

Resources and General Purposes Committee, 14 September 2020

This paper is to provide an update to members of the Resources and General Purposes Committee in relation to key Health and Safety activities since the last meeting of the Committee.

Item 8 NCL Health and Safety Update

1. Recruitment of Health, Safety and Wellbeing Manager

Our current Health and Safety Manager will retire this month after four decades of service with NCL in a number of roles. We wish him well in his retirement and intend to mark both his retirement and his service at an appropriate point when public health restrictions allow us to do so.

Given the importance and significance of this role, not least in the present circumstances, a recruitment process is underway to replace this post. In advertising the post, we took the opportunity to increase the prominence of wellbeing activity in the role profile, as well as making the role's remit for consultation and trade union liaison more prominent. We received a good field of candidates from across multiple industries with a range of previous experience and interviews for the post are due to take place in early September. The successful candidate will be known by the time the Resources and General Purposes Committee meets.

To underline the partnership working with trade unions that we wish to be a key element of this role, we invited our three trade unions to nominate a member of the interview panel to represent the views of their membership. I am pleased that one of our very experienced UNISON stewards will be undertaking this role.

2. Staff Engagement Session – Occupational Health

As part of our 'Welcome Back' sessions for staff, we ran a session with the Occupational Health Advisers and chaired by the Assistant Principal: Organisational Development. The format was a facilitated discussion with the Occupational Health Advisers followed by general questions and answers from staff members. Around 450 staff attended the session (held on Zoom), which covered topics such as the natural feelings and concerns that staff may be experiencing, the types of support that NCL can provide, the need for individual discussions around returning to campus working, and wellbeing resources that are available to all staff through our partnerships with Togetherall and The Talking Rooms.

The session was the first of its kind to involve the Occupational Health team in this way and it was very well received.

3. Engagement with Trade Union Health and Safety Representatives

In the current circumstances, we have been engaging more closely with our trade union colleagues on a number of issues, most notably with those who are elected Health and Safety Representatives. Members will be aware from previous discussion that we now have a full complement of representatives across all three unions, so the ability to have fully representative discussions is welcomed.

Specific examples of areas where collaboratively with union colleagues include:

- Organisational COVID Risk Assessment
- First Aid Risk Assessment
- Campus Management Plan – Arrangements for a Safe Return to Campus

In all cases, their feedback has been useful and constructive.

We have also held Joint Health and Safety Walkrounds at each main campus with all three trade unions and I would like to thank our Estates Teams and the Health and Safety Team for facilitating these, as well as the union representatives who contributed to these visits. These walkrounds were an important aspect of providing reassurance on our reopening plans and the work being undertaken to ready our campuses for the new academic year.

4. Review of Corporate Health and Safety Committee [see paper attached]

As part of our ongoing engagement with trade union representatives on health and safety matters, we have undertaken a period of consultation with the three unions on the remit and membership of our Corporate Health and Safety Committee.

For some time, the unions have considered that there is an imbalance in the membership and, while the remit of the current committee fulfils its statutory role, changes within the wider health and safety function offer a good opportunity to reflect on and refresh our arrangements.

The attached paper provides the basis for the consultation with our union colleagues and has been very well received by EIS-FELA, UNISON and UNITE. Further discussion is required around the arrangements for the Health and Safety Action Group, which sits at a local level and reports to the main committee, but the unions are in general agreement with the principles the paper sets out.

The main elements of our proposal are:

- Balanced membership between management and trade union representatives;
- Continued representation from the Board of Management
- Appointment of a Vice Chair from among the trade union members, to work constructively with the chair on matters relevant to the committee;
- Updated arrangements for the appointment of representatives;
- Through the Chair and Vice Chair, introduction of joint reporting by management and trade unions to the Resources and General Purposes Committee on the work and activities of the Health and Safety Committee;
- Mandatory health and safety training for committee members to the level of IOSH Managing Safely (or equivalent);
- An allocation of dedicated time for trade union representatives not covered by the standard remission arrangements that apply to our local trade union representatives.

The Resources and General Purposes Committee is asked to endorse the attached paper setting out our proposed refresh of the NCL Health and Safety Committee, to permit the implementation of the proposals in partnership with the trade unions.

Brian Gilchrist
Assistant Principal: Organisational Development

31 August 2020

Proposals for Review of Membership and Remit of NCL Corporate Health and Safety Committee

Introduction

Following on from a discussion between the Principal, members of the Executive Board and the College's local Trade Union representatives on 16 June 2020, there was agreement that it is now an appropriate time to review and refresh the membership and remit of the Corporate Health and Safety Committee.

This is a discussion paper that has been prepared as part of the recommendations detailed in the report submitted to the Principal after the meeting on 16 June, which was prepared by the Assistant Principal: Organisational Development and the Assistant Principal: Student Experience and Quality and provided to the Executive Board and Trade Union Representatives on 19 June 2020.

The paper outlines proposals for a revised membership of the Corporate Health and Safety Committee and other aspects of its option. It is not a final position, which will come following appropriate consultation and discussion. The contents simply reflect a starting point for this discussion.

Committee Name

As a symbolic means of moving forward, we would propose that the existing Committee be renamed. Recognising that the legislation refers to Safety Committees and it is important that the group is considered to meet the requirements of the legislation, it should retain the title of Committee.

In terms of a potential name, a starting point may be:

NCL Joint Health, Safety and Wellbeing Committee

This gives it a formality, a visibility and a degree of standing that is similar to other joint committees such as the JNCs, for issues falling within its remit. The addition of wellbeing, which has been part of the Committee's role as the group with operational oversight of our Healthy Working Lives activity, emphasises that there can be a range of issues around wellbeing and welfare that affects staff and the broader title visibly broadens the potential for the Committee to drive our wellbeing agenda forward.

Throughout the remainder of this document, in recognition that a name for the revised group has not been agreed, it is referred to with its existing title of Corporate Health and Safety Committee.

Proposed Membership

The Executive Board propose that the refreshed Corporate Health and Safety Committee is constituted with 16 members, with 8 members nominated / elected by College management and 8 members nominated / elected by the three recognised Trade Unions, EIS-FELA, UNISON and UNITE.

The membership would be structured as follows:

Management Representatives	Trade Union Representatives
Principal and Chief Executive (ex officio)	EIS-FELA x 4
Executive Board lead for Health and Safety (ex officio)	UNISON x 3
Board of Management Nominated Representative	UNITE x 1
Head of Estates (ex officio)	
Head of Faculty Representative *	
Head of Professional Services Representative *	
Health and Safety Manager (ex officio)	
Human Resources Manager (ex officio)	

The numbers of Trade Union representatives are allocated on a proportional basis to reflect the levels of membership that the Executive Board understands each trade union to have within the College. Trade Union representatives would be nominated or elected under the arrangements in place within the individual Trade Unions and representatives would serve for a 12 month period, and would be subject to annual nomination or re-election. The 12 month term would commence from their date of nomination / election.

The Management Representatives marked * would be nominated or elected from within the respective groups and would serve for a 12 month period, and would be subject to annual nomination or re-election. The 12 month term for nominated/elected representatives would commence on 1 September each year.

For purposes of ongoing development and to ensure the availability of specialist advice to the Committee as a whole, we propose one Occupational Health Adviser and one Health and Safety Adviser would be invited to attend all meetings of the Committee. They would attend in an advisory capacity only and would not be considered as Management Representatives. Likewise, to support development and capacity building within the Trade Union structures, each Trade Union would be able nominate an observer to attend each meeting.

The Committee would be able to invite additional speakers or NCL staff to attend should this be considered beneficial to the Committee's discussion. This would only take place with the agreement of the Chair.

As currently, the Executive Board would nominate an appropriate member of College staff to act as Secretary to the group.

Committee Chair and Vice Chair

Recognising that the legal responsibility and liability for statutory compliance for health and safety compliance rests with the Board of Management of the College, with significant delegation to the Executive Board, we propose that the Chair of the Committee remains as the Executive Board lead for Health and Safety. This is the Executive Board member who has direct line management responsibility for the Health, Safety and Wellbeing team.

However, in appreciation that effective health and safety practice is a collective effort, we propose that the Committee should also have a Vice Chair drawn from the Trade Union Membership of the Committee. The Vice Chair would be held by each of the Trade Unions in an annual rotation, with the Vice Chair taking up their appointment on 1 September annually. Where the role of Vice Chair rotates to a Trade Union with multiple representatives on the Committee, it would be for the relevant Trade Union to agree which of its representatives was appointed as Vice Chair.

Training for Committee Members

On an annual basis, the Health, Safety and Wellbeing Team would coordinate a CPD programme for all Committee members. This would cover NCL's overall approach to Health and Safety and the processes in place to give this effect. This would be supplemented by additional CPD provided on a needs basis on relevant topics throughout the session. Topics for member training would be agreed by the Committee on an annual basis.

To ensure that the Committee can carry out its functions from a position of knowledge, we propose that all Committee members should undertake an **IOSH Managing Safely** award if they do not already hold this award or an appropriate equivalent. Access to this training and to periodic refresher sessions would be provided by the College.

Trade Union representatives would also be expected to undertake appropriate relevant training provided by their trade union, particularly where this is made available to representatives performing statutory functions under The Safety Representatives and Safety Committees Regulations 1977 (as amended). Paid time off would be given to facilitate attendance at such training.

Facilities Time for Trade Union Representatives

Where Trade Union Representatives who are nominated or elected to the Committee do not receive allocated facilities time within the wider arrangements agreed between NCL and their respective Trade Unions, we propose they should each receive 6 hours per month for the purposes of preparation and attendance at Committee meetings and training, participating in joint inspections and undertaking relevant trade union duties connected to their health and safety role. This time would be set out in the College's new RPA document.

Proposed Remit

Although we propose that the group be styled as a Joint Committee, it is not a decision making body in its own right and is a consultative forum for constructive discussion, the outcome of which may be that recommendations for changes to practice etc., are made to decision making bodies such as the Executive Board, JNCs or to specific teams.

Recognising the seniority and remits of the management representatives proposed, following discussion and consultation at the Corporate Health and Safety Committee, individual management representatives may be able to make decisions and agree immediate change to practice or implement recommendations without the involvement of any other group where the matter discussed falls within their substantive responsibilities. However, recognising that any significant amendment to practice may affect or impinge on statutory responsibilities held elsewhere, the Committee would normally make recommendations for change to appropriate bodies, such as the Executive Board, NCL Board of Management, Local Joint Negotiating Committees etc.

Taking account of guidance available from the Health and Safety Executive, the matters proposed to fall within the remit of the group are:

- Review of Accident, Incident and Near Miss Statistics (including RIDDOR) and consideration of the results of investigations;¹
- Review outcomes of Health and Safety Inspections and Audits;
- Assist in the review and development of health and safety policies, risk assessment procedures, safety rules, safe systems of work and monitoring documentation;
- Oversee the functioning of the Health and Safety policy and feedback on implementation of objectives;
- Monitor Health and Safety Training
- Review of Emergency Procedures
- Workplace Changes (relevant to health, safety and welfare of NCL staff)

The Committee would also have a key role in supporting the Health, Safety and Wellbeing Team with the development of an annual programme of wellbeing related activities. In this, the Committee would work closely with the Chair of the Staff Council (when established).

This list is not exhaustive and further elements of the Committee's remit may be established through consultation on this discussion paper.

Working Groups

We propose that the Corporate Health and Safety Committee should have the authority to establish relevant short life working groups on particular topics, to gather information or to review policy and practice. The Committee would also have the ability to co-opt relevant staff from across the College to serve as members of any SLWGs so established. Membership of an SLWG as a co-opted member would not confer membership of the Committee.

The Chair of any SLWG would be nominated and agreed from within the membership of the Committee.

Any SLWG would be a 'reporting group' and not a decision making forum. The outputs from any SLWG would be presented to the Committee for discussion, with appropriate recommendations being made by the Committee to the relevant individual(s), teams or groups for consideration or necessary further action.

Meetings of the Corporate Health and Safety Committee

The Committee should meet at least quarterly, normally in September, December, March and June. Additional meetings would be held as necessary depending on activity or ad hoc developments. This cycle coincides with meetings of the Board of Management and facilitates up-to-date reporting from the Committee to the Board.

To ensure that meetings of the Committee are consultative and constructive, a quorum arrangement would perhaps be beneficial, where a valid meeting of the Committee would require a minimum of 50% attendance from both the Management and Trade Union representatives. Where it is established in advance that a meeting may not be quorate, the Chair and Vice Chair could agree to reschedule the meeting or to review the agenda so that points requiring discussion and consultation are properly considered or deferred. Members would therefore encouraged to give early indication of their availability to attend scheduled meetings.

¹ NCL recognises and supports the statutory role of Trade Union representatives to be involved in the investigation process. This involvement would be managed by the Health, Safety and Wellbeing Manager and the elected representatives at an operational level, with the feedback being presented to the Committee.

Meetings would normally be held in the Boardroom at the Motherwell Campus, as this provides for video conferencing facilities to be available for all meetings to minimise staff travel, particularly in the present circumstances. The meeting could rotate where there was a benefit in doing so, or for the purposes of facilitating training sessions for Committee members. All meetings would normally commence at 2pm, with a maximum length of 2 hours.

Given the Committee's role as a consultative, reviewing and reporting forum, any urgent matters relating to immediate or significant risk to the health, safety and welfare of staff, students or campus users should be raised immediately with the Principal and Chief Executive, a member of the Executive Board or the Health and Safety Manager.

Committee Agendas, Papers and Minutes

The Chair and the Vice Chair would jointly agree the agenda for each meeting, which be circulated a week in advance of a scheduled Committee meeting. The call for agenda items from Management and Trade Union members of the Committee would be coordinated by the Secretary to the Committee.

Where an agenda point is to be supported by a paper or other supporting information, these must normally be submitted sufficiently far in advance to permit them to be circulated with the agenda. Late papers would only be accepted in exceptional circumstances with the agreement of the Chair, after consultation with the Vice Chair.

There would also be standard agenda items² for every meeting which would reflect the main elements of the Committee's remit, as outlined in Section 4, above. In addition, the agenda would always include a Vice Chair's update, to provide an opportunity for general feedback to be provided from the Trade Union perspective and to update members on any specific work undertaken by the Trade Unions in relation to Health and Safety since the last meeting.

A summary note of each meeting would be taken by the Secretary to the Committee, to include main points of discussion and note any actions or recommendations made. Minutes would normally be circulated to members for review and agreement within 10 days of a Committee meeting taking place.

Publication

The minutes of the Corporate Health and Safety Committee have traditionally been published on the NCL website as part of the papers for the Board of Management's Resources and General Purposes Committee. However, as the Resources and General Purposes have agreed that a more expansive report would be more relevant to them and provide a more current understanding of key issues and activities, as there can be a time lag due to the timing of meeting notes and actions referred to, we propose that all minutes of the Corporate Health and Safety Committee (once agreed) be published on a dedicated Committee page of The Clan, with copies of all relevant papers and a list of current members.

Link with the Board of Management

As now, the Board of Management would be invited to nominate a representative for membership of the Committee. The current Board Representative is Keith Fulton, who is the current Vice Chair of the Board, the Senior Independent Member of the Board³ and the Chair of the Resources and General Purposes Committee.

² As suggested by the HSE – "What your H&S Committee will do", <https://www.hse.gov.uk/involvement/whatwillhdo.htm>

³ See pages 10 and 11 of the [Guide for Board Members in the College Sector 2015](#) for details of the role of the SIM

The Chair of the Corporate Health and Safety Committee currently provides a quarterly report to the Resources and General Purposes Committee. This normally consists of discussion of the last available set of minutes from the Corporate Health and Safety Committee and an update on any significant current issues. As the R&GP's remit also covers Finance, Estates and HR, there is often a degree of complementarity between matters reported by different areas of the College. It is proposed that the quarterly report from the Corporate Health and Safety Committee to the Resources and General Purposes Committee is jointly agreed and co-signed by the Chair and Vice Chair as a collective report from the Corporate Health and Safety Committee to the Board.

Dedicated Committee Section on The Clan

At present, the Health and Safety Team have a team section on The Clan, which provides links to the notes of the current Health and Safety Action Group. As noted above, the notes of the Corporate Health and Safety Committee are published on the website as part of the Board papers.

As part of a reinvigoration of the Corporate Health and Safety Committee and to increase its visibility, we propose to create a dedicated page on The Clan dedicated to the Committee and its work. This will include details of current membership and all agendas, papers, meeting notes and any agreed workplan. It would also cross-reference to the existing Health and Safety Team page to ensure that key information resources are highlighted and shared.

To assist in ensuring that health, safety and wellbeing is an integral part of our culture, we would also propose featuring profiles of members of the Committee (with their agreement!) in our internal communications to highlight why health and safety is important to them and why they have chosen to undertake the Committee role they hold.

Health and Safety Action Group

At present, in addition to the Corporate Health and Safety Committee, we operate a Health and Safety Action Group at an operational level, as a conduit for discussion and raising of issues at a local level. This currently meets three times per year (once at each main campus), and has a combination of standing and rotational membership. Meetings are chaired by the Health and Safety Manager.

There are, however, several approaches that could be taken:

- As part of the remit of our previously discussion of a Staff Council, local health and safety matters could be raised within that group and highlighted as appropriate to the Corporate Health and Safety Committee;
- Establish a sub-group of the Staff Council to specifically consider local health and safety matters for highlighting to the Corporate Health and Safety Committee or Executive Board as appropriate;
- Create a local campus action group for each campus cluster, each reporting to the Corporate Health and Safety Committee or the Staff Council;
- Recognising the increased and refreshed coverage of the Corporate Health and Safety Committee, particularly in relation to Trade Union representation we could disband the Health and Safety Action Group and concentrate efforts on the main Committee. This would avoid some existing duplication of discussion and membership.

NCL is currently unusual in operating two formal groups in this way and a revised remit for the Corporate Health and Safety Committee may lessen the need for an additional operational group. Irrespective of the option chosen, given the refreshed remit and membership of the Corporate

Health and Safety Committee, we will need to review the membership and remit of any operational groups

As part of the current review, the Executive Board proposes that we first establish the revised remit and membership for the Corporate Health and Safety Committee with the next stage of the review being to consider the appropriateness or otherwise of any groups that may be required to supplement the Committee's work.

Summary and Next Steps

This paper has set out proposals for a refresh of the remit and membership of the Corporate Health and Safety Committee. It is intended as a discussion paper and nothing is final pending necessary consultation and agreement.

This paper is being shared with the Executive Board, the Health and Safety Team and our Trade Union representatives (including those holding specific health and safety related portfolios). It is also being shared with current members of the existing Corporate Health and Safety Committee and the current membership of the Health and Safety Action group, as their feedback will be an important factor at the point we are considering the need for continued groups at a local campus level.

Once those in the above list have had an appropriate period of reflection and consultation on the proposals, the Executive Board will produce a final set of proposals taking into account feedback from the consultation process. Once agreement is reached between the Executive Board and Trade Union representatives, the final proposals will be presented to the Board of Management for ratification.

In terms of timescales, we would advise the Board's Resources and General Purposes Committee on the consultation process when it meets in September, with a few to updating the full Board at its meeting on 5 October. In the event that this timescale cannot be met, the next opportunity to table proposals for the Board's considerations would be the December board cycle.

Brian Gilchrist

Assistant Principal: Organisational Development

[on behalf of the Executive Board]

August 2020