

G6 CONSULTING EMPLOYEES ON HEALTH AND SAFETY

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1. INTRODUCTION

The law sets out how employees must be consulted; there are two different regulations that require employers to consult their workforce about health and safety:

The Safety Representatives and Safety Committees Regulations 1977

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The Health and Safety (Consultation with Employees) Regulations 1996

Because we recognise trader unions ***The Safety Representatives and Safety Committees Regulations 1977*** will apply.

The County Council will consult or engage with, as appropriate, its employees and relevant safety representatives on health and safety matters to assist with creating and maintaining a safe and healthy working environment. The role of designated Safety Representatives is defined in law which Managers must respect, e.g. To carry out workplace inspections, to be informed of any accidents, to be informed of any changes which may substantially affect health and safety and any arrangements for health and safety training. They also have the right to see documents required by law such as the significant findings of risk assessments, accident books, EVOSAFE forms, Health and Safety Policy etc.

The engagement that managers must undertake with employee representatives is designed to ensure we meet our statutory responsibilities to carry out "consultation". This policy outlines the level of engagement required to ensure it remains proportionate to the scale/size of the update, amendment, review that's been undertaken. Suitable engagement may be as simple as an email requesting feedback on a small update right through to a full interactive development workshop and formal 30 day consultation. Section 4 is designed to assist managers with identifying the most appropriate level of consultation that's proportionate for the review/update/change that's been undertaken. Good engagement with employees includes these key principals:-

- **talk** to each other about issues;
- **listen** to their concerns and raise your concerns
- **seek** and **share** views and information
- **discuss** issues in good time; and
- **consider** what employees say before you make decisions

2. APPLICATION

All County Council employees.

3. RESPONSIBILITIES

Directors and Assistant Directors

Ensuring that properly-appointed Safety Representatives are consulted in good time about health and safety matters.

Ensuring that employees are consulted directly where there are no Health and Safety Representatives.

Respecting the legal rights of Safety Representatives.

Informing Safety Representatives of accidents, changes which may substantially affect staff Health and Safety and any arrangements for health and safety training.

Heads of Service and Service Managers

Ensuring that any development of operational health and safety documentation is subject to the appropriate level of consultation by engaging with employee/Union Health and Safety Representatives.

Ensuring that Safety Representatives and/or employees are engaged with when reviewing and updating of health and safety documentation and their experience, knowledge and understanding is considered and where relevant incorporated into the revised version.

Ensuring that all minor amendments or updates to health and safety documentation, i.e. names, hyperlinks, branding, etc are communicated to employees on a regular basis.

Ensure Union health and safety representatives are provided with the information necessary to enable them to fulfil their functions

Ensure they follow LCC policy in relation to Unions representatives and the ability of them to carry out their functions.

Director of Resources

Ensuring that Health and Safety is a standing item in the County Council's Joint Consultative arrangements.

Corporate Health and Safety Team

Review and revision of relevant corporate health and safety documentation.

Administration, support and oversight of the Health and Safety committee.

Distribution of corporate consultation documents to the health and safety circulation group.

Provide advice and guidance on updates and amendments to health and safety documentation to ensure compliance with legislation.

Uploading of new or reviewed health and safety documentation onto the health and safety manual webpage(s).

Health & Safety Committee

Ensuring that employees are consulted where "Substantial" changes to duties, responsibilities, process or procedures are being proposed to health and safety documentation.

That feedback is fully considered and where appropriate incorporated into the review process.

To ensure that health and safety isn't used as a negotiation tool and /or to block or prevent changes/processes where there's isn't any breach of legislation/law or unacceptable increase to risk.

To work in conjunction with the Corporate Risk & Safety Steering Group to ensure the efficient and effective review of health and safety documentation.

Health and Safety Representatives (Union and Employee)

To keep themselves informed of relevant legal requirements, workplace hazards and measures to control derived risks, and the County Council's Health and Safety Policy and the ways in which it fulfils that policy.

To co-operate with managers on the consultation and engagement processes.

To provide feedback on the practical/operational implementation of health and safety documentation.

To provide appropriate and proportionate representation.

To provide feedback in a timely manner (as defined within the consultation and engagement processes).

To Investigate potential hazards and dangerous occurrences at the workplace, complaints by an employee relating to health, safety and welfare at work, and examine causes of workplace accidents.

Health and Safety Circulation Group – the group is made up of a cross-section of employees from all Directorates, management levels and Unions representation.

To review draft health and safety documentation and provide relevant feedback.

To distribute health and safety documentation for comment/feedback and comment, collate and return information to documentation author.

Employees

To co-operate with managers on and contribute to the consultation and engagement processes.

To provide feedback on the practical and operational implementation of health and safety documentation.

4. ENGAGEMENT AND CONSULTATION PROCESS

The engagement and consultation that managers must undertake with Safety Representatives needs to be proportionate to the scale and size of the introduction update, amendment or review that's been undertaken. This "consultation" may be as simple as an email requesting feedback on a small update right through to a full interactive development workshop and formal 30 day consultation. This section is designed to assist managers with identifying when they must engage and the most appropriate level of consultation that's proportionate for the review/update/change that's been undertaken.

Engagement and proportionate consultation with employee and relevant health and safety Union representatives must be carried out when:-

- the introduction of any measure which may substantially affect employees' health and safety at work, e.g. the introduction of new equipment or new systems of work.
- arrangements for getting competent people to help employees comply with health and safety laws
- information required to be provided to employees on the risks and dangers arising from their work, measures to reduce or get rid of these risks and what employees should do if they are exposed to a risk
- the planning and organisation of health and safety training; and

- the health and safety consequences of introducing new technology.

The consultation process is divided into levels depending on the depth and scope of the development or reviewed documentation/process/procedure but also whether the changes are just limited to localised service areas/teams or have much wider corporate implications/effects/impact.

Engagement Levels	Definition of changes	Consultation Required
<p>Level 1 (low engagement) – updates to existing documents, process, procedures, guidance. (Both Service Specific and Corporate) that have No substantial effect on the Health and Safety of employees</p>	<ul style="list-style-type: none"> • No changes to process, procedures or practice. • No new or amended duties/responsibilities placed on employees/managers • Updates to names, hyperlinks, locations • Updates to branding/style, layout 	<p>No formal consultation needed – to ensure all relevant parties have been fully communicated with/informed of the minor updates, that this is evidenced/ recorded and the revised/reviewed documents are uploaded into the relevant local or corporate locations i.e. service/team guidance/manuals, corporate H&S manual.</p>
<p>Level 2 – (Targeted engagement) Minor amendments to existing processes, procedures, systems (Corporate and local documents) that could have a substantial effect on employees health and safety</p>	<p>Including but not limited to:</p> <ul style="list-style-type: none"> • Changes to any existing responsibilities/duties • Changes/amendments to existing training courses • Amendment to existing systems • Introduction of new risk assessment or new control measures within an existing risk assessment • Changes to current working arrangements/practices/environment • New/revised templates for existing processes • New/revised guidance for existing processes • Where an investigation is required to identify 	<p>Relevant employee and Union H&S representatives should be involved in the development of proposed document i.e. policies, procedures, processors, training and/or sharing of relevant information. The amount of involvement from employees and Unions representation will be agreed between all stakeholders (managers, employees, Unions) on a case by case base i.e. via 1-2-1's/ team meetings, existing employee/team groups/meetings, emails, etc.</p> <p>The proposed draft document outlining the changes, additions, etc must then be sent out for wider formal consultation with relevant employee groups/teams/services areas. The length of the consultation will be determined and agreed on a case by case basis by the relevant stakeholder i.e. managers, employee and Union health and safety representatives.</p> <p>Following the completion of consultation any feedback will be reviewed/evaluated and where appropriate incorporated into a</p>

	<p>causes of accidents/incidents/near misses.</p> <ul style="list-style-type: none"> Any changes where level 1 engagement is deemed insufficient due to the nature/impact of the proposed changes. 	<p>final proposal document for formal sign off and implementation by the appropriate service manager, Directorate Leadership Team (DLT) or Corporate Risk and Safety Steering Group (CRSSG).</p> <p>Levels of Formal Sign off :-</p> <ul style="list-style-type: none"> Where documents/changes only affect one team/service the Service Manager responsible for that team/service sign off. Where documents/changes affect multiple teams/services within the same Directorate the relevant DLT will sign off. Where documents/changes affect teams/services across several Directorates then CRSSG will sign off.
<p>Level 3 – (High engagement) Significant changes to documents and/or the development of new H&S documents for new/emerging risk/hazards or the replacement of an old policy with new guidance/policy which will have a substantial effect on the health and safety of employees.</p>	<p>Including but not limited to:-</p> <ul style="list-style-type: none"> Introduction of new policy/procedure/process practice/training Introduction of new/additional responsibilities/duties in new or existing policies, procedures, etc. Implementation of new systems/tools/training/technology Any changes where level 2 engagement is deemed insufficient due to the nature/impact of the proposed changes. 	<p>High levels of employee/Union representation engagement must be undertaken during the development stages e.g. dedicated workshop or specific task and finish groups, Health and Safety Committee.</p> <p>The proposed draft document outlining the changes, additions, etc must then be sent out for wider formal consultation to:-</p> <ul style="list-style-type: none"> relevant employee groups/ teams/ services areas when not a corporate wide document. to the Corporate Health and Safety Team for distribution to the health and safety circulation group when it is a corporate wide document. <p>The length of the formal consultation will be 30-day consultation.</p> <p>Following the completion of consultation any feedback will be reviewed/evaluated and where appropriate incorporated into a final proposal document for formal sign off</p>

and implementation by the appropriate service manager, Directorate/Senior Leadership Team (D/SLT) or Corporate Risk and Safety Steering Group (CRSSG).

Levels of Formal Sign off :-

- Where documents/changes only affect **one** team/service the **Service Manager** responsible for that team/service sign off.
- Where documents/changes affect **multiple** teams/services within the **same Directorate** the relevant **D/SLT** will sign off.

Where documents/changes affect teams/services across **several Directorates** then **CRSSG** will sign off

Advice, Resolution and Final Decisions

Advice

If managers are unsure which level of engagement is necessary or require assistance, help or advice on the changes to health and safety document the Corporate Health and Safety Team should be contacted.

Resolution

Where individuals or group feel that the level of engagement undertaken isn't/wasn't proportionate/appropriate for the changes undertaken this can be escalated to the Health and Safety Committee for a decision. If a decision cannot be reached by the Health and Safety Committee the issue(s) will be escalated to the CRSSG for a final decision.

Final Decision

Consultation does not remove your right to manage. The relevant LCC Manager or Group will still make the final decision, but talking to your employees is an important part of successfully managing health and safety.

5. FURTHER INFORMATION

H&S Quick Card: G6 Consulting on Health and Safety Documents

Further health and safety information is also available from the Health and Safety Executive on www.hse.gov.uk.

Guidance on the 1977 regulation can be found [here](#)

Consulting with Employees on health and safety – [a brief guide to the law](#)

A full copy of the regulation can be found on Legislation.gov.uk

6. ADVICE AND SUPPORT

Please contact the Corporate Health and Safety team, click [here](#).

7. LEGISLATION

The Safety Representatives and Safety Committees Regulations (SRSCR) 1977

The Health and Safety (Consultation with Employees) Regulations (HSCER) 1996 (not relevant within LCC).