

## NEU Guidance for Reps and Local Officers

This briefing sets out the objectives and benefits of safety committees, in addition to advice and guidance on their composition, inception, and remit. The aim of the document is to equip NEU safety representatives with the key elements required for successful participation in a safety committee, in order that the health and safety objectives of NEU members at the school can be addressed most effectively.

***An NEU model constitution for a safety committee is available at Appendix 1.***

### ***What are safety committees?***

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For decades the unions have championed the concept that decisions about workplace health and safety should take account of the views and priorities of the workforce as well as the management. Since the legislative changes in the 1970s, which firmly established workers' rights to participate in such matters, improvements to the working lives of millions in the UK have been made possible through increased worker involvement in occupational health and safety management.

In recognition of the above, the Health and Safety Executive has stated that health and safety management 'should not be something which is done to staff, but with them'. The HSE defines 'worker involvement' as "the ways in which workers are encouraged to take part in making decisions about managing health and safety at work". The HSE's worker involvement pages are [here](#).

School based safety committees have a crucial role to play in translating worker involvement into practice. Employers have a legal duty to set up a safety committee where two or more safety representatives request one in writing, as described below. So even where managers might prefer to resist calls for the establishment of a safety committee, they cannot prevent one being formed. Where employees feel that workplace health and safety management is poor, the instigation of a safety committee is a highly effective way in which to hold the management to account and to secure improvements.

Even where standards of occupational health and safety appear to be adequate, safety committees can do much to promote a climate in which safety issues are seen as inherent to the success of an organisation and not merely as a list of areas which must be checked in order to avoid legal action. Well established safety committees will often go beyond checking passive compliance with health and safety law, by playing an active role in the fostering and development of a positive health and safety 'culture' within their place of work.

Safety committees in an educational context broadly fall into two categories: the employer safety committee and the school safety committee - this briefing examines the role of school safety committees.

### ***Why should there be a safety committee in a school?***

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Where NEU members are concerned about a particular health and safety issue, they can raise the matter collectively via one of the NEU representatives on their school safety committee. Issues can then be resolved either through the introduction and implementation of agreed policies or, where such procedures already exist, by seeking to ensure that they are adhered to.

A joint safety committee can empower employees to play a significant role in decisions made about their health and safety at work. Unions were arguing in favour of voluntary safety committees long

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before the Safety Representatives and Safety Committees [Regulations](#) were introduced in 1977. More recently, the Health and Safety Executive, government ministers and many employers have begun to recognise and promote the benefits which can be derived from the existence of joint safety committees.

Independent research in 1995 showed that workplaces with union safety representatives and joint health and safety committees had significantly better accident records than those with no consultation mechanisms. Research carried out at Cardiff University and London Metropolitan University in 2007 has demonstrated an even stronger correlation between the presence of safety committees and reduced injury rates<sup>1</sup>. The 2016 TUC report '[The Union Effect](#)' summarised an array of evidence which consistently demonstrates how much safer workplaces with active union reps are.

In carrying out their functions around an organisation, employees often become extremely knowledgeable about the safety hazards they may encounter in the course of their duties. Such expertise, which can easily remain untapped, is now becoming appreciated as a valuable repository of free, on-site advice; and the safety committee recognised as the prime conduit through which it can flow.

When the Health and Safety Executive gathered case studies from a wide range of employers who had introduced greater worker involvement in health and safety management, it emerged that there was an undoubted 'business case' for such initiatives. The case studies clearly demonstrated that employers who had gone down this route had enjoyed considerable savings as a result of reduced sickness absence costs and significant reductions in health insurance spending. Such points can be helpful in convincing sceptical managers that greater worker participation in workplace health and safety can bring benefits - including financial ones - to the school as a whole.

More recent support for worker involvement came from Professor Ragnar Lofstedt in his 2011 report *Reclaiming health and safety for all: An independent review of health and safety legislation*. This found that "boosting the responsibility and involvement of employees has the potential to bring about significant improvements in health and safety in the workplace. Evidence clearly shows that when employees are actively engaged in health and safety, workplaces have lower accident rates."

### ***How is a safety committee set up?***

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Under Regulation 9 of the Safety Representatives and Safety Committees Regulations 1977, employers are required to establish a safety committee if this is requested in writing by at least two safety representatives of a recognised trade union. The request could, therefore, come from the NEU safety representative and the safety representative of another teaching union or of a support staff union.

### ***Who is the employer?***

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This question is important for the purposes of establishing who has the duty to fulfil statutory duties in relation to workplace health and safety.

<b>TYPE OF SCHOOL</b>	<b>EMPLOYER</b>
Community and community special schools	Local authority
Voluntary controlled schools (VC)	Local authority
Maintained nursery schools	Local authority
Pupil referral units (PRUs)	Local authority
Foundation/foundation special schools	Governing body
Voluntary aided schools (VA)	Governing body
Trust schools	Governing body

<sup>1</sup> 'Trade Unions' Institutional Mediation and Industrial Safety...Evidence from the UK' Nichols, Walters and Tasiran, *Journal of Industrial Relations*, Volume 49 No.2 2007

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Individual academies	Governing body
Academies that are part of a chain	Academy trust
Free schools	Governing body
Independent schools	Governing body or proprietor
6 <sup>th</sup> form or FE colleges	College corporation

The Safety Representatives and Safety Committee Regulations 1977 apply in relation to all employers. Where the employer is a relatively small, single workplace, employer e.g. a governing body, the establishment of a safety committee for that workplace is straightforward. In the case of larger employers, such as local authorities or academy trusts, guidance to Regulation 9 stresses that “safety committees are most likely to prove effective where their work is related to a single establishment rather than to a collection of geographically distinct places”. It goes on to recommend, in such circumstances, the development of workplace-level safety committees to ensure the workforce is adequately represented [Regulation 9; Guidance; para. 74].

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### ***Composition of safety committees***

Safety committees should comprise at least as many representatives from the unions as there are from the employer side. It is possible for more union members to serve on the committee than employer representatives.

The management participants should include the senior manager with responsibility for health and safety, and possibly the ‘link’ governor for health and safety. The school workforce contingent should include the health and safety representatives from each union with members at the school.

Managers and representatives should agree who chairs the meetings, how often meetings should be held, and what they hope to achieve. It is worth noting here that individual employees sitting on a safety committee do not assume any additional responsibilities - beyond their existing responsibilities as employees - as a result of their participation.

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### ***Informal safety committees***

Circumstances can arise in which it is not possible to apply the Brown Book regulations as described above. One such example might come about in a very small school with a single safety representative. The NEU believes that such are the advantages of school safety committees - both for workforce and management - that their establishment should be encouraged and fostered even where the precise legal requirements laid down in the Brown Book cannot be fully satisfied at the time of the committee’s inception.

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### ***Education sector safety committee case study***

Following a tragic incident at Hay Lane School in Brent, in which a pupil died whilst on a school trip, the school’s unions called for the creation of a health and safety committee representing both management and the unions NEU and UNISON. Improvements were made to safety procedures as a result of this collaboration. A subsequent OFSTED inspection praised the school’s ‘health and safety culture’ as strength of the school, and it wasn’t long before the local authority began to encourage other schools to follow suit.

As a result, in the space of three years, the number of schools with safety committees increased from 3 per cent to 22 per cent, whilst the proportion of Brent schools with union safety representatives shot up from 22 per cent to 71 per cent.

During the same period the proportion of trained NEU safety representatives had increased from 7 per cent to 69 per cent. Local health and safety training for safety representatives was organised by Brent’s NEU health and safety adviser. A Brent NEU survey of safety representatives showed that

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after just one day of training, safety representatives carried out more than three times as many activities as untrained safety representatives.

Brent NEU now provides a one day training course on the setting up and running of effective safety committees. This has encouraged most of the participating safety representatives – about fifty per cent – to request safety committees in their schools.

Brent schools are now rightly seen as a model for worker involvement in occupational health and safety.

### ***Successful safety committees***

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To be successful, safety committees need to be well-run and effective in their operation. The mere existence of a committee will achieve little, as will one which meets regularly, but decides nothing. Ultimately, a safety committee will be judged primarily on the extent to which it succeeds in securing improvements to an organisation's health and safety culture.

It is important, too, that safety committees actually review health and safety systems. They should not merely exist as reporting centres for day-to-day matters that should be dealt with by managers. It is important that senior management is represented on the committee, as experience suggests that where safety committees lack senior personnel, those representing management might feel that they are too junior, inexperienced or just lacking in confidence to press senior colleagues for action to be taken following matters raised at the previous safety committee meeting.

### ***What items might appear on a safety committee agenda?***

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Listed below are a number of topics which might find their way onto a safety committee agenda. It is important to recognise that the existence of a safety committee can lead to improvements being made to working conditions generally, not just in those areas traditionally associated with health and safety. Any matter involving potential detriment to the health, safety or welfare of school staff – such as bullying and harassment, equalities, sickness absence and rehabilitation, workload, pupil behaviour and quality of working environment - can be legitimately addressed and advanced via a school safety committee, backed by the robust legal framework of the 1977 Regulations.

The following is a non-exhaustive list of the more common issues which a safety committee might wish to discuss:

- amendment and development of school health, safety and welfare policies;
- scrutiny of accident and ill health data;
- examination of safety inspection reports and discussion of any action required;
- review of health and safety training for staff;
- discussion of relevant documents from the unions, employer, HSE or DfE etc;
- consideration of any health, safety and welfare implications posed by new equipment or circumstances, e.g. the installation of new computer equipment or re-organisation of the school day;
- monitoring of health, safety and welfare information and how it is communicated and made available within the workplace;
- agreement of recommendations to improve the health, safety and welfare of staff, e.g. strategies aimed at tackling workplace stress or measures designed to reduce the incidence of musculo-skeletal disorders amongst employees;

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- awareness-raising about more complex or controversial issues by inviting expert speakers to address some meetings;
- production of joint union and employer surveys on specific hazards (e.g. stress or bullying) and review of results;
- production of an annual plan of health, safety and welfare objectives for the coming year;
- publication of a safety report to summarise each year's activities; and
- periodic review of the effectiveness of the committee against agreed objectives.

### ***Conduct of safety committees***

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The [Brown Book](#) advises that safety committees should meet as often as necessary. In most schools, the NEU believes that a termly pattern of meetings is likely to be sufficient. The frequency of meetings will, however, depend on the volume of business which in turn is likely to depend on local conditions. Where trade unions believe that more frequent meetings are necessary, either due to the volume of business or due to particular issues arising, then such meetings should take place.

Dates of meetings should be arranged well in advance. By the beginning of the academic year, dates for that year should have been arranged. Agendas and accompanying papers should be sent to all safety committee members at least one week in advance. Committee members should previously have been given adequate time and notice to allow them to submit agenda items and papers for discussion.

Sufficient time should be allowed during each meeting to ensure full discussion of all business. Meetings should not be cancelled or postponed except in exceptional circumstances. Where postponement is unavoidable, a new date should be set as soon as possible.

Although the Brown Book does not specifically state that meetings should be held in working time, it does state that membership of safety committees should be regarded 'as part of an individual's normal work' and that attendance at committee meetings or associated activities, such as inspections, should not result in loss of pay. The NEU believes, therefore, that safety committee meetings should take place during normal school hours wherever possible, and that time spent in attendance at such meetings should form part of a safety representative's agreed facilities time.

Agreed minutes of each meeting should be kept and supplied to each member of the committee and to the head teacher and Chair of Governors for information. In addition the committee should consider other ways in which information can be circulated about its work. Minutes may, however, be viewed by recipients as rather dull and consideration might be given to circulating information in a more eye-catching fashion such as via a termly health and safety newsletter to all staff. Placing safety matters on the agenda at staff meetings will likewise provide a forum for wider discussion of safety matters addressed by the committee.

### ***Monitoring and reviewing the work of a safety committee***

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It is important to keep an eye on the work of the safety committee, and to check that it continues to fulfil its core purposes. This might best be carried out annually. The checklist set out below illustrates one way in which such a review might be carried out.

A review of this nature would most probably be completed by an individual NEU safety representative and the findings acted upon as appropriate. In some cases, the matter might simply need to be tabled for consideration at the next meeting of the safety committee. In other cases, difficulties which are identified might benefit from wider discussion with other NEU members, and,

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where circumstances permit, colleagues representing other workforce unions, before an agreed approach to the problem(s) concerned is brought to the next safety committee meeting.

### ***Safety Committee Checklist***

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- 1) Is your committee constituted with the full agreement of the unions, and designed to meet the particular needs of the school or other educational setting?
- 2) Does the committee comprise at least as many union representatives as those from management?
- 3) Is the management representation on the committee of sufficient seniority to ensure that its decisions have an effect?
- 4) Do management members take a sufficient interest and involve themselves in the committee and its work? Are management papers presented with enough notice?
- 5) Has the committee an effective chairperson, secretary etc?
- 6) Is the preparation of the agenda equitably shared between management and union members?
- 7) Are the committee's voting procedures, agenda preparation and recording of minutes adequate?
- 8) Are meeting dates agreed well in advance, with relevant papers issued at least a week prior to each meeting?
- 9) Is the committee well attended?
- 10) Does the union side gather to discuss matters prior to the meeting?

### **Does the Committee:**

- 11) generally represent the employees' interests?
- 12) monitor the effectiveness of health and safety policies and measures adopted already?
- 13) help to develop safety rules and safe work systems?
- 14) check on levels of employee training and employees' general appreciation of health and safety matters?
- 15) have the authority to stipulate specific, corrective action by a prescribed date?
- 16) adequately record and publicise its activities to the employees?
- 17) keep open channels of communication with staff, unions, governors, employer?
- 18) meet regularly?
- 19) get things done?

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## ***Essential Reference***

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The Safety Representatives and Safety Committees Regulations 1977, which together with their Approved Codes of Practice and Guidance are known as the '[Brown Book](#)'. The Approved Codes of Practice (ACoPs) are not part of the Regulations, but if followed, employers will be doing enough to comply with the law in respect of those specific matters on which the Codes give advice. If an employer is prosecuted for breach of health and safety law, and it is proved that the employer did not follow the relevant provisions of the Codes, the employer will need to show that it complied with the law in some other way or a Court will find it at fault.

## ***Further guidance***

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[TUC resources on safety representatives and worker involvement](#)

[HSE - Consulting employees on health and safety – A Brief Guide to the Law](#)

NEU Guidance – available at [www.neu.org.uk](http://www.neu.org.uk)

Employer safety committees  
Managing health and safety  
Legal framework

***NEU Health and Safety Briefing  
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**NEU Model Constitution and Terms of Reference for a  
Health, Safety and Welfare Committee**

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**1. TITLE**

1.1 The Health, Safety and Welfare Committee shall hereafter be referred to as 'the Committee'.

**2. TERMS OF REFERENCE**

2.1 The Committee has been constituted in accordance with the Safety Representatives and Safety Committees Regulations 1977 for the purpose of consultation on matters pertaining to health and safety between management and union representatives. Its terms of reference are:

- To advise on the appropriateness and adequacy of the school's/college's health and safety organisation, arrangements and safe systems of work.
- To keep under review performance in relation to health and safety at work and assist in the formulation of school policies.
- To receive the results of inspections carried out by trade union health and safety representatives and management.
- To promote cooperation between staff, management and pupils in instigating, developing and carrying out measures to ensure health and safety at work.

**3. REPRESENTATION**

3.1 The Committee shall provide the formal health and safety consultative arrangements for employees based in \_\_\_\_\_ school/college

3.2 The Committee shall consist of management and employee representatives, with the number of management representatives not exceeding the number of employee representatives.

3.3 The management representatives shall comprise the head teacher/principal (or their representative) and other representatives with the necessary knowledge, expertise and management authority to play a full role.

3.4 The employee representatives will include the accredited safety representatives from the teaching and support staff trade unions. Membership of the safety committee is regarded as part of an individual's normal work. As a consequence, no employee will suffer any loss of pay through attendance at meetings of the Committee.



#### **4. CHAIR**

- 4.1 The Chair shall alternate between a management representative and an employee representative on an annual basis.
- 4.2 A Vice-Chair shall also be appointed annually, such that if the Chair is a management representative then the Vice-Chair shall be an employee representative and vice versa.

#### **5. SECRETARY**

- 5.1 A secretary will be provided by management to prepare the agenda and take the minutes. Items for consideration by the Committee should be forwarded to that person for inclusion on the agenda.

#### **6. DETAILED FUNCTIONS**

- 6.1 The work of the Committee shall include the following functions:
- promoting co-operation between management and employees on matters of health, safety and welfare at work;
  - studying accident and absence statistics (including absence levels due to stress) in order that unsafe conditions, acts and practices can be identified and consideration given to the formulation of policies and guidance to eliminate the hazard and/or reduce the risk;
  - assisting in the development of safety guidance and safe systems of work;
  - monitoring the effective implementation of the employer health and safety policy within the school;
  - monitoring the effectiveness of the safety content of any employee training;
  - developing policies and arrangements that will safeguard the health and safety of persons other than employees, such as pupils/students, visitors, and contractors;
  - participating in periodical joint inspections;
  - monitoring action taken following trade union and management site inspections.

#### **7. CONDUCT OF THE COMMITTEE**

- 7.1 The Committee shall meet at least once a term. Meetings will take place during the school/college working day.
- 7.2 Meetings shall not be postponed except in very exceptional circumstances. Should postponement be absolutely necessary, a revised date for the meeting shall be agreed and given with the notice of postponement. The Secretary may convene a special meeting at any time at the request of the Chair or Vice-Chair.
- 7.3 Dates of Committee meetings shall be arranged as far ahead as possible and a programme of meetings for the academic year sent to each member following their agreement at the first meeting in the Autumn Term.
- 7.4 Matters to be discussed at any meeting shall be as specified in the agenda, which will be drawn up by the Secretary and sent to each member at least seven days in advance of the meeting. Employee and management representatives will be invited to propose items for

discussion in advance of the agenda being sent out. Other business of an urgent nature may be admitted at the meeting at the discretion of the Chair.

- 7.5 Minutes of meetings and recommendations of the Committee shall be produced within 10 working days of the meeting taking place and shall be circulated to all members of the Committee. Once agreed, minutes will be referred to the Governing Body for consideration, or for immediate action as appropriate. Minutes of meetings shall also be circulated to all staff, or placed on the staff notice board.
- 7.6 The terms of this constitution shall be subject to review and amendment as necessary in the light of operation and practice.