

CONTROLLED DOCUMENT

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TERMS OF REFERENCE OF THE HEALTH, SAFETY AND WELL-BEING COMMITTEE

CATEGORY:	Terms of Reference
CLASSIFICATION:	Governance
PURPOSE:	To set out purpose, delegated responsibilities and authority of the Remuneration, Nominations and Workforce Committee
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REVIEW DATE:	March 2024
ASSOCIATED DOCUMENTS:	BC/CG/002 Standing Orders BC/CG/003 Scheme of Reservation and Delegation of Powers
Essential Reading for:	All members of the Board, the Senior Leadership Team, Senior Managers and Service Leads.
Information for:	All Staff

Document Consultation and Review Process:

Groups/Individuals who have overseen the development of this Policy:	Health, Safety & Well-being Committee
Groups/Individuals Consulted:	Senior Leadership Team

Document version control:

Date	Version	Amendments made	Amendments Approved by
20 January 2022	003	Amendment to ensure a clear line between the Committee's remit and that of the Performance, Quality and Experience (PQ&E) Committee.	HS&WB Committee on 20 Jan 22 and Board on 22 March 2022
28 March 2023	004	Annual Review - para 5.2 amended to reflect the Board's decision that going forward the Committee meet three times a year.	Board - 28 March 2023

1. INTRODUCTION

- 1.1. Health and safety at work is about securing the health safety and welfare of people at work by reducing risks, and protecting them and others from harm or illness arising out of work activities by taking the right precautions. As an employer, it is the Board of Brunelcare's legal duty to manage health and safety sensibly, and involving colleagues/employees from across the organisation is at the very heart of this.
- 1.2. Current legislation, specifically the *Safety Representatives and Safety Committees Regulations 1977* and the *Health and Safety (Consultation with Employees) Regulations 1996*, provides a framework of requirements for employee involvement in health and safety. The Board is required under these regulations and other health and safety regulations, to give employees information, instruction and training, and engage in consultation with them about matters affecting their health and safety.
- 1.3. In some parts of Brunelcare's business employees are members of recognised trade unions and others where they are not. Given this, the Board is required to consult:
 - any health and safety representatives appointed by recognised trade unions under the Safety Representatives and Safety Committees Regulations 1977; and
 - with all other employees, either directly where practical, or through elected health and safety representatives under the Health and Safety (Consultation with Employees) Regulations 1996
- 1.4. The Board recognises that its employees are the best people to understand risks in the workplace. Therefore, to ensure timely and appropriate engagement and consultation the Board of Brunelcare has established a Health, Safety and Wellbeing Committee (HS&W Committee). The intention is that the HS&W Committee will ensure a culture of collaboration where concerns, ideas and solutions are freely shared with a view to improvement and learning.

2. ROLE AND RESPONSIBILITIES OF THE COMMITTEE

Role

- 2.1. The HS&W Committee has the role of keeping under review the measures taken by Brunelcare to ensure the effective management of the health, safety and wellbeing of its employees, and also that of tenants, clients, visitors, volunteers, contractors and other persons who could be affected by the various work activities of Brunelcare or could, through

their own work activity (ies), adversely affect the health and safety of themselves and/or others.

- 2.2 The HS&W Committee will take into consideration activities carried out by Brunelcare staff and volunteers that may take place on other sites not belonging to the Charity, as well as work conducted by persons from other establishments who are invited to work on our premises.
- 2.3 The HS&W Committee's remit extends to work-related travel, including call out travel, but excluding travel between home and the employee's usual place of work during their normal contracted work hours.
- 2.4 The HS&W Committee will, in all its efforts, aspire to best practice in the management of health, safety and wellbeing in the workplace.
- 2.5 One of the HS&W Committee's key objectives is the promotion of cooperation between management and employees in the development, implementation, monitoring and review of measures designed to minimise those risks at work which may impact on the health, safety and wellbeing of employees and other persons.

Responsibilities

- 2.6 The HS&W Committee shall be responsible for the overseeing of strategic Health & Safety Management and the promotion of workforce wellbeing. The Committee will also consider those aspects of environmental management which impact on the health and safety of people, the built environment and wider natural environment, specifically the management and disposal of hazardous waste. With this in mind, the Committee will have functions including, though not restricted to:

2.6.1 Overseeing the development, monitoring and review of:

- an organisational health and safety policy and procedures and safe systems of work;
- a Health, Safety and Wellbeing Strategy (3 year) and ensuring that it is adequately resourced and implemented across all parts of the Charity;
- an annual Health and Safety Action Plan that identifies necessary actions arising from the various monitoring processes, and costs, prioritises and realistically timetables these actions; and
- the Annual Health, Safety & Wellbeing Report.

2.6.2 Monitoring of:

- Brunelcare's health and safety performance against legal and statutory requirements;

- Brunelcare's health and safety performance against guidelines and standards issued by its regulators;
- The impact of health and safety communication and publications on health and safety performance;
- Brunelcare's Emergency Procedures;

2.6.3 The review and assessment of:

- the level of competence and resources allocated to Health, Safety and Wellbeing across brunelcare's activities; and
- key risks associated with Brunelcare's activities and reviewing the arrangements in place for managing these; and
- the adequacy of Brunelcare's emergency procedures.

2.6.4 Receiving and reviewing reports:

- resulting from accidents and incidents, and assessing any corrective or remedial actions implemented to prevent a recurrence;
- on occupational injuries and accidents;
- on work-related sickness absence data;
- providing statistics on health, safety and wellbeing training courses and attendee data;
- safety audits;
- of investigations into serious incidents at work and subsequent action
- arising from inspections and/ or enforcement action by relevant enforcing authorities;
- on occupational health activity; and
- from other relevant health, safety or wellbeing bodies

and assessing the adequacy of Brunelcare's response to these.

2.6.5 Consideration and assessment of the impact of:

- The implementation of new health and safety law and regulations;
- Changes to the workplace, workforce, technology and working practices;
- Working practices and safety standards of contractors and their employees in relation to the health and safety of employees; and
- health, safety and wellbeing matters raised by employees, customers and contractors.

2.6.6 Ensuring:

- roles, responsibilities and accountabilities for Health, Safety and Wellbeing are clearly documented and agreed; and
- active engagement with all relevant internal and external stakeholders

3. AUTHORITY

- 3.1 The Committee is authorised by the Board to investigate or have investigated any activity within its terms of reference. In doing so, the Committee shall have the right to inspect any books, records or documents of the Charity relevant to the Committee's remit and ensuring patient/client and staff confidentiality, as appropriate. The Committee may seek any relevant information from any:
- employee (and all employees are directed to cooperate with any reasonable request made by the Committee); and
 - any other committee, sub committee or group set up by the Board to assist it in the delivery of its functions.
- 3.2 The Committee is authorised by the Board to obtain outside legal or other independent professional advice and to secure the attendance of outsiders with relevant experience and expertise if it considers it necessary (subject to the Board's procurement, budgetary and any other applicable standing requirements).

Sub Committees

- 3.3 The Committee may, subject to the approval of the Board, establish sub committees or task and finish groups to carry out on its behalf specific aspects of Committee business.

Committee Programme of Work

- 3.5 Each year the Committee will determine its priorities for its annual programme of work. This approach will ensure that the Committee's focus is directed to the areas of greatest assurance needs. This will therefore mean that these Terms of Reference are provided as a framework for the Committee's annual programme of work and is not an exhaustive list for full coverage. This approach recognises that the Committee's programme of work will be dynamic and flexible to meet the needs of the Board throughout the year.

4. MEMBERSHIP

Members

- 4.1 Membership will comprise:
- Chair (a non-executive member of the Board of Directors)
 - Director of HR and OD
 - Director of Nursing and Care Homes
 - Director of Community Services
 - Director of Housing and Property
 - Health and Safety Representatives from each Brunelcare site
 - GMB Health and Safety Representative

Attendees

4.2 In attendance: The following members of the Governance and Housing and Property teams will be regular attendees:

- Head of Corporate Governance
- Property Compliance Manager
- Health and Safety Advisor

4.3 By invitation: The Committee Chair will extend an invitation to the Chief Executive Officer, other members of the Senior Leadership team, other officers from inside and outside the organisation not listed above to attend all or part of a committee meeting, dependent upon the nature of business, to assist it with its discussions on any particular matter.

Appointment of Members

4.4 The Senior Leadership Team will identify management representatives that have the authority to give proper consideration to the views and recommendations arising from Committee discussions.

4.5 Employee representatives will either be appointed by a trade union or elected by colleagues.

4.6 Representatives of others in the workplace such as contractors and other individuals with specific competencies, such as the health and safety adviser and other specialists, will be identified by the Board.

4.7 The terms and conditions of appointment, (including any remuneration and reimbursement) in respect of employee representatives will be determined by the Board.

5. COMMITTEE MEETINGS

Quorum

5.1 At least eight members must be present to ensure the quorum of the Committee, one of whom should be the Committee Chair or Vice Chair and at least three health and safety representatives.

Frequency of Meetings

5.2 The Chair of the Committee shall determine the timing and frequency of meetings, which shall be held three times a year and in line with the Board's Annual Plan of Business

5.3 The Chair of the Committee may call additional meetings if urgent business is required to be taken forward between scheduled meetings.

Openness and Transparency

- 5.4 In line with the Board's commitment to openness and transparency in the conduct of all its business, which extends equally to the work carried out on its behalf by committees, a summary of matters discussed at meetings of the Committee will be published on BORIS together with the agreed minutes. In addition, the annual programme of meetings (including timings and venues) and the Committees annual programme of business will be published on BORIS.

Secretariat

- 5.5 The Corporate Governance Team will provide secretariat services to the Committee.
- 5.6 The agenda and papers for Committee meetings will be issued 5 working days prior to the scheduled meeting. The templates issued by the Corporate governance Team will be used for all papers.
- 5.7 The Corporate Governance Team will take minutes of the meeting and circulate to members within 10 working days.

Support to Committee Members

- 5.7 The Company Secretary, on behalf of the Committee Chair, shall:
- arrange the provision of advice and support to committee members on any aspect related to the conduct of their role; and
 - ensure the provision of a programme of development for committee members as part of the Board's overall Development Programme.

6. RELATIONSHIP & ACCOUNTABILITIES WITH THE BOARD AND ITS COMMITTEES/GROUPS

- 6.1 Although the Board has delegated authority to the Committee for the exercise of certain functions (as set out within these terms of reference), the Board retains overall responsibility and accountability for all matters relating to the health, safety and wellbeing of staff, tenants, clients, visitors etc.
- 6.3 The Committee shall embed the Charity's agreed Values and Behaviours, through the conduct of its business.

7. REPORTING AND ASSURANCE ARRANGEMENTS

7.1 The Committee Chair shall:

- report formally, regularly and on a timely basis to the Board on the Committee's activities. This includes verbal updates on activity, and the submission of Committee minutes and written reports;
- bring to the Board's specific attention any significant matters under consideration by the Committee;
- ensure appropriate escalation arrangements are in place to alert the Chair of the Board, Chief Executive Officer or Chairs of other relevant committees/groups of any urgent/critical matters that may affect the operation and/or reputation of the Charity.

7.2 The Board may also require the Committee Members to report upon the Committee's activities at staff and public meetings, e.g., Colleague Voice Meetings.

7.3 The Company Secretary shall oversee a process of regular and rigorous self-assessment and evaluation of the Committee's performance and operation including that of further committees established.

7.4 The Committee shall provide a written annual report to the Board on its activities. The report will also record the results of the Committee's self-assessment and evaluation.

8. APPLICABILITY OF STANDING ORDERS TO COMMITTEE BUSINESS

8.1 The requirements for the conduct of business as set out in Brunelcare's Standing Orders are equally applicable to the operation of the Committee, except in the following areas:

- Quorum
- Issue of Committee papers

9. REVIEW

9.1 These Terms of Reference shall be reviewed annually by the Committee. The Committee Chair will report any changes to the Board for ratification.