Guidance on Roles of Union Health and Safety Representatives

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1.0 Introduction

1.1. The function of the Safety Representative in the workplace is to consult with managers and fellow employees to ensure that people are protected from harm in their place of work. However, this in no way takes away the responsibility of managers for ensuring the safety of staff and visitors. Safety Representatives can contribute to the development of clear lines of communication and cooperation between all levels of staff. However, selection of Safety Representatives needs to take into account of not only their own capabilities but also the flexibility of their role to allow for the time that will be needed to enable them to function as Safety Representatives.

1.2. This guidance has been compiled with reference to the HSE’s Approved Code of Practice and Guidance on the Safety Representatives and Safety Committees Regulations1977 (SRSC) and the Health and Safety (Consultation with Employees) Regulations 1996.

1.3. Health and Safety Representatives can either be appointed by a recognised Trade Union (TU) or, if there is no TU Safety Representative, elected internally by staff; either way the functions are very similar. The additional functions of an appointed (TU) safety representative defined within the SRSC Regulation 1977 include undertaking of inspections and investigating the causes of accidents. There is however no reason why these functions cannot be agreed with an elected representative and appropriate training provided. Whether TU-appointed or staff-elected, the Safety Representative must be provided with effective training and continuing development to help them implement their roles.

1.4. Where staff are not represented by a recognised Trades Union, then the Health and Safety (Consultation with Employees) Regulations 1996 will apply. A Representative of Employee Safety should be elected. The However, in most
cases, the recognised Trades Union Safety Representative will agree to represent staff on the site regardless of whether they are members or not.

2.0 Cooperation with Staff

2.1. To ensure a successful health and safety culture, it is important that all the staff co-operate with the employer to achieve this aim. This co-operation can be achieved by establishing a health and safety committee, where staff are consulted on issues affecting them at the work place.

2.2. Success is achieved if recommendations from the health and safety committee meetings are implemented by both management and staff.

3.0 The Consultation Process

3.1. Consultation with staff assists in the development of a positive health and safety culture within the workplace. The consultation process can bring invaluable input from staff and, conversely, provide invaluable information for staff. Naturally, in some cases, it may be necessary to consult with specialists where the Safety Representative does not have knowledge of a specific area. These specialists are usually accessible to the Safety Representative through their respective TU or by contacting the Education Health and Safety Team.

3.2. Consultation must take place if there are:
   - Planned changes that will affect the Health and Safety of employees;
   - Proposals for new working practices;
   - Any new pieces of technology, plant or machinery to be introduced into the workplace;
   - New or different types of work and procedures;
   - The planning and organising health and safety training required by legislation.
   - Any information resulting from risk assessments and their control measures which could affect the health, safety and welfare of staff.

4.0 Functions of Safety Representatives

4.1 The functions of the Safety Representative are independent from the statutory duties of Line Managers/Headteachers, and are undertaken on voluntarily. However, representatives are there to represent the interests and concerns of their colleagues and respond to management on their behalf. They provide valuable insight, skills and resources that help the employer and their colleagues.
4.2. Inspections

4.2.1. In best practice, the inspection schedule in place for the workplace should involve Safety Representatives; they can have a valuable input into the process and action plans can be formulated jointly. If this is not possible, the SRSC Regulation 1977 specifies that Safety Representatives are entitled to undertake inspections every three months, and that managers should be informed in good time for them to accommodate this. Ideally an inspection checklist is used to complete the inspection. An example of a monthly and annual checklist (CL001 and CL002) is available on the Education Department’s Health and Safety web page.

4.3. Investigations

4.3.1. The Safety Representative may be required to investigate employees’ complaints relating to health, safety and welfare, potential hazards and dangerous occurrence and also the causes of accidents at the workplace. However, for accidents reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR); access to the site of the incident and relevant information may be requested for this purpose. Again, permission to access the area must only be allowed if it is safe to do so. Care must be taken not to “contaminate” any evidence or scene of the incident before an Enforcing Officer has had the opportunity to investigate. Normally the Safety Representative would wait until arrangements have been made for the Enforcing Officer to attend, and the information is gathered as a joint exercise with the Line Manager/Headteacher. Guidance on accident investigation (GN011) is available on the Education Department’s Health and Safety web page.

4.4. Reporting

4.4.1 Reports following from inspections/safety tours will highlight any significant findings and identify possible solutions. Line Manager/Headteachers are expected to respond to any requests for action, giving realistic deadlines for the completion; if there is a local Health and Safety committee, this would be the usual forum for the report to be aired and discussed. If there are issues that cannot be resolved at a local level, advice and possible alternative solutions can be sought from the Education Health and Safety Team and the Education Joint Safety Committee.

4.5 Inspections and copying of documents.

4.5.1 There is a requirement within Health and Safety legislation to provide relevant information to employees. The type of information that may be needed by the Safety Representative in order to undertake their functions can include:

- Risk assessments or similar preventative and protective measures designed to protect the safety of staff;
4.5.2. Safety Representatives are allowed to make copies and take with them any relevant documentation.

4.5.3. Information containing personal or health details that can be identified as being about one person whether member of staff, member of the public including pupils may not be passed to Safety Representatives unless they have written permission from the person concerned to disclose that information.

4.6. Health and Safety Committees

4.6.1. The Education Joint Health and Safety Committee is well-established with representation from NASUWT, UNISON, Education Health and Safety, Asset Management, Community and Diocesan schools. The role of chairing the committee is undertaken on a rotational basis between TU and management representatives.

4.6.2. Fundamentally, it is advisable to have a Health and Safety/premises committee within the management framework of the establishment where Health and Safety may be discussed; those establishments having a functional Health and Safety committee or similar forum tend to fare better in audit results.

5.0 Facilities, Time and Training

5.1. Safety Representatives require time in which to perform their functions, i.e. conduct inspections, investigate incidents and to write reports. The SRSC Regulation 1977 states that the employer shall provide such facilities and assistance as Safety Representatives may reasonably require to fulfil their functions. These would normally be:

- Space, including a desk to write their reports.
- Access to a computer.
- Storage space for records.
- Access to copying facilities.

5.2. Safety Representatives should be given sufficient time to carry out their functions, which includes training and updating of existing qualifications. In practice the Line Manager/Headteacher and the Safety Representative need to establish a good working relationship, setting a framework for regular joint inspections, reporting procedures, committees, etc.

5.3. Training for TU-appointed Safety Representatives is by their respective Trades Union. However, where staff have elected a Representative of Employee Safety, it is the responsibility of the Line Manager/Headteacher to ensure that they receive adequate training to perform their functions. In both cases the
requirement is for the training to take place during normal working hours with normal pay and conditions.

6.0 Further advice and assistance

6.1 If at any time during an investigation further advice, assistance or information is needed, contact the Children’s Services Health and Safety Team at John Smith House and also at Wood Mill Building (extensions 55034, 55035, 55259 or Woodmill Building 53808) who will be able to help.