

# Finance and Resources Committee

10.00am, Thursday, 23 May 2019

## A review of Health and Safety Groups within the Council

Executive/routine  
Wards  
Council Commitments

### 1. Recommendations

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- 1.1 To note the outcomes of the review of health and safety groups within the Council, and approve the recommendations for improvements, as detailed in the 'next steps' section of the report.

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Executive Director of Resources

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## A review of Health and Safety Groups within the Council

### 2. Executive Summary

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- 2.1 The purpose of this report is to respond to a motion made at Council in October 2018 in relation to the constitution of Directorate/service level health and safety groups, following UNISON's withdrawal from the Place Health and Safety Group and the Waste and Cleansing Working Group.
- 2.2 This report provides an overview on the health and safety groups, with an update on progress since October 2018 and recommendations for further enhancements including increased engagement and collaboration with Trades Unions.

### 3. Background

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- 3.1 The Council has a legal duty to put in place suitable arrangements to manage health and safety, and to consult with employees (Trade Union appointed safety representatives or non-union elected representatives of safety) on health and safety matters. The Council is also required by law to establish a safety committee if requested to do so in writing by at least two safety representatives.
- 3.2 The current health and safety governance and reporting framework was introduced in March 2015 (see Appendix 1), aligned with the Council's Risk Management Framework. It established the Council Health and Safety Group, and the Council Health and Safety Consultation Forum which serves as the Council-wide health and safety committee for formal consultation with employees / employee representatives.
- 3.3 There are currently several directorate and service level health and safety groups, forums and committees and topic specific working groups across the Council which sit below the Council Health and Safety Group in the governance and reporting framework.
- 3.4 Recommendations for improvements in the governance of topic specific working groups for both Hand Arm Vibration and Driving were made in an audit by PwC in 2016.
- 3.5 A review of all directorate/service level health and safety groups was subsequently carried out by Corporate Health and Safety in February 2017, with a recommendation that each directorate should review, and where required, revise

the health and safety governance and reporting arrangements at directorate/service level. Consideration was to be given to ownership and accountability, terms of reference, membership (including trade union involvement), chairperson, frequency, and documentation.

- 3.6 In October 2018, UNISON withdrew from both the Place Health and Safety Group and Waste and Cleansing health and safety working group, with the reasons given that the groups are unconstitutional, non-productive and did not fully engage with the Trades Unions. This issue was subsequently raised at the Council Health and Safety Consultation Forum in November 2018 and as a deputation and motion at the full Council meeting in December 2018.
- 3.6 The purpose of this report is to review the current governance arrangements for all directorate/service level health and safety groups.

## 4. Main report

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- 4.1 Health and safety groups play an important part in the management of health and safety within the Council, including the drawing up and implementation of health and safety plans and monitoring of performance and issues. Whilst the majority of health and safety groups within the Council have not been set up as health and safety committees under the Health and Safety at Work etc. Act 1974 and Safety Representatives and Safety Committees Regulations 1977, this does not invalidate the groups nor make them unconstitutional. The legal requirement to set up committees in a specified way applies where at least two safety representatives request an employer to do so in writing. The Council Health and Safety Consultation Forum was set up in 2015 to enable formal consultation on health and safety. However, as noted in the 2017 review, engaging with employees/ employee representatives more widely across other groups would be considered best practice.
- 4.2 All health and safety groups and sub-groups have agreed terms of reference and membership, and there has been an increase in the number of groups that include Trade Union representatives in their membership. However, there is still inconsistency regarding which Trades Unions are invited to groups.
- 4.3 A summary of the status of health and safety groups at directorate/service level across the Council is given in Appendix 2.
- 4.4 Requests were made in October 2018 by UNISON for health and safety committees to be set up within Place, Parks Greenspace and Cemeteries, and Waste and Cleansing. These committees have now been established. The terms of reference for the Place Health, Safety and Wellbeing Committee are mostly the same as the previous Place Health and Safety Group, with the main changes being equal membership between management and Trades Unions, and a new chairperson. Where groups such as the Place Health and Safety Group change to become a health and safety committee with equal membership, this can mean a reduction in representation of service areas and so arrangements and communication should take this into account.

- 4.5 The membership of the Resources and Strategy and Communications Health and Safety Group has recently included Trade Union representatives. This group's membership has been set at a senior level which helps to demonstrate management commitment to health and safety. There are no working groups for service areas at a more operational level within Resources and Strategy and Communications, other than topic specific groups for fire, water safety and asbestos.
- 4.6 The Communities and Families Health Safety and Wellbeing Committee membership currently includes EIS and UNISON representatives. The Health and Social Care Partnership Health and Safety Group is large, with representatives from across the partnership and Trades Unions. Neither of these groups were requested to be set up by two or more safety representatives. Given the changes within Place and the deputation to the Council meeting in December 2018, dialogue is recommended between management and Trade Union representatives to review whether any changes to membership or terms of reference are required for consistency and to ensure effectiveness.
- 4.7 Where health and safety committees are established under the Safety Representatives and Safety Committees Regulations 1977, there are particular requirements under the Health and Safety (Consultation with Employees) Regulations 1996 regarding notification of the composition of the committee, dates of meetings, and the availability / circulation of minutes. There is also a requirement where a new health and safety committee is requested by two or more safety representatives for this to be set up within three months.
- 4.8 Now that the Communities and Families Health and Safety Working Group has changed to focus solely on schools, it is recommended that consideration is given on whether additional groups are required for other children's services, community services and libraries.
- 4.9 Whilst feedback from members of most groups during this review was generally positive (with the exception of issues raised by UNISON regarding the Place groups), a lack of consistent attendance and meeting cancellations have had a detrimental impact on the effectiveness of some groups. For example, in 2018 several meetings were cancelled for the Fire Safety Standing Group, Asbestos Standing Group, Water Safety Standing Group and Communities and Families Health Safety and Wellbeing Committee. The Head of Property and Facilities Management has recently taken on the role of chairperson for the topic groups to provide the necessary level of senior leadership, which has had a positive impact. The Health and Safety Executive (HSE) guidance on health and safety committees states that meetings should not be cancelled or postponed except in very exceptional circumstances.
- 4.10 Responsibilities for minute taking at some groups, including the Council Health and Safety Forum, would benefit from review to ensure suitable delineation.
- 4.11 The templates used by the health and safety groups are not consistent across the Council.

## **5. Next Steps**

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- 5.1 Communities and Families, and the Health and Social Care Partnership, should consult with all of the relevant Trades Unions on the current directorate/service level health and safety group structure with a view to enabling greater consistency with other groups across the Council.
- 5.2 All directorate/service level groups should review which Trades Unions are included in the group membership and ensure that GMB are invited where relevant.
- 5.3 GMB should be invited to attend the Council Health and Safety Consultation Forum.
- 5.4 All directorates should ensure that service areas not represented at directorate level meetings have suitable arrangements in place to communicate with these meetings.
- 5.5 Communities and Families should review the need for working groups for service areas not included in the schools' working group, e.g. Children's Services, and Community Centre and Library staff.
- 5.6 Notice of the composition of health and safety groups should be made available to all relevant employees and dates of meetings published.
- 5.7 Lack of attendance at service level and topic specific groups should be escalated to service management teams and the Council Health and Safety Group as required.
- 5.8 Suitable arrangements should be in place for minute taking at each meeting, to record discussions points, decisions and actions.
- 5.9 Suitable standard templates for documentation should be used for agendas (incorporating terms of reference and membership on reverse), minutes and action plans.
- 5.10 All groups should periodically review the terms of reference and the effectiveness of the group in meeting the stated aims/ remit.

## **6. Financial impact**

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- 6.1 There is no direct financial impact.

## **7. Stakeholder/Community Impact**

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- 7.1 Feedback has been provided by Trades Unions and stakeholders.

## **8. Background reading/external references**

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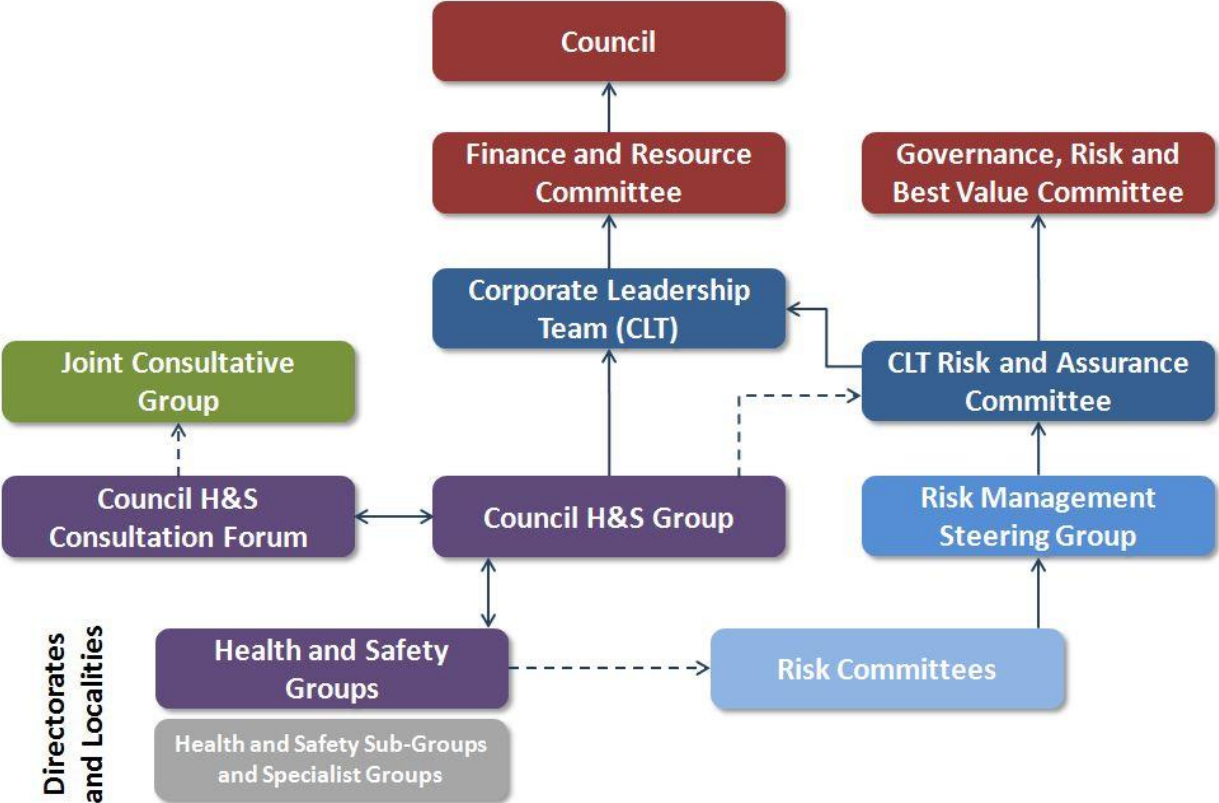
- 8.1 The Safety Representatives and Safety Committees Regulations 1977
- 8.2 The Health and Safety (Consultation with Employees) Regulations 1996

## **9. Appendices**

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- 9.1 Appendix 1: Council Health and Safety Governance Framework
- 9.2 Appendix 2: Summary of status of Health and Safety Groups

**Appendix 1 – Council Health and Safety Governance Framework**



*Notes: Denotes reporting accountabilities, not reporting lines.*

## Appendix 2 – Summary of status of health and safety groups

### Communities and Families

Name of group	Agreed membership	Agreed terms of reference	Group requested under SRSC Regulations	Trades Unions involved	Frequency of meetings	Currently meeting
Communities and Families Health, Safety & Wellbeing Committee	Yes	Yes	No	UNISON EIS	Quarterly	Yes  (Met twice in 2018)
Schools Health and Safety Working Group	Yes	No	No	No	2 months	Yes  (schools only from November 2018)
Safer and Stronger Communities Health and Safety Working Group	Yes  (Trades Unions are not listed)	Yes	No	UNISON Unite	Monthly	Yes



### Health and Social Care Partnership

Name of group	Agreed membership	Agreed terms of reference	Group requested under SRSC Regulations	Trades Unions involved	Frequency of meetings	Currently meeting
Edinburgh Health and Social Care Partnership Health and Safety Group	Yes (not set out in terms of reference)	Yes	No	UNISON AHP	Quarterly	Yes

**Resources, and Strategy and Communications**

<b>Name of group</b>	<b>Agreed membership</b>	<b>Agreed terms of reference</b>	<b>Group requested under SRSC Regulations</b>	<b>Trade Unions involved</b>	<b>Frequency of meetings</b>	<b>Currently meeting</b>
Resources and Strategy and Communications Health and Safety Group	Yes	Yes	No	UNISON Unite	Quarterly	Yes
Fire Safety Standing Group	Yes	Yes	No	EIS UNISON Unite	6 weeks (to be changed to 2 months)	Yes
Asbestos Standing Group	Yes	Yes (being revised)	No	UNISON Unite	8 weeks	Yes
Water Safety Standing Group	Yes	Yes	No	EIS UNISON Unite	2 months	Yes

**Place**

<b>Name of group</b>	<b>Agreed membership</b>	<b>Agreed terms of reference</b>	<b>Group requested under SRSC Regulations</b>	<b>Trades Unions involved</b>	<b>Frequency of meetings</b>	<b>Currently meeting</b>
Place Health, Safety and Wellbeing Committee	Yes	Yes	Yes	UNISON Unite	Quarterly	Yes
Culture Health and Safety Group	Yes	Yes	No	No	2 months	Yes
Waste and Cleansing and Fleet Health, Safety & Wellbeing Group	Yes	Yes	Yes	UNISON Unite	Quarterly	No
Housing Property Health and Safety Group	Yes	Yes	No	Unite	Quarterly	Yes
Parks, Greenspace and Cemeteries Health and Safety Committee	Yes	Yes	Yes	UNISON Unite	Quarterly	No

**Place (contd.)**

<b>Name of group</b>	<b>Agreed membership</b>	<b>Agreed terms of reference</b>	<b>Group requested under SRSC Regulations</b>	<b>Trades Unions involved</b>	<b>Frequency of meetings</b>	<b>Currently meeting</b>
Hand-Arm Vibration Working Group	Yes	Yes	No	No	2 months	Yes