



**CONSTITUTION OF THE
OCCUPATIONAL HEALTH SAFETY
AND
WELFARE PANEL**



INVESTORS IN PEOPLE

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1. Name of the Panel

1.1 The Panel (a joint committee) shall be called the “Health Welfare and Safety Panel” hereafter called “the Panel”

2. Introduction

2.1 The Panel provides a regular forum for the Council and its employees to consider matters relating to health and safety and provide advice, guidance and recommendations to appropriate Committees or other Council bodies. The Panel has a remit to oversee the management of health welfare and safety across the Council. The Council’s health, welfare and safety performance is reported to this Panel and to the Emergency and Safety Management Team. The Panel is not a part of the Council’s executive decision-making structure.

3. Objectives

3.1. To promote a healthy and safe working environment for all members of staff employed by the Council and to protect the public from any risk of danger that may arise as a result of the Council’s activities.

3.2. To monitor the welfare arrangements (facilities for eating, drinking, first aid, and toilets etc) provided for employees.

3.3. To provide a forum for consultation and as necessary, negotiation on proposals put forward by management and the trade unions.

3.4. To change the way in which work is performed by the introduction of safe systems of work, procedures and arrangements, including those for the training of staff.

3.5 To monitor statistics on accidents, incidents and illness and to recommend action to address key issues which may arise from that information.

3.6 To promote greater awareness of health, welfare and safety policies to assist in facilitating improvement in Council performance.

4. The Panel will make recommendations to the Council on:

3.1 Policies, procedures and correcting non-conformances of the above and statutory requirements in relation to the Council’s operations, service delivery and assets.

5. Representation

4.1 The Panel will cover all employees in the employment of the Council of Rotherham MBC (“the Employers”). Trade Unions will represent its membership and non-trades union employees for the purpose of consultation as specified by the Safety Representatives and Safety Committee Regulations 1997 and the Health and Safety (Consultation with Employees) Regulations 1996.

6. Administration of the Panel

- 6.1** The Panel will be chaired by the Cabinet Member responsible for health, welfare and safety; the Vice-Chair will be nominated by the Trades Unions.
- 6.2** RMBC Democratic Services shall provide a Clerk to the Panel. The Clerk will be responsible for securing the agreement of agenda items between the Panel members and the distribution of agenda and drafting of minutes.

7. Delegated Powers

- 7.1** The Chair of the Panel (as a member of the Council's Cabinet) and Corporate Health and Safety Team have the delegated powers, by virtue of their office, to act on behalf of the Council to ensure compliances with statutory requirements (authority exercised through the Council's Standing Orders, scheme of delegation and obligations arising from the Health and Safety at Work Act).

8. Membership

- 8.1** The Panel shall comprise of the following appointed at the Annual Meeting of the Panel:

8.2 Employees

The representation of the Trade Unions shall be drawn from those Health, Welfare and Safety Representatives who are appointed by recognised Trades Unions. Trades Union Safety Representatives are entitled to time off for trade union duties under the terms of the Safety Representatives and Safety Committees Regulations 1977 (as amended), Health, and Safety (Consultation with Employees) Regulations 1996 (as amended) and relevant approved codes of practice and guidance.

- 8.3** To obtain the involvement of the whole workforce, other employee representatives may attend the Panel. Full time officials of appropriate trades unions may attend on an ex officio basis.
- 8.4** The composition of the Trades Union Side shall be notified to the Clerk to the Panel at the beginning of each Municipal Year.
- 8.5** The number of representatives of the Trade Union Side of the Panel shall be a maximum ten at any one meeting.
- 8.6** The representatives who may be available to serve at any time during the year shall be appointed by the appropriate trade union branches.
- 8.7** The normal distribution of seats will as closely as possible be proportionate to the number of Safety Representatives.
- 8.8** Employee Side representatives of the Local Authority are to be appointed annually, but in any event to include:
- At least three teacher representatives, NUT, NASUWT and ATL.
 - A maximum of seven representatives from all other areas of Council work e.g. UNISON, UNITE the Union, GMB.
 - No individual Trade Union shall have more than three seats.

8.8 The Clerk to the Panel shall maintain an up to date record of recognised Safety Representatives and unions eligible for participation of the Committee. The Trade Unions will be responsible for updating Panel's records as necessary.

8.9 Employers

8.10 The Panel shall comprise six Elected Members of the Council to be appointed annually, including Member(s) from:

- Cabinet Member with responsibility for Health Welfare and Safety
- Members from Select Commissions (scrutiny)
- Members Training and Development Panel

8.11 Council Officers shall also be represented by Strategic Director with responsibility for Health Welfare and Safety or their nominated Operational Assistant Director. The Council's Health Welfare and Safety Officers shall also attend meetings of the Panel.

8.12 The Strategic Director or their representative shall attend meetings when a report appertaining to that Directorate (or Service Area) is before the Panel.

8.13 In addition to the members appointed to each side of the Panel, substitute members for the Employer's Side and the Employees' Side shall be appointed. In the event of any member of the Panel being unable to attend a meeting, they shall notify the Clerk to the Panel before the meeting begins and the substitute member shall then be entitled to attend the meeting. Trades Unions' substitute members will be current Safety Representatives or officers of the Trade Union.

9. Cessation of Membership:

9.1 If a member of the Panel ceases to be an Elected Member or ceases to be a Member of a recognised trade union, or is no longer the nominated person from the Trade Union, they shall cease to be a member of the Panel. Otherwise, members of the Panel shall remain in office until their successors are appointed and shall, if qualified, be eligible for reappointment.

10. Vacancies

10.1 Any vacancy on the Panel shall be filled by a representative nominated by the relevant group within a reasonable period and the appointment notified in writing to Committee Services.

11. Advisors:

11.1 Any member shall have the right to be accompanied by a person, or persons, in an advisory capacity subject to the agreement of the Chair or Vice-Chair. The attendance of the person or persons shall be only for the period during which the particular matter is before the Panel.

12. Attendees:

12.1 The members of the Panel may require the attendance of any Officer of the Council. Requests for attendance of an Officer shall be made no later than five working days before the meeting. Officers unable to attend should send a substitute.

13. Meetings:

13.1 The Panel shall normally meet four times per year. Additional meetings may be held if the business to be discussed is sufficiently urgent.

14. Quorum:

14.1 The Quorum of the Panel shall be three members. There must be present at least one Elected Member representing the Council and one Safety Representative from at least two of the Trades Unions. Either the Chair or the Vice-Chair must be present.

14.2 If when a meeting is due to begin and is not quorate, the start of the meeting may be delayed by up to 15 (fifteen) minutes. If the meeting is still not quorate at the end of this period, and those present have not received information otherwise, the members present may, at their discretion, discuss the matters on the agenda informally and notes of their discussions and their recommendations will be submitted to the next meeting of the Panel for verification.

15. Record of Attendance:

15.1 The names of members of the Panel attending meetings shall be recorded in the minutes and every member of the Panel attending shall sign an attendance sheet.

16. Submission of Meeting Agenda Items:

16.1 All potential items for consideration by the Panel shall be submitted to the Corporate Health and Safety Team no later than five days before the publication of the agenda for the meeting.

17. Distribution of Agenda:

17.1 The agenda and supporting documents for each Panel meeting shall be circulated to all members of the Panel at least five working days before the meeting.

18. Urgent Business Brought Forward at the Discretion of the Chair:

18.1 An item of "Any Other Business" shall not be included on the agenda. Members of the Panel may raise items of an urgent nature at meetings (which are not included on the agenda) provided that the prior agreement of the Chair has been obtained.

19. Approval of the Minutes:

19.1 The draft minutes of a Panel meeting shall be circulated to the Chair and Vice-Chair before being reported to the next following Panel meeting for comment. All members of the Panel shall be provided with copies of the minutes of a meeting as part of the agenda for the next following meeting.

20. Procedure

Meetings of the Panel shall be held at least quarterly, provided that the Chair and the Vice-Chair may authorise the postponement and re-arrangement of any meeting.

20.1. An extraordinary meeting of the Panel shall be held within ten working days of a written request being received by the Clerk to the Panel from the Chair or the Vice-Chair.

Such written request shall indicate the precise nature of the business to be discussed and the reason for urgency.

- 20.2.** Items for consideration at any meeting of the Panel may be submitted by either side and should be received by the Clerk to the Panel at least ten working days before the meeting, except in the case of an extraordinary meeting.
- 20.3.** The agenda of business shall be circulated by the Clerk to the Panel to each member of the Committee at least five working days before a meeting. Extraordinary meetings may be called at shorter than five working days' notice, provided that the Chair of the Panel is satisfied with the reasons for urgency.
- 20.4.** No business other than that appearing on the agenda shall be transacted at any meeting unless the Chair to its introduction. Reasonable facilities shall be provided for individual (separate) meetings of both sides.
- 20.5.** The administrative expenses of the Panel shall be paid by Council. Minutes of meetings of the Panel and the preparation of official agendas shall be the responsibility of the Clerk.
- 20.6.** Copies of the minutes of the Panel shall be circulated to the Cabinet of the Council, the Corporate Emergency and Safety Management Team meeting and to the appropriate Directorate Senior Leadership Team meeting.
- 20.7.** Decisions shall be arrived at by agreement between the two sides of the Panel (ie: the Employer's and the Employees' Side), by members being present and voting at Panel meetings. Proxy voting is not permitted. In the event of the Panel being unable to reach agreement on a matter before it, then any such matter may be referred to the Chair of the Panel, who may make such recommendation to the Council as she/he considers to be appropriate. The Chair shall refer the matter back to a subsequent Panel meeting and shall report the views or recommendations of the Council. The minutes of that subsequent Panel meeting will record any decision reached. In the event that the two sides of the Panel remain unable to reach agreement on any individual matter before it and after consideration of the views of the Council, the minutes of the Panel meeting shall record that failure to reach agreement.

Appendix 1

Terms of Reference

Health Welfare and Safety Panel

This is a broad outline of the terms of reference of this group but is not intended to be exhaustive.

The Panel should operate in a positive way - reinforcing safety culture and employee participation in solving health and safety problems. The Panel should actively invite feedback, listen to employee views, and consider these views.

The Panel shall consider the following and make appropriate recommendations:

- (a). Assist in the development of and procurement of compliance with the Councils health and safety policy and guidance.
- (b). Assist in ensuring that policies / guidance give due consideration to the health safety and welfare of employees, young people and others affected by the activities of the Council so far as is reasonably practicable.
- (c). Assist in the monitoring and review of policy and guidance and consider/evaluate its effectiveness.
- (d). Consider / evaluate the effectiveness of health and safety training, communications, and publicity in the workplace.
- (e). Assist with, contribute to, and monitor the Councils Annual Health & Safety Action Plan.
- (f). Consider reports and statistics relating to significant accidents / incidents and dangerous occurrences.
- (g). Consider reports and information (incl. new legislation) provided by inspectors of the enforcing authority appointed under the Health & Safety at Work Act.
- (h). Consider reports (including inspections and audits) submitted by Trade Union appointed representatives, other Council officers and workplace health and safety representatives.
- (i). Make representations about resource and policy implications for consideration by the Council as appropriate.
- (j). Where appropriate, establish working groups to investigate problems or aspects of health welfare and safety and report their findings to the Panel.

Where practicable **ALL** issues raised should have been brought to the attention of managers of operational units prior to the Panel meeting.