individuals, not in a Trade Union, to similar representation.
- 1.3 There is a general duty under the health and safety at work (etc) Act 1974 for the employer to consult with employees. The Safety Representatives and safety committees Regulations 1977 (as amended) and The Health and Safety (Consultation with Employees Regulations 1996 (as amended) details the formal processes to be followed.

2. What schools must consult on

- 2.1 Schools should consult with their employees, ideally, either through Union appointed safety representatives,(under the safety representatives and safety committees regulations), or staff representatives elected by the workforce , (under the Health and Safety (consultation with employees regulations). They should consult, in good time, on matters relating to their health and safety and, in particular, with regard to:
 - The introduction of any measure at the workplace which may substantially affect the health and safety of those employees represented;
 - The arrangements for appointing competent persons to assist the school in complying with health and safety requirements and to implement evacuation procedures;
 - Any health and safety information he is required to provide;
 - The planning and organisation of any health and safety training that may be required; and

- The health and safety consequences for those employees of the introduction (and planning) of new technologies into the workplace.

3. Appointment of Safety Representatives

- 3.1 A recognised Trade Union may appoint safety representatives from among employees who have either worked for their present employer throughout the preceding two years or have had at least two years experience in similar employment. This will ensure that safety representatives have the kind of experience that will allow them to make a responsible and practical contribution to health and safety in their employment.
- 3.2 Once a school is notified, in writing, by a recognised Trade Union of the name(s) of persons appointed as safety representatives they will have the functions detailed in paragraph 4 of this Chapter whilst representing the group of employees for whom they were appointed.
- 3.3 A person shall cease to be a safety representative should the trade union which appointed him notifies the school, in writing, that his appointment has been terminated or he/she ceases to be employed at the workplace or if they resigns.

4. Functions of Safety Representatives

- 4.1 Under the safety representatives and safety committees regulations 1977, safety representatives are allowed to undertake certain functions, these however are not legal duties and there can be no legal recourse against safety representatives undertaking these functions.
- 4.2 The functions of a safety representative may include:
- Investigating potential hazards and dangerous occurrences at the workplace.
 - Investigating complaints by any employee he represents relating to that employee's health, safety or welfare at work.
 - Making representations to the school on general matters affecting the health, safety or welfare at work of employees in the workplace.
 - Carrying out inspections.

- Representing the employees he was appointed to represent in consultations at the workplace with inspectors of the Health and Safety Executive (HSE) and any other enforcing authority.
- Receiving information from inspectors. This may comprise factual information obtained by him which relates to the premises or anything which was or is therein or was or is being done therein and information with respect to any action which he has taken or proposes to take in or in connection with those premises in the performance of his functions.
- Attending meetings of the Health and Safety Committee in his capacity as a safety representative in connection with any of the above functions.

5. Formal inspections and investigations

- 5.1 Safety representatives are entitled to inspect the workplace, or a part of it, having given reasonable notice, in writing, to the Head teacher and providing that the safety representative has not inspected it, or that part of it, within the previous three months.
- 5.2 Where there has been a substantial change in the conditions of work (whether because of the introduction of new machinery or otherwise) or new information has been received from the HSE relevant to the hazards of the workplace since the last inspection, a safety representative may, following consultation with the Head teacher, may conduct a further inspection.
- 5.3 The school will provide such facilities and assistance as may be required. For example the use of a room for private discussion with the employees.
- 5.4 Different trade unions should co-ordinate their inspections, so as to avoid duplication and achieve the most efficient use of resources.
- 5.5 It is considered advantageous for a representative of management to be present during inspections as suitable measures can be taken quicker. The Education Health and Safety Team will be available to provide any technical advice or assistance as may be required.
- 5.6 Having carried out an inspection of the workplace a written report should be presented to the Head Teacher with a copy being sent to the Education Health and Safety Team. This report should highlight perceived health and safety deficiencies so that remedial action can be identified and

implemented. If a written report is not possible then a verbal report should be made.

- 5.7 Action taken by management to remedy items reported during an inspection will be notified to the relevant safety representative and the affected workforce.
- 5.8 Where there has been a case of a notifiable accident, disease or dangerous occurrence in a workplace and it is both safe to do so and in the interests of employees within the group which the safety representative is appointed to represent, an inspection of the workplace may be carried out by the safety representative.
- 5.9 For the purposes of ascertaining the circumstances of a notifiable accident, disease or dangerous occurrence, it may be necessary for a safety representative to examine any relevant machinery, plant, equipment or substance in the workplace.
- 5.10 Such examinations may include visual inspection and discussions with persons who may be in possession of relevant information. The examination must not, however, include interference with any evidence or the testing of any machinery, plant, equipment or substance which could disturb or destroy the factual evidence before an inspector from the appropriate enforcing authority (e.g. HSE) has had the opportunity to investigate the occurrence.
- 5.11 While a safety representative can conduct an independent examination of the workplace following a notifiable occurrence, it is considered advantageous that local management is present. A joint approach between safety representatives and management in preventing a recurrence can thus be achieved.

6. Provision of Facilities for Safety Representatives

- 6.1 Schools should permit a safety representative to take such time off work, with pay, as may be necessary to perform his functions as stated in paragraph 4 of this Chapter and to undergo relevant training.

- 6.2 Schools will provide access to a desk, facilities for storing correspondence, a telephone (subject to the normal economy constraints) and intranet and access to a room for reporting back to, and consulting, members.

7. Provision of information

- 7.1 Schools will provide such information as is necessary for safety representatives and representatives of employee safety to effectively perform their role.
- 7.2 This information will include plans and performance of school and any changes proposed insofar as they affect the health and safety of employees. This will include notice of all building works, e.g. planned maintenance, improvements, adaptations and extensions to premises and of the installation of new or replacement equipment. This will cover the likely risks and hazards arising from work, the measures in place to eliminate or reduce them and what employees ought to do when encountering risks and hazards.
- 7.3 Information collated under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 where it relates to the workplace or group of employees represented.

8. Further Advice and Assistance:

- 9.1 Further advice and assistance is available from the Education Health and Safety team on 020 8356 2278.

Framework Constitution for a Health and Safety Committee:

1. Objectives:

- 1.1 To ensure and enable co-operation between employer and employees.
- 1.2 Undertaking, developing and carrying out measures to ensure the health and safety of employees in both educational settings and the learning Trust

2. Membership:

- 2.1 The Committee will be composed of the following permanent members,
 - One safety representative from those Trade Unions recognised by LB Hackney, namely:
 - AEP (Association of Educational Psychologists)
 - ATL (Association of Teachers and Lecturers)
 - GMB
 - NAHT (National Association of Head Teachers)
 - NAIEAC (National Association of Educational Inspectors, Advisers)
 - NASUWT (National Association of schoolmasters and Union of women teachers)
 - NUT /HTA (National Union of Teachers / Hackney Teachers Association)
 - TGWU (Transport and General Workers Union)
 - UNISON

From whom a lead representative will be elected.

 - XX members of management, namely:
 - Head teacher
 - Business Manager / Bursar
 - X
- 2.2 The Head of Health and Safety (Education) will be an ex-officio member of the Committee and will act in an advisory role. (if required)
- 2.3 XXX will be the clerk to the Committee.

2.4 The members of the committee will be entitled to appoint a substitute in the event of their being unable to attend. Such substitution will be notified to the Clerk in advance of the meeting, preferably by giving 24 hours notice.

2.5 The committee may have in attendance at any meeting an ex-officio specialist to advise on any matter under discussion and representative(s) of a particular team affected by the item under discussion and not directly represented on the Committee. Attendance by such attendees shall be limited to the period during which the item requiring their attendance is before the Committee. Such attendance to be notified to the Clerk to the Committee giving 24 hours notice.

3. Conduct of Business:

3.1 Meetings:

- The Committee will meet no less than once in each academic term. Meetings will be held during working hours. A programme of meeting dates will be circulated at the beginning of each academic year by the Clerk to the Committee.
- Meetings will be chaired by the Head Teacher or, exceptionally in his absence, by XXXX.
- It is important that members have a reasonable time to consider responses to agenda items, thus only business appearing on the Agenda will be transacted at any meeting unless it is agreed to introduce new items.

3.2 Special Meetings / ad- hoc committees:

- Special meetings of the Committee may be called by either side provided fourteen days notice is given.
- Ad-hoc sub-committees may be formed for specific purposes subject to such purposes being within the functions and scope of the Committee.

3.3 Quorum. The Quorum of the Committee will be X representatives from management and X Safety Representatives.

3.4 Agenda.

3.4.1 Items for inclusion on the agenda must be submitted to the Clerk to the Committee at least fourteen days before the meeting.

3.4.2 Each item on the Agenda must be clearly described and supported by relevant information and explanatory notes.

3.4.3 The Agenda and supporting papers will be distributed to members of the Committee at least ten days before the meeting.

3.4.4 The following standing items will be placed on the Agenda:

- **Apologies for Absence** – members unable to attend a meeting will notify the Clerk to the Committee accordingly.
- **Minutes of the previous meeting** – for formal agreement and signature.
- **Matters arising** – those identified against an Action Point at the previous meeting will submit a progress report to the Clerk, at least fourteen days before the meeting, which will be circulated with all other supporting papers.
- **Management Report** – this should include details of any monitoring of health and safety carried out, accident statistics and any changes that may affect health and safety in the school, including new guidance or changes to legislation
- **TU's safety Representatives Report** – this will be written and presented by the lead TU Safety Representative and will include, but not limited to, details of any investigations of potential hazards and cause of accidents within the workplace, details of any employee complaints concerning health and safety received, information on the outcome of any safety monitoring activities undertaken.
- **Facilities Manager's Report** – this will include, but is not limited to, details of any fire evacuations carried out, and safety related contractual matters in relation to the general facilities management of the school.
- **New items** – the person requesting the item for inclusion will state what action has already been taken with line management (where appropriate) to resolve the issue and briefly explain how the health, safety and welfare of employees will be affected if the matter is not resolved.

3.5 Minutes.

3.5.1 Draft minutes of the meeting, agreed by the Chairman, will be issued to each Committee member within fourteen days of the date of the meeting to allow any comment to be made to the Clerk.

3.5.2 Formal Agreement to the accuracy of the minutes will be decided at the following meeting of the Committee.

4. Functions

4.1 The functions of the Health and Safety Committee are to:

- Consult and advise on health and safety policy matters relevant to the school.
- Consider and advise on new or amended health and safety legislation.
- Keep under review the measures taken to ensure the health, safety and welfare at work of school employees, pupils, students and visitors.
- Study accidents and reportable diseases, statistics and trends and to make recommendations for corrective and preventative action.
- Study the results of safety monitoring activities , making recommendations for preventative action where appropriate.
- Provide assistance and input into the development of safe working procedures, safe systems of work and risk assessments.
- Consider any reports or information received from the Health and Safety Executive (HSE) and other enforcing authorities.
- Consider the effectiveness of employee safety training.
- Promote and develop health and safety communication and publicity within the workplace.

5. Effectiveness of the Committee:

5.1 Management will endeavour to make speedy decisions on the Committee's recommendations and, where necessary, act and publicise appropriately.

5.2 Committee members should ensure that they have had sufficient health and safety training in order for them to fully fulfil their role on the Committee.

- 5.3 Each Committee meeting should concentrate on the agenda and allow itself sufficient time for full and proper debate.
- 5.4 Meeting should not be cancelled or postponed, except in exceptional circumstances. Where postponement is unavoidable, an agreed date for the next meeting should be made and published within seven days of the postponement.

6. Review:

- 6.1 The Committee will, at the meeting held in the summer term, consider the overall effectiveness of the Committee and consider if any additional training needs are required by members of the Committee.
- 6.2 This constitution will be reviewed and amended from time to time and will be formally reviewed on a bi-annual basis.