

Report of Human Resources Manager

Subject: Health & Safety Group – Terms of Reference

1. Background

At a previous meeting, Members requested sight of the Authority's Health and Safety Group's Terms of Reference. Members were advised that they were going through a process of review.

These Terms of Reference, form part of the Authority's wider Health & Safety Policy; which was last updated and approved by Committee in November 2018.

A full review of the Health & Safety policy will commence in March 2023, upon appointment of an interim Health & Safety Project Manager.

The Project Manager post will be appointed for a minimum of twelve months to drive much needed improvements to health and safety across all aspects of the Authority's work. A separate paper is to be provided to Members.

Within the Health & Safety Executives' (HSE's) guidance on how 'businesses' should manage health and safety - adequate and appropriate supervision is seen as a cornerstone to ensure good health and safety practice and linked to this is ensuring adequate control.

This control and supervision begins with effective and accountable leadership.

Leadership of health and safety at the Authority is defined within its existing health and safety policy and is managed in a number of ways, including:

nomination of representatives to the Health and Safety Group by the Chief Executive and Directors.

2. Existing Terms of Reference

The Authority's existing ToR for the Health & Safety Group is set out below for comparison:

The Health and Safety Group:

- *monitor and review health and safety performance in all areas;*
- *monitor and review visitor health and safety to our owned/managed sites.*
- *monitor and review the framework for managing health and safety;*
- *report issues and recommendations to Leadership Team;*
- *report annually to Audit and Corporate Services Review Committee;*
- *review and advise on H and S policy, practice and standards across the Authority;*
- *monitor and advise on external trends and guidance;*

- *scrutinise health and safety activities such as monitoring, inspections and audits;*
- *carry out 'peer reviews' as requested;*
- *call other/operational/specialist staff to the meetings on an 'as needed basis'; and*
- *define and maintain a role standard for member-representatives on the group.*

The current Group is made up of:

*Chief Executive
HR Manager
Woodland Supervisor
Unison Trade Union Representative
Ranger Services Manager
DM Administrative Assistant
Building Projects Manager
Visitor Services Manager South*

3. The case for change

PCNPA's health and safety policy is rightly ambitious with its desire for strong leadership of health and safety across the Authority. It states that leadership will be delivered through:

- *linking health and safety with corporate governance/ risk management and with environmental risk;*

A review has highlighted that this link currently does not exist. Changes have now been requested of the Finance Manager for the Corporate Risk Register to include specific mention to health and safety management.

The Policy also states leadership will be delivered through:

- *defining clearly the role of Health and Safety representatives and encouraging strong worker involvement.*

Whilst there are certainly pockets of good practice, strong 'worker' involvement is not consistent across all areas of the Authority. This is not helped when the existing Health and Safety Group does not include all functional areas across the Authority. For example, Communications and Marketing, Education, Democratic Services, IT and Countryside Management are not fully represented and, in some cases, not represented at all.

The existing group is made up of both managers and non-managers and whilst there is no argument that they are performing well in their day-jobs, those members of the group who are not in management positions, do not possess the management authority and ability to influence change. Furthermore, this is also the case with some managers attendance of the group. This makes embedding a strong health and safety culture near by impossible.

Human Resources have tried previously and on a number of occasions to change the composition of the Group.

Whilst it is understood that health and safety is everyone's responsibility. Managers will and do have a higher level of responsibility for identifying and managing risks in their respective functional areas, and accountability ultimately rests with the leaders of the organisation.

It is 'Leaders' who have the ability to 'pull the levers' to positively reinforce and praise good practice and actively manage poor performance of health and safety practice; or should do!

4. Revised Terms of Reference

To start the process of instilling a more disciplined culture within PCNPA with regards to health and safety, a revised Terms of Reference has been drawn up.

This aligns with the new organisational structure and puts all Directors and Heads of Department firmly in the driving seat for change.

Staff and Union involvement will continue under the new group, as consultation with employees on health and safety is a specific requirement under HSE guidance.

The revised ToR is shown below:

Purpose and Role

The purpose of the Health & Safety Group is to assist the Authority in achieving and maintaining sector-leading performance in health & safety.

This will be achieved by encouraging strong leadership in health and safety and championing an approach where health and safety practice are embedded into day-to-day working and not an 'add-on'.

Role & Responsibilities - These are:

- 1) to review the management of Health and Safety in their respective areas, ensuring they are managed in line with PCNPA policy and procedure.*
- 2) to provide assurance to the Group that each area is legally compliant and appropriately organised for Health and Safety.*
- 3) to review the Authority's Health and Safety policies, procedures and working practices, ensuring they meet legal obligations and are embedded across the Authority.*
- 4) to contribute to and agree the Authority's Health and Safety Annual Plan, ensuring that it adequately addresses the principal health and safety risks of the Authority.*
- 5) to review and monitor health & safety performance and support the Leadership team, to identify and implement appropriate corrective action to raise performance where required.*
- 6) to receive reports of any extraordinary health and safety issues, review findings from investigations, and agree recommended actions and sharing lessons learned across the Authority.*
- 7) to make recommendations through the formal Leadership Team and / or Audit & Corporate Services Review Committee on steps to be taken where the Group considers action or improvements are necessary.*

To achieve this, the Group will specifically provide assurance that:

- *objectives set out in the Health and Safety Annual Plan are on target for delivery in line with agreed timescales.*
- *Health & Safety standards are set and monitored.*
- *proactive and reactive Health and Safety Risk Assessments / Plans are in place across the Authority.*
- *policy development and implementation is actively pursued and reviewed.*
- *Internal and external audits are considered and acted upon.*
- *employee health and safety competence and participation is promoted.*

Composition

The Group shall consist of:

- *The Chief Executive, who will act as Chair of the Group.*
- *The Human Resources Manager, who will facilitate and run meetings.*
- *Director (Nature Recovery & Tourism)*
- *Director (Placemaking, Decarb and Engagement)*
- *Head of Regenerative Tourism*
- *Head of Decarbonisation (including responsibility for Fleet)*
- *Head of Engagement & Inclusion*
- *Head of Nature Recovery*
- *DM Manager / or Planning Policy Manager (as requested by the Chief Planner (Director))*
- *Building Services Manager*
- *UNISON Trade Representative*
- *Staff Reps Representative*

The Authority should satisfy itself that members have an appropriate level of health and safety training. At least one member (currently the HR Manager) of the Group will have a recent IOSH qualification and have relevant health and safety knowledge and experience.

It will be the intention for all members of the group to receive appropriate training, which may include IOSH Managing Safely.

The HR Manager shall circulate minutes of meetings of the Group to all Group members, all staff and to Committee members.

Support to Group Members

The HR Manager, shall:

- *arrange the provision of advice and support to Group members on any aspect related to the performance of their role.*
- *ensure the provision of training and development for Group members.*

Meetings

The Group will normally hold no fewer than four meetings during the year.

A quorum shall be six, four members plus the Chief Executive or Director and HR Manager, and the Group may be convened from time to time at the request of any member of the Group, Leadership Team or Audit & Corporate Services Committee.

It is the expectation that Group members send a 'deputy' to the meeting if they are unable to attend personally. This however shall be the exception as members should plan sufficiently to attend the basic requirement of four meetings per year.

Periodic visits to site locations, may be made to maintain familiarity with the nature of the work undertaken by the Authority and to observe health and safety standards in practice.

Resources

The Group will be provided with sufficient resources to undertake its duties.

Reporting and Assurances

The HR Manager shall:

- *Report formally and regularly to the Leadership Team and Audit & Corporate Services Committee, on the Group's activities. This includes verbal updates on activities, the submission of Group minutes and written reports, as well as the presentation of an Annual Report.*
- *Ensure appropriate escalation arrangements are in place to alert the Authority's Chief Executive and Audit & Corporate Service Committee of any urgent/critical matters that may compromise the operation and/or reputation of the Authority.*

Review

These Terms of Reference will be reviewed annually by the Group with reference to the Audit and Corporate Service Committee.

5. Why the change?

Members will understand the stark implications of not implementing a robust health and safety management system throughout an organisation. This includes prosecuted by the HSE or the issuing of an improvement or prohibition notice. Moreover, if someone is killed, injured or made ill by their work, or a member of the public is harmed because of the Authority's negligence, the Authority could be taken to court.

As an employer, the Authority has a legal duty to protect its staff and contractors, as well as the public and good health and safety starts with good leadership not just representation or involvement. It is not to say that the latter is not important.

By changing the composition, our leaders will become educated to understand health and safety issues in their service areas and the risks that staff face in their jobs. These leaders will be held accountable for ensuring health and safety compliance in their respective areas.

6. Disciplined practice

Changing an organisations culture takes time and commitment.

To further reinforce the requirement for managers to demonstrate good due diligence in health and safety, job descriptions will be annotated accordingly. A similar approach will be taken with job descriptions for all staff.

Further disciplined practice will be instilled into the Authority by way of mandatory health and safety objectives within manager Performance Appraisals. A similar approach will be taken with all staff.

Furthermore, good practice will be praised and rewarded, and all breaches will be properly investigated, with capability gaps bridged and conduct issues managed.

7. Financial & Risk Considerations

The legal risks of not improving further our approach to health and safety cannot be understated. Criminal penalties exist, with the largest HSE fine in the UK standing at £15m, although the potential is unlimited. Criminal penalties also include imprisonment of up to 2 years.

The largest Civil claim is said to be £37m.

Getting health and safety wrong can also lead to other tangible and intangible risk such as poor public relations and reputation, increased staff turnover and potentially reduced funding.

8. Human Rights Issues

No issues were identified.

RECOMMENDATION: Members are asked to note the revised Terms of Reference.

(Further information is available from the Kelland Dickens, Human Resources Manager, on 01646 624825 – email kellandd@pembrokeshirecoast.org.uk)