

CHILDREN'S SERVICE

Local Code of Practice 1

Safety Representatives and Safety Committees

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**Children's Service
Local code of practice No 1
Safety Representatives and Safety Committees**

1. Introduction

The Safety Representatives and Safety Committees Regulations 1977 made under the Health & Safety at Work Act 1974 section 2 (4) provide for the appointment by recognised trade unions of safety representatives from amongst the employees; where the employer has been notified in writing by or on behalf of a recognised trade union of the names of the appointed safety representatives and the group or groups of employees they represent.

The Health & Safety (Consultation with Employees) Regulations 1996 came into force on October 1st 1996. They confer duties upon employers to consult with employees who are not represented by a recognised trade union, on health and safety issues. They are separate from but enhance the Safety Representatives and Safety Committees Regulations 1977. The Safety Representatives and Safety Committee Regulations 1977 remain in force in their entirety . The Health & Safety (Consultation with Employees) Regulations 1996 only apply to employees who are not being represented by safety representatives appointed under the Safety Regulations and Safety Committees Regulations 1977.

It is the duty of employers to ensure that they have arrangements in place to meet the requirements of the Safety Regulations and Safety Committees Regulations 1977 and /or the Health & Safety (Consultation with employees) Regulations 1996.

Trade Unions recognised by the council may appoint safety representatives with the LA. Where LA staff work in other people's premises, they will be entitled to the same trade union rights as if they were located within an LA building.

A person shall cease to be a safety representative when:

- The trade union involved notified the council in writing that the appointment has been terminated
- The person ceases to be employed by the council
- The person resigns

Persons appointed as safety representatives should, so far as reasonably practicable, have been employed within an LA for a period of 2 years or had similar experience elsewhere.

2. Administrative Procedure:

Recognised trade unions should notify the Director of Children's Service in writing, detailing:

- The name and place of work of the person appointed
- The address of the premises of employee group(s) the person represents
- The name of any safety representative being replaced and the date from which the appointment will take effect

The LA will advise governing bodies of any safety representative appointments which may affect staff or premises within their local management.

The governing body will, for the duration of the appointment be expected to co-operate with the LA in meeting its legal obligations towards union appointed safety representatives and in particular arrangements listed in the section below.

3. Cover for safety representatives in schools

The arrangements set out in this section, have been agreed with Barnet Teachers Council and the recognised trade unions and apply to safety representatives appointed in accordance with section 2(4) of the Health & Safety at Work Act 1974. and the Safety Representatives and Safety Committee Regulations 1977, whose names have been notified to management by the trade union concerned.

The council recognises the statutory right of safety representatives to take time off with pay for the following functions:

1. To investigate potential hazards and dangerous occurrences at their workplace (whether or not they are drawn to their attention by employees that they represent) and to examine the causes of accidents in the workplace
2. To investigate complaints by any employee they represent relating to that employees health, safety and welfare at work.
3. To make representations to the employer on matters arising out of sub paragraphs 1 and 2
4. To make representations to the employer on general matters arising out of sub paragraphs 1 and 2
5. To make representations to the employer on general matters effecting the health, safety and welfare of the employees of the workplace.
6. To carry out inspections in accordance with regulations 5, 6 and 7 of the Safety Representatives and Safety Committees Regulations 1977

7. To represent the employees they are appointed to represent in consultations at the workplace with Inspectors of the Health & Safety Executive and of any other enforcing authority
8. To receive information from Inspectors in accordance with section 28 (8) of Health & Safety at Work Act.
9. To attend meetings of the safety committees where they attend in the capacity of a safety representative in connection with any of the above functions.
10. To undergo such training in aspects of those functions as may be reasonable in all the circumstances
11. The council recognises that in certain circumstances it will be necessary to provide cover for safety representatives who are absent from work while undertaking the functions of a safety representative. Accordingly governing bodies and premises controllers should ensure that safety representatives are provided with time off with pay, and, where necessary, supply cover in order to enable them to carry out these functions subject to adequate advance notice having been given to the premises controller. Adequate advance notice will be defined by the urgency of the situation to be investigated.
12. The learning and development unit should be contacted about arrangements for the payment of course fees.

4. Time allowed to carry out duties of safety representative:

Time allowed for these duties is set out in the council's corporate personnel procedures, section 4.9.1.

5. LA Safety Committee

The LA, acting in pursuance of SI 500 (1977) Regulation 9 has consulted with recognised trade unions and established a service area safety committee with the following functions:

- keeping under review the measures taken by the authority to ensure employees' health and safety at work;
- promoting co-operation between the authority and employees in instigating, developing and carrying out measures to ensure health and safety at work;
- discussing the need for policy guidance from the authority on particular subjects and considering any draft health and safety policy guidance prepared by the authority;
- examining safety audit reports undertaken by the authority;

- giving proper consideration to inspection reports submitted by school safety representatives;
- considering reports submitted by HSE inspectors;
- discussing, and attempting to resolve, issues of concern raised by members of the committee;
- monitoring the provision of any health and safety training provided; and
- studying accident and notifiable disease statistics collected by management and recommending corrective action wherever necessary.

A notice stating the composition and constitution will be displayed in each LA establishment at a position where it can be easily read by employees.

Governing bodies of establishments with delegated budgets have a similar obligation to establish If requested to do so by 2 safety representatives recognised by the LA, a safety committee in accordance with the provisions of SI 500 (1977)

6. Where a local safety committee is established:

The governing body may refer any matter which cannot be resolved locally to the LA safety committee through the LA safety liaison officer.

The governing body should send advance notice of meetings and copies of minutes to the safety liaison officer, for consideration by the LA Safety Committee.