



# National Offender Management Service

## NOMS Health and Safety Arrangements for Consultation on Matters of Occupational Health, Safety and Fire (OHSF)

<b>This instruction applies to:-</b>		<b>Reference:-</b>
NOMS HQ Prisons National Probation Service		<b>AI 09/2016</b> <b>PSI 10/2016</b> <b>PI 12/2016</b>
<b>Issue Date</b>	<b>Effective Date</b> <b>Implementation Date</b>	<b>Expiry Date</b>
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<b>Issued on the authority of</b>	NOMS Agency Board	
<b>For action by</b>	<p>All staff responsible for the development and publication of policy and instructions (<i>Double click in box, as appropriate</i>)</p> <ul style="list-style-type: none"> <li>— NOMS HQ</li> <li>— Public Sector Prisons</li> <li>— Contracted Prisons*</li> <li>— NOMS Immigration Removal Centres (IRCs)</li> <li>— National Probation Service (NPS)</li> <li>— Community Rehabilitation Companies (CRCs)</li> <li>— Other Providers of Probation and Community Services</li> <li>— Governors</li> <li>— Heads of Groups</li> <li>— NOMS Rehabilitation Contract Services Team</li> </ul> <p><i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i></p>	
<b>Instruction type</b>	<b>HR function/Finance function/legal compliance</b>	
<b>For information</b>	For all managers and staff	
<b>Provide a summary of the policy aim and the reason for its development / revision</b>	<p>This instruction describes the arrangements NOMS has in place in respect of the Safety Committees and Representatives Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996 to ensure effective consultation and co-operation with both union and non-union staff on matters of health and safety. The regulations are accessible here:</p> <p><a href="http://www.hse.gov.uk">http://www.hse.gov.uk</a></p>	
<b>Contact</b>	<p>Jim Noonan, National Lead, Health and Safety. <a href="mailto:Jim.noonan@noms.gsi.gov.uk">Jim.noonan@noms.gsi.gov.uk</a>; 07807 509865</p>	
<b>Associated documents</b>	PSI 06/2015 AI 04/2015 PI 03/2015 – Policy, Organisation and Summary Arrangements for the Management of Health and Safety NOMS Health and Safety	
<b>Replaces the following documents which are hereby cancelled:</b> Guidance Note 03/2006, Consultation with Staff August 2006 is withdrawn		
<b>Audit/monitoring:</b> Compliance with this instruction will be monitored as follows:		
1. Via ongoing line management supervision and oversight.		

2. Via quarterly report to establishment Occupational Health and Safety Committees and SMTs from HSF Cluster Leads and using NOMS Occupational Health, Safety and Fire Risk Control Evaluation Tool (NORCET)
3. Regionally via establishment assurance visits from Regional HSF teams and NORCET. The attendance and effectiveness of the committee will be covered in Regional and Divisional HSF Advisors reports to Deputy Directors
4. Nationally via aggregated NORCET monitoring reports and Independent Audit and Assurance (IAA) Governance and Order (G+O) Audit to ODEC OHSF Sub-Committee with summaries to NEMC and MoJ Assurance.

**Introduces amendments to the following documents: None**

**Notes: *All Mandatory Actions throughout this instruction are in italics and must be strictly adhered to.***

**CONTENTS**

Hold down "Ctrl" and click on section titles below to follow link.

<b>Section</b>	<b>Subject</b>	<b>For reference by:</b>
1	<a href="#">Executive Summary, Background, Application</a>	Senior Managers, Functional Managers, Health and Safety Sponsors, Union Officials and Safety Representatives, Health, Safety and Fire Advisors, HRBPs
1.10	<a href="#">Mandatory Actions</a>	
2.	<a href="#">OHSE Consultation and Communication Principles</a>	
3	<a href="#">OHSE Committees</a>	
3.1 – 3.13	<a href="#">OHSE Committee Structure and Function</a>	
3.15 - 3.26	<a href="#">Membership of OHSE Committees</a>	
3.27 - 3.30	<a href="#">Functions of OHSE Committees</a>	
4	<a href="#">Safety Representatives</a>	
4.1 - 4.5	<a href="#">Appointment of Safety Representatives</a>	
4.6 – 4.7	<a href="#">Functions of Safety Representatives</a>	
4.8	<a href="#">Rights of Safety Representatives</a>	
4.9 – 4.11	<a href="#">Safety Representatives -Time off with Pay</a>	
4.12 – 4.16	<a href="#">Training for Safety Representatives</a>	
4.17 – 4.22	<a href="#">Safety Representative's Workplace Inspections</a>	
4.23 – 4.27	<a href="#">Health &amp; Safety Consultation with Employees and Elected HS Representatives</a>	
Annex A	<a href="#">Sample Constitution, Agenda and Terms of Reference of Custodial OHSE Committee</a>	
Annex B	<a href="#">Sample Constitution, Agenda and Terms of Reference of NPS OHSE Committee</a>	
Annex C	<a href="#">Sample Constitution, Agenda and Terms of Reference of NPS OHSE Group</a>	
Annex D	<a href="#">Escalation process for OHSE Complaints and concerns from staff*</a>	
Annex E	<a href="#">Glossary</a>	

**\*At time of issue this annex may require amendment to fit both custody and community processes**

## 1. **Executive summary**

- 1.1 This instruction outlines the arrangements and structures in place to ensure effective co-operation and consultation on health and safety matters between staff and managers. It is designed to describe how NOMS will meet the requirements of the Health and Safety (Consultation with Employees) Regulations 1996 (HSCER) and the Safety Representatives and Safety Committees Regulations 1977 (SRSCR). It should be noted that these instruction and guidance do not replace the regulations and that detailed reference to these regulations may be needed in some specific cases.
- 1.2 It also identifies the information flows between relevant consultative and management groups.
- 1.3 It requires senior managers in Custody and Community services to support and enhance effective operation of OHSF committees and good quality liaison with safety representatives.
- 1.4 Importantly, it explains the roles, rights and duties associated with OHSF Committees and Safety Representatives in NOMS

### Background

- 1.5 NOMS has previously operated a policy in which the duty to produce arrangements for OHSF management has been delegated to governors and heads of group and other managers. This results in both duplication of effort and inconsistency of approach within a single employer's operations. Whilst there is a need to allow local flexibility this needs to be balanced with a need for nationally recognised and disseminated minimum standards of operation in the health and safety management system.
- 1.6 This Instruction aims to describe and identify the duties and processes which operate across the board to deliver adequate OHSF consultation in NOMS and implements the requirement of the relevant legislation (listed in summary on title page.)

### Desired outcomes

- Effective consultation and liaison on matters of OHSF
- Reduced conflict and complaints
- Reduced risks during periods of change

### Application

- 1.7 *All managers must ensure their staff have access to and time to read and understand the mandatory actions*
- 1.8 Any reference to NOMS in this instruction includes NPS unless otherwise stated.
- 1.9 This Instruction is issued with a 6 month lead-in period. Where work activity and procedures are already in place which meet its requirements, it is not necessary to immediately replace these in line with the new instruction. It is sufficient that any revised systems, activities and processes developed to comply with this instruction are put in place within 6 months of its issue.

For Example:

- Use of new risk assessment platform and recording system: Existing assessments do not need to be immediately transferred to the new system. As risk assessments are reviewed and revised they can transfer to the new format and system.
- Workplace Inspections: Existing programs should remain in place while arrangements are put in place (if required) to meet the new standards. At the activation date of the instruction, the establishment should be in a position to start an inspection program in line with the revised instruction.

#### *Mandatory actions*

- 1.10 *NOMS Policy is that all sites and services must ensure effective consultation and communication with staff*
- 1.11 *Governors and NPS Deputy Directors must ensure that their respective OHSF Committees are properly constituted, well attended and meet regularly for the services for which they are responsible (see Annex A & B). NPS Heads of Cluster (or equivalent) must ensure that Health and Safety Groups are in place and meet regularly (see Annex C)*
- 1.12 *Heads of Groups and line managers of teams in non-operational premises, especially premises shared between various departments and functions must satisfy themselves that their staff have suitable access to representation on an effective and accessible OHSF committee and regular committee meetings are in place and that the OHSF interests of their staff are adequately represented at these.*
- 1.13 *There is no requirement for an OHSF Committee to be in place for every site, only that effective representation is accessible for staff in all sites.*
- 1.14 *They must also ensure that proposals of significant operational, premises, equipment and procedural change are referred to the relevant health and safety representatives and committees/groups at an early stage for consideration of their OHSF implications.*
- 1.15 *Managers and safety committee/group members must make all reasonable attempts to attend meetings and support the work of the committee.*
- 1.16 *Chairs of OHSF Committees/groups must ensure close co-operation with other related groups such as Violence Reduction and Safer Custody Groups.*
- 1.17 *Minutes and or summary reports of OHSF Committee/Group proceedings must be reported to management and staff promptly and effectively.*
- 1.18 *Union and non-union safety representatives must be given such time as is necessary to undertake their functions (listed at Section 4) including the attendance at OHSF Committee meetings.*
- 1.19 *Union and non-union safety representatives must be involved in the NPS OHSF Group, either by attending meetings or receiving copies of the meeting notes. However the NPS OHSF groups are not part of the formal OHSF consultation process, this is provided at the NPS Divisional H&S Committee.*
- 1.20 *Health and Safety Advisors at all levels must support and inform the work of the OHSF Committees, ensuring timely and meaningful reports are supplied to it.*
- 1.21 *OHSF Committee meetings must take place at least quarterly.*

Resource Impact

- 1.22 Many of the business structures and systems for delivering this instruction are in place. Where existing OHSF Committees are well attended and local HS Representatives actively engage with managers on matters of OHSF, there will be little perceived impact. Where action needs to take to improve the regularity, attendance and engagement required for effective OHSF consultation, relevant parties will need to prioritise time and effort to comply with the mandatory actions.

(Approved for Publication)

**Martin Beecroft**  
**Director of Human Resources, NOMS**

## **2. Occupational Health, Safety and Fire Consultation**

### OHSF Consultation and Communication Principles

- 2.1 In addition to being a legal requirement consultation with employees and co-operation and co-ordination with key stakeholders/contractors on matters of health and safety makes sound business sense.
- 2.2 All NOMS staff should have access to health and safety advice and support including either union or non-union safety representatives and an active and well-attended OHSF Committee should be encouraged and supported.
- 2.3 Consulting employees on health and safety matters can be very important in creating and maintaining a safe and healthy working environment and encouraging the development of a positive safety culture.
- 2.4 Pooling knowledge through participation, commitment and involvement means that health and safety really does become everybody's business
- 2.5 Consultation involves, not only giving information to employees, but also listening and taking account of employees point of view before decisions are made which may affect their health and safety.
- 2.6 Consultation with employees takes place through communication with Safety Representatives, OHSF Committees and consultation with employees who are not represented by a trade union.

### 3. **OHSF Committees**

#### Occupational Health, Safety and Fire Committee Structure and Function

##### **NOMS Prisons**

- 3.1. NOMS Prisons operates health, safety and fire committees in either single establishments or across grouped sites and services to ensure effective dialog and discussion on health and safety issues.
- 3.2. In some establishments and groups these are complemented by Whitley Committees. The latter provide a forum for union representatives and management to discuss all aspects of concern to either party whereas the former deals solely with OHSF issues.
- 3.3. At national level a Health, Safety and Fire Whitley Committee is held quarterly.
- 3.4. The purpose of the OHSF Committee is to promote effective co-operation on issues effecting the health and safety of staff in the relevant workplace. Annex A provides a framework constitution, terms of reference and framework agenda.
- 3.5. Establishments, regions and divisions which operate a Whitley council will ensure that the minutes and agendas of relevant OHSF Committees are covered off in their business and key issues arising are discussed.
- 3.6. OHSF issues not adequately resolved in local OHSF Committees / Whitley Councils will be escalated to regional management (irrespective of whether there is an established union – management forum at regional level).
- 3.7. Where a resolution cannot be achieved at this level, it will be notified to either the National OHSF Whitley Sub-Committee or the National Whitley Council. *Issues must go through the local process before escalation to national level unless they are clearly urgent and of national relevance.*

##### **NPS**

- 3.8. To ensure effective dialog and discussion on health and safety issues, NPS operates a health, safety and fire committee at the Divisional level supported by OHSF groups at the Cluster/Public Protection Unit level.
- 3.9. At the national level a NOMS NPS Occupational Health, Safety and Fire Committee is held quarterly.
- 3.10. The purpose of the Divisional OHSF Committee is to promote effective co-operation on issues affecting the health and safety of staff across the relevant Divisions. Annex B provides a framework constitution, terms of reference and framework agenda.
- 3.11. The purpose of the Cluster/Public Protection Unit OHSF groups is to promote effective co-operation on issues affecting the health and safety of staff in the relevant workplaces in the Cluster/Approved Premises. Annex C provides a framework constitution, terms of reference and framework agenda.
- 3.12. OHSF issues not adequately resolved in the Cluster/Public Protection Unit OHSF groups will be escalated to the Divisional level OHSF Committee and, where a resolution cannot be achieved at this level, will be notified to NOMS (NPS) Occupational HSF Committee. *Issues must go through the local process before escalation to national level unless they are clearly urgent and of national relevance.*



### **NOMS HQ Buildings and Ancillary Premises**

- 3.13. For NOMS HQ buildings an OHSF Committee made up of key stakeholders and chaired by a senior member of the HR Directorate will be the consultation forum for health and safety.
- 3.14. *In ancillary and satellite sites, safety representatives must be allowed to make representations to local managers on OHSF issues and to engage with the relevant OHSF committee if appropriate (for example, where administrative premises or business hubs are sited alongside prisons).*

### Membership of OHSF Committees

- 3.15. *Governors and NPS Divisional Deputy Directors must set up and sustain an OHSF Committee.*
- 3.16. The OHSF Committees in Custody will be chaired by OHSF Sponsor who will be a member of the SMT and, in, NPS by Deputy Directors of Probation. They will not normally be chaired by Health and Safety Advisors other than in exceptional situations.
- 3.17. *The membership and structure of the OHSF Committee must be agreed locally. Membership will include representatives from management and union representatives.*
- 3.18. *The Committee must be compact enough to be easily chaired and convened but representative of key management functions and staff.*
- 3.19. *OHSF Committee Terms of Reference and Constitutions must include a stated quorum. A reasonable balance between management and union representation must be agreed locally, but the importance of the committee's business must not be sacrificed to postponements and deferrals based on overly rigid attendance expectations.*
- 3.20. *Locally agreed Terms of Reference must reflect a mutually acceptable framework based on the local situation depending on numbers of representatives and scale of operation.*
- 3.21. OHSF Advisors and other health and safety professionals should be ex-officio members.
- 3.22. *Where long-term, on-site service providers, such as education, are present a contractor representative must be invited to sit on the committee. Where multiple contractors make this provision impracticable, arrangements must be made for proportionate representation of all relevant providers and suitable liaison between them. This might be via a nominated manager of a major provider. This provision is not only for representation of the providers' employee health and safety interests, but to ensure accountability of the provider's management for the health and safety of their own operations on site.*
- 3.23. *OHSF Committees must be held least every three months. There may be occasions when it may be necessary for the Committee to meet more frequently.*
- 3.24. The committee itself may share members and business with other groups which may progress and report back to it on aspects of its business.
- 3.25. *Local written terms of reference must be drawn up for the OHSF Committee in line with Annexes A and B.*
- 3.26. Regional, Divisional and National Groups of Health, Safety and Fire Advisors are NOT OHSF Committees. *If a regional or divisional OHSF Committee is constituted, it must contain*

*operational management and staff representatives to be an OHSF Committee and be constituted as such.*

### Functions of OHSF Committees

3.27. The specific functions of OHSF Committees are to:

- i. Provide a focus for health and safety issues affecting the unit or service that they cover as a whole, making recommendations to Governors and or SMTs where necessary;
- ii. Instigate the development and implementation of measures necessary to ensure the health and safety at work of staff, prisoners, visitors and contractors;
- iii. Review any unsafe and unhealthy conditions revealed by accident and notifiable disease statistics, consider recommendation for corrective action and ensure that appropriate action is taken as required;
- iv. Consider the results of periodic safety audits and make recommendations to the appropriate manager. The Committee will undertake a rolling programme of checks following safety audits;
- v. Consider reports and factual information by enforcement bodies and inspectorates, external auditors and make recommendations to the appropriate managers for implementation;
- vi. Consider reports submitted by Safety Representatives or employees not represented by a union and to ensure that appropriate action is taken as required;
- vii. Assist where appropriate, in the development of safety policies, safety rules, safe systems of work, policies and procedures;
- viii. Address issues where Health & Safety risks require additional resources and advise management accordingly.

3.28. *All changes significantly affecting staff health and safety either directly or indirectly should be discussed with affected staff and their HS representatives (whether or not such representatives are union representatives) in advance and their views taken into account in developing safe methods of implementation.*

3.29. It is therefore sensible for proposals for changes of use, new equipment or operational processes discussed at management teams to be referred for early consultation to the OHSF Committee.

3.30. The measure of a good OHSF Committee is whether or not it can secure change. However it is not the purpose of OHSF Committees to pick up and expedite, for example, minor works requests. Rather, it is the purpose of the committee to identify, for example, that the minor works request system is not working and to ensure that management and staff work effectively to rectify this. Nor is it a forum for minor concerns where these have been adequately dealt with between staff and line management.

## 4. **Safety Representatives**

### Appointment of Safety Representatives

- 4.1 The lists below are not exhaustive and reference to the regulations may be needed in particular cases: advice can be sought from Regional or Cluster HSF Advisors.
- 4.2 Recognised Trade Unions may elect or appoint representatives to represent the health and safety interests of their members.
- 4.3 In some instances where there are a number of different unions, a safety representative may, by mutual agreement between the unions, represent more than one group of workers.
- 4.4 *The Trade Union must inform the Governor or NPS Deputy Director in writing of the names of the persons appointed and the groups they represent.*
- 4.5 The Regulations do not specify the number of safety representatives to be appointed. This is a matter for consultation, bearing in mind relevant criteria which may include:
- a. Total numbers employed;
  - b. Type of work activity and levels of risk inherent in the establishment;
  - c. Variety of occupations;
  - d. The operation of shift systems;
  - e. Size of the workplace.

### Functions of Safety Representatives

- 4.6 Safety representatives have functions, as opposed to duties. Their responsibility (apart from the normal responsibilities of employees) is to their members and not to management, as follows:
- To investigate potential hazards and dangerous occurrences at the workplace whether or not they are drawn to their attention by the employees they represent;
  - To examine the causes of accidents at the workplace;
  - To investigate complaints by the employees they represent concerning their health, safety and welfare at work;
  - To make representations to the employer concerning those complaints;
  - To make representations on general matters affecting the health safety or welfare at work of the employees at the workplace;
  - To carry out formal inspections of the workplace;
  - To represent the employees they were appointed to represent in consultation at the workplace with HSE Inspectors or other inspectors enforcing health and safety legislation;
  - To receive information from HSE and other enforcement inspectors;
  - To attend OHSF Committee meetings.
- 4.7 *These functions do not place any legal duty on the safety representative.*

### Rights of Safety Representatives

- 4.8 Under the Safety Representative and Safety Committees Regulation safety representatives have certain rights. These include:
- To inspect and take copies of any statutory document relevant to the workplace or to the employee groups which they represent;

- To have access to information, made available by the employer, which may enable them to fulfil their functions;
- To be provided with such facilities and assistance as the safety representatives may reasonably require:
- Time off with pay for training.

#### Safety Representatives Time off with Pay

- 4.9 *NPS Deputy Directors, Governors and Heads of Groups must ensure that safety representatives are allowed such time off with pay as is necessary to carry out the functions listed above and to receive the training to enable them to do so.*
- 4.10 There are no specific limits set out in the Regulations regarding the time that safety representatives are allowed off with pay. The time required will vary between workplaces and will depend on the functions being undertaken, and local circumstances such as the size of the workplace and type of risks inherent in the undertakings.
- 4.11 *If safety representatives who do not belong to a union are appointed under the Health and Safety (Consultation with Employees) Regulations 1996) to represent staff, NPS Deputy Directors or Governors must ensure that they are referred to Regional or Divisional Health, Safety and Fire leads to explore the appropriate options for their training. NPS Deputy Directors or Governors must meet the cost of any such training.*

#### Training for Safety Representatives

- 4.12 *Safety representatives must be given time off with pay to attend basic training facilities approved by the TUC (Stage 1 and Stage 2) or by the independent union or unions which appointed the safety representatives.*
- 4.13 The representative's union is responsible for organising training and meeting the cost of the training and any associated travel and subsistence.
- 4.14 Where safety representatives who do not belong to a union are appointed under HSCER 1996 the employer is required to ensure that they are provided with training. The employer is responsible for the cost of any such training and any reasonable associated costs such as travel and subsistence.
- 4.15 Further training similarly approved can be undertaken where the safety representative has special responsibilities or where such training is necessary to meet changes in circumstances or relevant legislation.
- 4.16 *The decision to allow a safety representative time off with pay to attend additional training will depend on local circumstances and must be taken locally, but there are benefits to having well trained safety representatives. Managers dealing with such requests must refer to Regional Health, Safety and Fire Teams for advice on what is appropriate.*

#### Safety Representative's Inspections of the Workplace

- 4.17 Safety representatives are entitled to conduct periodic formal inspections of the workplace with prior written notice to the employer:
- If they have not inspected it or that part of it within the last three months;
  - When there has been a substantial change in the work activity or particularly when an increase in the risk of the activity had been identified.
  - Following an accident or dangerous occurrence, when it is safe to do so.

- 4.18 Inspections are an invaluable way of identifying potential workplace hazards before they cause a health and safety problem.
- 4.19 They can also form part of the reactive monitoring process following incidents.
- 4.20 Whilst the Regulations entitle safety representatives to carry out independent inspections there are advantages in formal inspections being carried out jointly by the safety representative and the employer's representative.
- 4.21 Including the establishment's health and safety advisor in inspections means that competent advice is available to the representatives carrying out the inspection.
- 4.22 Safety representatives should record the inspection of the workplace and bring to the employer's attention any unsafe or unhealthy conditions.

#### Health & Safety Consultation with Employees and Elected HS Representatives

- 4.23 The Health and Safety (Consultation with Employees) Regulations (HSCER) 1996 require employers to consult with employees who are not in groups covered by appointed safety representatives on health and safety matters.
- 4.24 In accordance with these Regulations employers are required to establish arrangements for consultation in health and safety matters with all employees.
- 4.25 Employers can choose to consult with employees either:
- Directly with each employee;
  - Through one or more elected representative.
- 4.26 Consultation (in good time) with employees is required on matters concerning their health and safety at work including:
- Any change which may substantially affect their health and safety at work, for example in procedures, equipment or ways of working;
  - The employer's arrangements for appointing competent persons to assist them in complying with health and safety legislation;
  - Information on the likely risks and dangers arising from their work, the measures which are in place to remove or control the risks and what actions they should take if they have to deal with a risk or danger;
  - The planning of health and safety training;
  - The health and safety consequences of introducing new technology.
- 4.27 Elected representatives of employee safety have the following functions:
- To take up with employers concerns about possible risks and dangerous events in the workplace that may affect the employees they represent;
  - To take up with employers general matters affecting the health and safety of the employees they represent; and
  - To represent the employees who elected them in consultations with health and safety inspectors.

## NOMS Occupational Health, Safety and Fire Committees

### Exemplar TERMS OF REFERENCE for Custodial OHSF Committee

#### Purpose of the Committee

- The overarching purpose of the committee is to promote and enhance health and safety in the services and sites represented in the committee by increasing co-operation and communication between staff and management on matters of HSF.
- The committee is to provide a consultative forum in the services which it represent to anticipate the health and safety impacts of proposed change and keep under review the measures in place to protect NOMS staff, contractors, prisoners and offenders when at work or on NOMS premises.

#### Suggested Membership

##### Management Side

- Divisional Manager, Governor, Deputy Governor, OHSF Sponsor
- Head(s) of Function or other service managers relevant to local structures
- Safer Custody / Violence Reduction Leads (in custody)
- FM Contractor Services Manager
- Band 4 SDS HSF (Ex-officio)
- Band 8 HSF Cluster Lead (Ex-officio)
- Healthcare, Industries/Education Services Manager
- Occupational Health Advisor
- HRBP

##### Union Side / Employee Representatives

- POA
  - Unite
  - GMB
  - PCS
  - Prospect
  - FDA
  - Unison
  - Non-union elected representative(s)
  - Other
- All Union Side Members will be named. See Annex 1 for current names of Union side members.
  - Union side members may designate a named deputy to attend in their stead if they are unable to.
  - Union side members may from time to time be accompanied by an observer/trainee for development purposes.

## Responsibilities

The responsibilities of the committee are to:

- Receive and consider reports on reactive indicators such as health and safety trends and issues including: work-related stress and work-related sickness absence; fires; assaults and use of force injury; accidents and serious incident investigation reports.
- Receive and consider reports on the active monitoring of OHSF including NORCET RAG and performance indicator data; IAA Fire and OHS Reports, OHSF Governance and Assurance Reports
- Act as a consultative forum for the consideration of the health, safety and fire impact of proposed changes to practice, premises or plant.
- Review concerns about health and safety from local health and safety representatives that has a policy or strategic perspective and needs to be resolved at a senior level
- Receive and consider reports of engagement with enforcement bodies including HSE and CFIG
- Provide a forum for discussion on new health and safety initiatives which are being considered either regionally or nationally including contributing to requests for consultation on national proposals
- Consider any new or impending health and safety/fire safety legislation and its impact on the services which the committee represents and the measures being taken to implement new/reviewed legislation
- Promote and publish its proceedings and activities and encourage contributions and engagement with the committee.

## Meetings

### Frequency of meetings

- Meetings will be held quarterly. Meeting dates, agreed by members, will be arranged each January for the coming year.
- Meeting will be held in at location mutually accessible to all parties
- Notification of meeting will be circulated three weeks in advance of the meeting and members asked to supply any items that they may wish included in the agenda.
- A report of the attendance of each constituted member at each scheduled meeting will be included in the annual report of the committee.
- Notes of key issues and actions will be kept and distributed

### Suggested Agenda

- Apologies for absence
- Minutes of the previous meeting

- Actions arising
- Proposals for change in plant, premises or processes
- OHSF related business from local Whitley
- Standard OHSF Performance Reports:
- OHSF related business from the local Whitley Committee
  - Standard and ad hoc OHSF Performance Reports including NORCET Red Amber Green (RAG and Performance Indicator data:
  - Slips and trips
  - Fire Incidents, responses and training including RPE Training
  - First and Emergency Aid Training and eqpt Provision
  - Work related ill-health and work-related sickness absence
  - Audit and Inspection Program Completion and Findings
  - Serious Incidents and Investigation Report
  - OHSF Governance and Assurance Reports
- Updates from FM Services
- National Initiatives
- Issues to share with Whitley
- Unresolved issues for escalation
- Any other business
- Date of next meeting.

➤ An agenda will be circulated at least a week before the meeting.

#### Minutes and Reporting

- Summary minutes and action points of each meeting will be recorded.
- Minutes of meetings will be circulated to all members within three weeks of the meeting taking place.

#### Quorum

- The Quorum for the Committee is

#### **Chairperson**

- Meetings will be chaired by
- Chairperson is responsible for:
  - Scheduling meetings and notifying committee members
  - Inviting specialists to attend meetings when required by the committee
  - Guiding the meeting according to the agenda and time available.
- In the chairperson's absence meetings will be chaired by



## NOMS OHSF Committee Members and Attendance Register

Name	Role	Start Date	End Date	Attendance in Financial Year Y=Yes, N=No, D=Delegated, A=Sick			
				Q1	Q2	Q3	Q4

## Exemplar Terms of Reference: NPS Divisional Occupational Health Safety and Fire Committee

### Purpose of the Committee:

The purpose of the xxxxx NPS Divisional Occupational Health, Safety and Fire Committee is to provide a forum for consultation and cooperation, at a strategic level, to keep under review the measures in place to protect NPS Staff while at work.

### Membership

#### Official Side

- Deputy Director (Chair)
- LDU operational manager
- Approved Premises manager
- NOMS Divisional H&S Lead
- Divisional HR Business Partner

- Additional members with specific expertise may be co-opted to the committee as required.

#### Union Side

- NAPO x 3
- UNISON x 1
- GMB x 1

- All Union Side Members will be named. See Annex 1 for current names of Union side members.
- Union side members may designate a named deputy to attend in their stead if they are unable to.
- Union side members may from time to time be accompanied by an observer/trainee for development purposes.

#### Quorum

The committee quorum is 2 from each side.

### Responsibilities

The responsibilities of the committee are to:

- Act in a co-ordinating and advisory capacity on health, safety and fire for xxxx NPS Division
- review concerns about health, safety and fire raised by health and safety representatives, including safety inspection reports
- monitor implementation of health and safety arrangements and communications across the Division, commissioning audits, safety inspections etc as necessary
- share accident/incident data and monitor the investigations/remedial actions for significant accidents/incidents
- review results of health, safety and fire audits

- agree the development of necessary safety rules, safety codes and safe systems of work and to monitor their implementation
- monitor the quality and effectiveness of the safety content of staff training
- maintain appropriate liaison in matters of health, safety and fire with CRCs, other relevant partnership agencies and statutory enforcement agencies as necessary
- provide a forum for discussion on new health, safety and fire initiatives which are being considered by NOMS OH&S/Fire Safety teams

## Meetings

### Frequency of meetings

- Meetings will be held quarterly.
- Meeting will be held in xxxx office unless otherwise agreed.
- Notification of meeting will be circulated three weeks in advance of the meeting and members asked to supply any items that they may wish included in the agenda.

### Agenda

- The following will be standing items on the agenda:
  - Apologies for absence
  - Minutes of the previous meeting
  - Actions arising
  - Update from NOMS Divisional Health and Safety Lead:
    - Accident/incident data and audit information
    - Significant actions arising from Cluster H&S Groups
    - Any other business
    - Date of next meeting.
- The agenda and all papers for consideration will be circulated to all members no less than one week in advance of the meeting

### Minutes and Reporting

- Minutes of each meeting will be recorded.
- Minutes of meetings will be circulated to all members within three weeks of the meeting taking place.
- Minutes of meetings will be forwarded to the Chair of the NOMS (NPS) Occupational Health, Safety and Fire Committee
- Minutes will be made available to all Divisional staff and their Trade Union H&S representatives

## Chairperson

- Meetings will be chaired by the Deputy Director. The Chairperson is responsible for:
  - Scheduling meetings and notifying committee members
  - Inviting specialists to attend meetings when required by the committee
  - Guiding the meeting according to the agenda and time available.

➤ In the chairperson's absence meetings will be chaired by the xxxxxxxx.

### **ANNEX 1**

<b>Union Side Members</b>	<b>Member(s)</b>	<b>Deputy</b>
NAPO Representatives	TBA	TBA
UNISON	TBA	TBA
GMB	TBA	TBA

## Annex C: Exemplar Terms of Reference for NPS H&S Group

### Terms of Reference for NPS xxxxx H&S Group

#### Purpose of the Group

The purpose of the xxxxx H&S Group is to monitor and coordinate H&S management within the cluster to ensure effective measures are taken with regard to the health, safety and welfare at work of staff while at work.

#### Membership

- Cluster ACO (Chair)
- H&S Sponsor(s)
- SPO representative
- cross sectional representation from relevant staff grades/roles across the Cluster, to include partnership agencies

Elected Trade Union H&S representatives should be involved in the H&S Group, either by attending meetings or receiving copies of the meeting notes. However the H&S groups are not part of the formal H&S consultation process, this is provided at the Divisional OHSF Committee.

The Health and Safety Group shall normally meet 4 times per year. The dates for these meetings will be agreed on an annual basis at the last meeting of each calendar year.

#### Responsibilities

The responsibilities of the H&S Group are to:

- act in a co-ordinating and advisory capacity on health, safety and fire for the Cluster
- monitor implementation of health and safety arrangements in offices within the cluster with particular reference to the:-
  - implementation of the risk assessment process
  - undertaking of routine office H&S task such as alarm testing, fire/personal assistance alarm drills etc
  - appointment of fire warden, first aiders and other H&S responsibilities in each office
- study accident and incident report forms and investigation reports;
- examine quarterly building inspection reports
- examine safety audit reports;
- maintain and review a health and safety risk log of significant remedial actions necessary e.g. from building inspections, risk assessments, accident investigations;
- agree and co-ordinate as necessary the development of local safety rules, safety codes and safe systems of work and to monitor their implementation;

#### Meetings

An agenda and any relevant documents should be circulated at least five working days prior to the meeting.

Notes of the meeting should record all actions arising and should be circulated no later than ten working days after the meeting.

#### Agenda

The following will be standing items on the agenda:

- Apologies for absence
- Notes of the previous meeting
- Actions arising
- Accident/incident report
- Significant office issues
- Any other business
- Date of next meeting

## Procedure for Dealing with OHSF Complaints and Concerns for Staff

**NB At time of issue this annex may require amendment to fit both custody and community processes**

Stage 1: Line Manager discussion and resolution is the initial pathway in all cases other than serious and imminent danger. The employee has the right to involve HS representatives at any stage.

Stage 2: If issues are not resolved, escalation to the manager's manager is the next stage.

Stage 3: If unresolved, referral to HSF advisor (at a level appropriate for the complexity of the issue e.g. it can go straight to regional advisors if necessary) is the next stage (though this is likely to have happened already via Stage 1 or 2)

Stage 4: Referral to OHSF Committee or Group and or local or Regional Whitley (where these are in place)

Stage 5: Referral to national policy team and or National OHSF Whitley Sub Committee.

**Glossary and Definitions:**

**ACO** – Assistant Chief Officer (NPS)

**Accident** – Any adverse and unintended event which has caused injury or ill-health, this includes assaults.

**Contractors** – Organisations commissioned to undertake work on behalf of NOMS.

**CPFIG** - Crown Premises Fire Inspection Group

**CRC** – Community Rehabilitation Company

**G and O Audits** – Governance and Order Audits undertaken by MoJ's Independent Audit and Assurance Team in NOMS' custodial sites. These cover Fire and OHS respectively on a 3 year cycle.

**Cardinus** – Cardinus Workstation Safety Plus ® - NOMS' Software Application for use by staff for the delivery of both risk assessment and training about safe use of computer workstations.

**DSE** – Display Screen Equipment – Computer and CCTV display equipment and workstations.

**FM** – Facilities Management

**HSE** – Health and Safety Executive

**HQ** - Headquarters

**HR / HRBP** – Human Resources / Business Partner

**HSCER** – Health and Safety (Consultation with Employees) Regulations 1996

**IAA** – Independent Audit and Assurance (MoJ's operational scrutiny function)

**IP** – Injured Party following and accident.

**Near Miss** - Any adverse and unintended event which would have caused injury or ill-health but, for some reason, did not, this includes assaults.

**LDU** – Local Delivery Unit (in NPS)

**NOMS** – National Offender Management Service

**NORCET** – NOMS OHSF Risk Control and Evaluation Tool – A reporting device to measure OHSF Performance at regular intervals across NOMS services.

**NPS** – National Probation Service

**OHSF** – Occupational Health, Safety and Fire. This abbreviation is used to cover the whole range of OHSF risks. Where the term is used without the O and / or the F it is intended to indicate that the reference excludes that aspect of the risk or refers to the abbreviation as used in a specific role title. Hence HS is used where references to occupational health and fire safety are **intended to be excluded** and HSF in respect of NOMS employed advisors.



**OHSF Sponsor** – A senior manager in a particular NOMS location or service whose role it is to provide leadership on OHSF matters and ensure that OHSF work is expedited and that senior colleagues keep OHSF issues in mind when making management decisions. The OHSF Sponsor is not an advisor or expert.

**OSSP/ Providers** – On-Site Service Providers - Contractors engaged to deliver ongoing services on NOMS' premises such as education, healthcare, facilities management etc. As distinct from contractors attending to undertake discrete, time-limited pieces of work.

**PI** – Personal Injury

**RAG** – Red Amber Green – Risk and performance scoring methodology.

**RSL – HSF – Regional Services Lead – Health, Safety and Fire**

**Rivo** – Rivo Safeguard® - NOMS Accident Recording and OHSF Management Software

**Safety Tour** – A walk-through of a premises (or part of a premises) by a senior manager with a view to considering the health and safety of those using the premises and any issues or concerns they have.

**SMT** – Senior Management Team(s).

**SPO** – Senior Probation Officers (NPS)

**SRSCR** – Safety Representatives and Safety Committees Regulations 1977

**TFM Providers** – Contractors, their employees and subcontractors who are engaged by NOMS to provide facilities management services to NOMS premises

**Training** - Training, instruction and information relating to health and safety is covered in this instruction by the generic term “HS training”. The individual terms are used where it is intended to distinguish between the three.

**WPI** – Workplace Inspection – Formal visual check of the state of a workplace (or part of it) to identify immediately visible hazards, put in place steps to remove them and make a brief record of the WPI.