1. **OBJECTIVE AND SCOPE**

Consultation and Engagement in Health and Safety is one of a number of documents forming the East Ayrshire Leisure Trust’s Health, Safety and Wellbeing Policy written arrangements in compliance with the general duties under the [Health and Safety at Work etc. Act 1974](http://www.legislation.gov.uk/ukpga/1974/37/contents).

Any reference to the Council in this document will refer to East Ayrshire Council.

The arrangements contained in this standard relate specifically to the statutory requirements under the [Safety Representatives and Safety Committees Regulations 1977](http://www.legislation.gov.uk/uksi/1977/500/contents/made) and the [Health and Safety (Consultation with Employees) Regulations 1996](http://www.legislation.gov.uk/uksi/1996/1513/contents/made) to have in place suitable provisions and facilities to consult and engage with Trade Union Safety Representatives and employees on matters relating to their health and safety in the workplace.

1. **RESPONSIBILITY**

Overall responsibility for this standard belongs to the Chief Officer, Executive Managers and Senior Managers.

Services should supplement this standard with written details of the local arrangements in place to consult and engage with Trade Union appointed Safety Representatives and employees on health and safety matters. Service health and safety arrangements are subject to audit.

The Council’s [Corporate Health and Safety Team](http://eacintranet/Services/HealthandSafety/HealthandSafety.aspx) are available to provide further advice and guidance where required.

**AUTHORISED BY:** Chief Officer

**DATE:** July 2022

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1. INTRODUCTION

The Trust recognises that regular communication and engagement with Trade Union appointed safety representatives, workplace representatives (hereafter safety representatives unless specifically related to Trade Union representatives) and employees on matters relating to health and safety in the workplace is crucial to maintaining a positive safety culture and a safer working environment.

The Trust is committed to ensuring that safety representatives, workplace representatives and employees are consulted on health and safety policy and that they are also encouraged to play an active role in reducing workplace illness and injuries through the implementation of pro-active intervention strategies.

This standard outlines the arrangements in place to ensure a collaborative approach between management, Trade Unions and employees in working to continuously improve health and safety arrangements across all of the Trusts activities.

2. LEGISLATIVE REQUIREMENTS

Whilst Section 2 (6) of the Health and Safety at Work etc. Act 1974 is the primary piece of legislation in relation to consultation arrangements, the specific regulations applicable to this standard are the [Safety Representatives and Safety Committees Regulations 1977](http://www.legislation.gov.uk/uksi/1977/500/contents/made) and the [Health and Safety (Consultation with Employees) Regulations 1996](http://www.legislation.gov.uk/uksi/1996/1513/contents/made).

3. RESPONSIBILITES

## **3.1 Chief Officer**

The Chief Officer has overall responsibility for ensuring that appropriate arrangements are in place for the effective communication and engagement with recognised Trade Unions and employees on matters relating to health and safety in the workplace.

The Chief Officer will also ensure, so far as is reasonably practicable, that adequate resources are made available to support these arrangements.

Robust and effective communication at a corporate level is essential and to meet this requirement, the Chief Officer or a member of the Executive Management Team in the absence of the Chief Officer, will chair the health and safety strategy group on a quarterly basis. The purpose and function of this group is outlined in more detail under the [*Health and Safety Strategy Group*](#HealthandSafetyStrategyGroup)section of this standard.

Any outstanding points raised at these meetings will be passed to the Chief Officer of the Trust for consideration.

**3.2 Executive Managers and Development Managers**

Executive Managers and Development Managers will assist the Chief Officer in discharging the statutory responsibilities placed upon the Trust under the relevant legislation outlined in this standard; and will take a lead role in ensuring that appropriate consultation arrangements are implemented and maintained within their areas of control.

With strategic responsibility for implementing the Trust’s health and safety policy and arrangements, Executive Managers and Development Managers will ensure that a positive safety culture is maintained at all times.

Executive Managers and Development Managers will assist the Chief Officer in implementation of the arrangements outlined in this standard within their areas of control, which will include the following:

* Promoting a positive safety culture at all times
* Encouraging and facilitating a co-operative approach with appointed Safety Representatives and employees in developing and improving safety arrangements within their area of control
* Providing relevant information and documentation to safety representatives related to health and safety matters in the workplace, subject to relevant data protection restrictions
* Implementing and facilitating joint consultative arrangements within their areas of control
* Ensuring that consistent consultation arrangements are implemented across their services
* Ensuring that adequate arrangements are in place for appropriate escalation of urgent health and safety matters

**3.3 Development Officers and Co-ordinators**

Development Officers and Co-ordinators have responsibility for ensuring that suitable local arrangements are in place for consulting with safety representatives and employees on health and safety matters and for ensuring that open and constructive communication channels are maintained.

This will be achieved through the following means:

* Promoting a positive safety culture at all times
* Actively consulting with safety representatives and employees on health and safety matters though an appropriate forum, such as team meetings, one to one discussions etc.
* Actively supporting and encouraging safety representative and employee participation in preparing safe working procedures, such as risk assessments and method statements
* Providing safety representatives and employees with information necessary to facilitate constructive consultation on health and safety matters
* Allowing safety representatives reasonable time off during normal working hours, subject to appropriate notification, to consult with employees on health and safety matters and carry out safety inspections within their workplace
* Inform safety representatives of any incidents within their workplace which would be notifiable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). **Note: while the regulatory requirement is for Safety Representatives to be informed of all notifiable incidents under RIDDOR in the workplace, it is recommended, where practical, that Safety Representatives are also informed of incidents which do not require to be reported under RIDDOR.**
* Allowing safety representatives reasonable time off during normal working hours, subject to appropriate notification, for the purposes of carrying out inspections of the workplace upon notification of incidents, dangerous occurrences and industrial diseases which are notifiable under RIDDOR.
* Arranging reasonable access to facilities for safety representatives to carry out the functions of their role; such as private room with desk and chairs to hold meetings, telephone, photocopier, lockable cabinet and noticeboard to display information.
* Allowing reasonable time off with pay during normal working hours for safety representatives to attend Trade Union approved health and safety courses applicable to their role.
* Encouraging safety representatives and employees to report incidents, near misses, unsafe acts and conditions and act promptly to resolve any issues raised.
	1. **East Ayrshire Council Health & Safety Section**

The Council’s Health and Safety Section will support the Trust to achieve continuous improvement in relation to reducing incidents, accidents and ill health in the workplace. In order to achieve this, the Health and Safety Section will:

* + - Support Executive Managers/Development Managers when consulting with nominated representatives of the recognised Trade Unions on the content and presentation of all health and safety standards produced
		- Provide guidance and support to safety representatives and employees when preparing risk assessments and safe working procedures relative to their workplace, wherever practical
		- Send all safety flashes and bulletins released directly to the Trust for their information
		- Attend the Health and Safety Strategy Group meetings, wherever practical
		- Provide professional health and safety advice and support to safety representatives and employees, where required
		- Act as a point of escalation for safety concerns, which have firstly been raised through the normal management channels, but remain unresolved.

**3.5 Appointed Trade Union Safety Representatives**

The Trust recognises the positive impact that appointed Trade Union safety representatives can have in the workplace and therefore actively encourages safety representatives to take an active, prominent and constructive role in assisting in the development and maintaining a strong safety culture across all services.

The functions of Trade Union appointed safety representatives are outlined in Regulation 4(1) of The Safety Representatives and Safety Committees Regulations 1977 however, key functions include:

* Attending Health and Safety Strategy Group Meetings
* Inspecting the workplace following notification of incidents and cases of industrial disease notifiable under RIDDOR. **Note: this right does not extend to incidents which would not be reportable under RIDDOR or incidents which occur out-with their normal workplace.**
* Investigating complaints made by employees regarding their health safety and welfare in the workplace
* Making representations to management on matters relating to health, safety and welfare in the workplace
* Carrying out safety inspections of the workplace, subject to reasonable written notice being provided to their line manager and the workplace not having been inspected within 3 months of the request being made
* Representing their members in consultations with enforcing authorities, such as the Health and Safety Executive (HSE).

Each recognised Trade Union must provide the Chief Officerin writing, with an updated list annually containing the names of appointed safety representatives for their respective Trade Union.

Reasonable time off with pay during normal working hours will be afforded to Trade Union appointed safety representatives for the purposes of discharging the functions of the role and undergoing any relevant training.

**3.6 Workplace Representatives (Non-Union)**

Whilst the Trust recognises safety representatives appointed by the Trade Unions as being the principle route for consultation and communication on matters relating to health, safety and welfare; it also recognises its responsibility under The Health and Safety (Consultation with Employees) Regulations 1996 to consult with those employees not represented by Trade Union appointed safety representatives.

In circumstances **where there are no Trade Union appointed safety representatives covering a group or groups of employees**, managers will consult with employees either directly, or with an employee elected by that group of employees on matters relating to their health and safety at work.

Non-Union appointed safety representatives will be provided with reasonable time off with pay during normal working hours to undertake the following functions in respect of the group of employees they represent:

* Make representations to management on potential hazards or unsafe conditions within the workplace
* Make representations to management on general health and safety matters, such as the introduction of new equipment in the workplace
* Represent the group of employees in consultations at the workplace with HSE inspectors.

Non-Union safety representatives must inform their manager when they no longer wish to carry out the functions of this role so that suitable alternative consultation arrangements for employees can be arranged.

It must be noted that when there are appointed Trade Union representatives elected to represent a group of employees, then managers **must consult with these representatives on health and safety matters.**

Notwithstanding, it is also incumbent upon all appointed safety representatives to attend safety committee meetings, where time off has been granted and where they are available to attend, in order to ensure that the Trust continues to meet its statutory obligation to consult.

4. ARRANGEMENTS

**4.1** **Safety Committees**

The Trust is committed to ensuring regular consultation with safety representatives and employees at all levels within the organisation on matters relating to health, safety and welfare in the workplace.

In order to support this commitment, the Trust has adopted a range of communication arrangements, which are detailed hereafter in this standard.

**4.2 Health and Safety Strategy Group**

The Health and Safety Group, (hereafter the Group), meets on a quarterly basis. Meetings are set at the start of the year and circulated to all group members.

The purpose of the Group is to facilitate regular, open and constructive communication at an operational and strategic level between the Trust’s management team and the Trade Unions on health, safety and welfare matters and to review Quarterly Health and Safety Reports.

The Group is chaired by the Chief Officer or a member of the Executive Management Team in the Chief Officer’s absence. The Group membership is made up as follows:

* Chief Officer/Executive Manager
* Nominated Development Managers/Officers
* Employee representatives
* A Council Safety Advisor

**Note: where Officers are unable to attend a depute should be nominated to take their place.**

Whilst there will be one nominated member from each of the Trade Unions, in exceptional circumstances and with the prior approval of the Chief Officer, more than one member of a recognised Trade Union may attend. Where a Trade Union representative is unable to attend, notes of the meeting will be circulated.

Should any of the Trade Union members of the Group wish to step down, they should notify the Chief Officer in writing of their intention to do so. All new nominations from the Trade Union(s) must be notified to the Chief Officer in writing.

Representatives will also have the opportunity to raise any health and safety related matters during the meeting which they believe are suitable for the business of the group or believe need to be brought to the attention of the group.

**4.3** **Team Meetings – Health and Safety**

Workplace consultation on health and safety matters is conducted through team meetings. Meetings are normally chaired by the Development Manager, although rotational arrangements with safety representatives may be agreed as appropriate.

If agreed by management and safety representatives, health and safety can be covered as a standing item within the broader team meeting agenda. It is recognised that this type of arrangement facilitates consultation, whilst streamlining the number of meetings required.

Wherever practical, representation from the Health and Safety section will be provided to facilitate discussions.

Team meetings should be held at regular intervals, not exceeding 3 months, in order to ensure that business is dealt with in a prompt and consistent manner.

**4.4 Reporting Unsafe Conditions**

Health and Safety is the responsibility of all employees. Prompt reporting of any unsafe conditions allows for appropriate action to be taken in order to prevent an incident taking place.

All employees, including safety representatives, should report any concerns they have with unsafe conditions and potential hazards in the workplace as soon as possible to their line manager/ supervisor in the first instance.

In the event that any employee believes that their concerns are not being acted upon in a timely manner, they should then escalate their concerns to a more senior manager within their service.

If at this stage the employee still feels that their concerns are not being acted upon appropriately and the unsafe condition or hazard which prompted their concern remains, it is appropriate at this point to escalate the matter to a member of the Executive Management Team or the Chief Officer, who will investigate the concern raised.

It should be noted that if employees have any concerns regarding unsafe conditions or hazards **which pose an immediate and serious risk to health and safety**, it is appropriate in these circumstances to raise the matter directly with a member of the Executive Management Team, who will investigate immediately.

It should be noted that the foregoing reporting and escalation process does not impact on an employee’s right to seek guidance from their Trade Union at any stage or raise their complaint through the Trust’s Whistleblowing Policy. In circumstances where employees wish to raise their concerns through the Whistleblowing Policy, they must first contact their HR Officer for guidance on the application of the Policy.

**4.5 Incident Inspections**

The Trust recognises and supports the statutory right of Trade Union appointed safety representatives to have reasonable time off during normal working hours, with pay, and reasonable access to facilities required for the purposes of conducting inspections of their workplace following incidents which are notifiable under RIDDOR.

Development Managers must notify any Trade Union appointed safety representatives once they are made aware of any notifiable incidents, dangerous occurrences or cases of notifiable disease involving an employee within the workplace.

Should the representative, once notified, wish to exercise their right to inspect the workplace in order to determine the circumstances of the incident, which includes reasonable facilities for private discussion with employees, they should notify their manager of their intention to do so.

It should be noted that any inspection is dependent on the safety of the workplace at the time, e.g. if an unsafe condition exists the inspection will require to be held until such times as it is safe to be carried out.

Furthermore, it should be recognised that a manager or nominated officer may be present during the inspection, excluding private discussion with employees, if they feel it is appropriate.

**4.6 Workplace Inspections**

The Trust recognises and supports the right of safety representatives to inspect their workplace and make representations to management on any significant health and safety matters they observe during their inspection.

Should a safety representative wish to inspect their workplace, or part of their workplace, they should provide their manager with reasonable notice of their intention to do so.

In the case of the workplace, or part of the workplace to be inspected, the following shall apply:

* The workplace or part of the workplace to be inspected should not have been inspected within the preceding 3 months prior to the request being made, unless:-
* There has been a substantial change in the conditions of work, such as the introduction of work processes or new machinery or new information relevant to the hazards in the workplace has been issued.
* The workplace must be the safety representative’s normal place of work and/ or the workplace of the employees they were elected to represent.

5.  FURTHER INFORMATION

5.1 Contact Information

Health & Safety Strategy Group, East Ayrshire Leisure Trust

Telephone: 01563 554057

E Mail: EALHealthandSafety@eastayrshireleisure.com

Intranet: [Health & Safety](https://leisurenet/admin-docs/health-safety/)

Health and Safety Section, East Ayrshire Council

Tel: 01563 554825

E Mail: healthandsafety@east-ayrshire.gov.uk

EAC Intranet[Health and Safety](http://eacintranet/Services/HealthandSafety/HealthandSafety.aspx)

**5.2 External Source of Information**

HSE – Consulting with employees on health and safety <http://www.hse.gov.uk/pubns/indg232.pdf>