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Health Board



# Health and Safety Operational Group

## Terms of Reference

# **HEALTH AND SAFETY OPERATIONAL GROUP**

## **TERMS OF REFERENCE**

### **1. INTRODUCTION**

- 1.1. The Health and Safety Committee hereby resolves to establish a Working Group of the Committee to be known as the Health and Safety Operational Group referred to in this document as 'the Group'.

### **2. PURPOSE**

- 2.1.1 The Health & Safety Operational Group provides a consultative forum to discuss and monitor the implementation of the SBUHB's health and safety policy including management arrangements. In so doing, the Health & Safety Operational Group shall act as a consultative group for nominated safety representatives from the recognised Trade Unions, in accordance with the Safety Representatives and Safety Committees Regulations 1977.
- 2.2 The Health and Safety Operational Group has been constituted in accordance with the Safety Representatives and Safety Committees Regulations 1977 (as amended) which makes effective Section 2(6) of the Health and Safety at Work Act 1974. It also ensures consultation with employees in accordance with the Health and Safety (Consultation with Employees) Regulations 1996 (as amended)<sup>1</sup>.
- 2.3 The group will be referred to as the SBUHB Health and Safety Operational Group. It will be concerned with the health, safety, fire, security and welfare of all staff employed throughout the Health Board and those who may be affected by risks arising out of or in connection with work activities
- 2.4 Objectives of the group:
- To promote a positive healthy and safe working environment for staff employed in the Health Board through collaboration between Managers and Safety Representatives on health and safety issues
  - To provide a framework for agreeing and endorsing corporate Health, Safety, Fire and Security Policies
  - To agree strategies that will ensure effective health and safety management within the Health Board and monitor progress against the Strategy and operational action plans
  - To act as a forum for monitoring the prevention of workplace accidents, avoidance of industrial injuries, disease and for instructing on preventative and remedial measures and to share lessons learnt

### **3. TERMS OF REFERENCE**

The Terms of Reference of the Committee are:-

1 <http://www.hse.gov.uk/pubns/books/l146.htm>

- 3.1 To review and consider policy issues including the effects of legislation, codes of practice and reports from enforcing authorities such as the Health Safety Executive (HSE)
- 3.2 To develop systems to monitor Health & Safety Performance (e.g. key performance indicators) and monitor compliance
- 3.3 To determine action plans on health and safety in accordance with the Health Board's Health, Safety and Fire action plan
- 3.4 To monitor progress of safety issues including receiving exception reports from Directorates, departments and localities on staff accidents, untoward occurrences and the remedial and preventative actions taken
- 3.5 To consider training programmes and staff development specifically related to health, safety, fire and security issues
- 3.6 To monitor the effectiveness of health, safety, fire and security communications and management within the Health Board
- 3.7 To appoint sub-groups if required to address specific health, safety, fire and security related issues
- 3.8 To submit reports for approval to the Health and Safety Committee on:
  - The annual report on health & safety
  - The Health & Safety Operational Group's terms of reference, which are to be reviewed on an annual basis.
  - The Health & Safety Risk register
  - The Health & Safety policy and procedural documents relating to health, safety and fire matters.
  - The Health & Safety Annual Improvement plan including progress updates.

## **4. MEMBERSHIP**

### **HEALTH & SAFETY REPRESENTATIVES**

- 4.1 The Chairman of the Working Group will be the Assistant Director of Health & Safety and in his absence the Head of Health & Safety will chair the meeting.
- 4.2 Health and Safety Representatives will be nominated to sit on the Health and Safety Operational Group and will include:
  - Assistant Director of Health & Safety (Chair)
  - Group Directors (Representatives) X 5
  - Assistant Director of Estates – Operations
  - Head of Health and Safety

- Head of Support Services
  - Representative from HQ
  - Health and Safety Representatives will be determined by Staff Side
- 4.3 The nominated Health and Safety Representatives must be accredited Health and Safety Representatives of a recognised trade union/staff association (as listed under the 1974 Trade Union and Labour Relations Act and the 1975 Employment Protection Act).
- 4.4 Health and Safety Representatives may nominate a deputy to attend a meeting if they are unable to personally attend.
- 4.5 In accordance with Regulation 4 of the Health and Safety at Work Act an appointed Health and Safety Representative shall so far as is reasonably practicable have been employed by the Health Board or another NHS employee providing services to the Health Board, throughout the preceding two years or have had at least two years' experience in a similar employment.
- 4.6 The minimum viable number of Health and Safety Representatives for the functioning of the group will be two (Section 2(7) of the Health and Safety at Work Act 1974).
- 4.7 A Health and Safety Representative will cease to be eligible for membership when:
- The Union/staff organisation notifies the Health Board that the individual is no longer an accredited Health and Safety Representative
  - The individual resigns
  - The individual ceases to be employed by the Health Board or another NHS employer providing services to the Health Board
  - The Workplace Health and Safety Representatives nominate an alternative representative to replace the postholder on the Health Board Health and Safety Operational Group

## **MANAGEMENT**

- 4.8 The Management membership of the group will comprise of representatives at Senior Management level in the Health Board who have the authority to give proper consideration to views expressed and wherever possible have the necessary knowledge and expertise on matters of health, safety and welfare.
- 4.9 Management membership includes the Assistant Director of Health & Safety acting on behalf of the Chief Executive in respect of their duties under the Health and Safety at Work etc Act.
- 4.10 The minimum viable number of management representatives for the functioning of the group will be five.

## **ADVISORY**

- 4.11 Advisory members will attend the group in an ex officio role to provide independent specialist advice.
- 4.12 the Head of Health and Safety is required to attend all meetings

## **POWERS OF CO-OPTION**

- 4.13 In the event that the group requires specialist advice to discuss a particular health and safety item or report, the appropriate specialist advisor may be invited to attend the group meeting.

## **5. QUORUM**

A quorum will be the minimum of 5 managers of whom, one must hold the necessary nationally recognised health and safety qualification.

## **6. ATTENDANCE**

- 6.1. Permanent members are required to attend 75% of the Working Group meetings.
- 6.2. Members of the Operational Group shall appoint suitably qualified deputies to represent them at meetings when they are unable to attend personally. Where this is not possible they must provide a written update to working group members at least two working days beforehand.
- 6.3. The Chairman will follow up any issues related to the unexplained attendance of members. Should non-attendance jeopardise the functioning of the Operational Group the Chairman will discuss the matter with the member and if necessary seek a substitute or replacement.
- 6.4. With the approval of the Chairman, other persons may be asked to attend meetings from time to time for a specific purpose.

## **7. FREQUENCY**

- 7.1. The working group will meet quarterly. The frequency of meetings should be reviewed by the Group annually.

## **8. AUTHORITY**

8.1 The Operational Group is authorised by the Health and Safety Committee to investigate any action within its Terms of Reference. It is authorised to seek any information it requires from any employee and all employees are directed to cooperate with any request made by the Health and Safety Operational group.

- 8.2. The Working Group is authorised by the Health and Safety Committee to obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers necessary. It may challenge the reports and duties of other Working Groups to ensure due and robust business processes are in place.
- 8.3. The Health and Safety Operational Group has delegated authority from the H B Management Team to approve documents that support strategies and policies (such as procedures, guidance etc.) for onward submission to the Health and Safety Committee for ratification, including:
- Guidance documents relating to health, safety and fire matters for information.
  - Forms and template documents relating to health, safety and fire matters, including for internal ownership and monitoring.
- 8.4.1 To receive reports for information and advise the Health & Safety Committee, on:
- Audit reports on health, safety, fire and security matters.
  - And other specialist areas i.e. Radiation Protection Reports ~~on~~, Asbestos where requested Information on changes in legislation and good practice relating to health, safety, fire and security issues.
  - The Health & Safety Risk Register.
  - Incident and accident data (to include details of reportable incidents).
  - Any enforcement actions.
  - Key Performance Indicators (KPIs) relating to health, safety and fire matters.
  - Reports from Service Groups/Department Health, Safety and Fire groups, including monitoring safety arrangements and improvements in those areas.
  - Any health, safety, fire or security concerns raised.
  - Estates specialist groups i.e. Electrical; Ventilation.

## 8. REPORTING

- 8.1 The Health and Safety Operational Group must submit a written report to each Health and Safety Committee meeting in the business cycle following the operational group.
- 8.2 The Health and Safety Operational Group will submit a written report if requested or where escalation is required to the Management ~~Team~~ Board meeting in the business cycle following the operational group.
- 8.1.1 Action notes and records of discussions will be made and will be available for reference if required.

## 9. SUPPORT

- 9.1. The Operational Group shall be supported by the Secretariat services provided through the Health and Safety Department, specifically with regard to secretarial duties, minute taking and administrative support.
- 9.2. Duties shall include:

- Agreement of the meeting agendas with the Chair of the Operational Group;
- Providing timely notice of meetings and forwarding details including the agenda and supporting papers to members and attendees in advance of the meetings
- Enforcing a disciplined timeframe for agenda items and papers, as below:
  - At least 5 working days prior to each meeting, agenda items will be due from Working Group members;
  - At least seven working days before each meeting, papers will be due from Operational Group members;
  - At least five working days prior to each meeting, papers will be issued to all Operational Group members and any invited Directors and officers.

9.3 Recording formal minutes of meetings and keeping a record of matters arising and issues to be carried forward, circulating approved draft minutes within two weeks from the date of the last meeting.

9.4 Advising the Chair and the Operational Group about fulfilment of the Operational Groups Terms of Reference and related governance matters.

9.5 The Operational Group will endeavour to provide good communication across the Health Board and ensure a copy of the minutes is provided to each Service Group Health and Safety Group and if requested to the Management ~~Team-Board~~ following the business cycle of the operational group.

9.6 Minutes of these meetings will be circulated to all Operational Group members.

9.7 Separate notices will also be issued, as required, on matters which may arise outside of the meeting of this working group.

## **10. REVIEW OF TERMS OF REFERENCE**

10.1 The Operational Group will monitor the effectiveness and working arrangements of these Terms of Reference annually.