



## **BSS Advisory Committee (BSSAC) Terms of Reference (ToR)**

### **A. About this document**

This ToR document is for BSSAC members and anyone who may be interested in the work of the committee. It should be read in conjunction with the other documents highlighted.

### **B. Role, purpose, and scope of the committee**

The BSSAC provides advice and opinion to the BSSMC on all matters concerned with the impact and operation of the BSS.

The purpose and scope of the Boat Safety Scheme is to help the inland waterway navigation authorities minimise the risks to all visitors to the waterways and the waterways' workforce, and to help protect adjacent property, related to the condition, equipment and use of boats. The BSS is also used to minimise the risk of avoidable pollution from boats. (*see the Navigation Authority Agreement*)

BSSAC is the stakeholder committee and represents the forum in which the standpoints of the various customer groups<sup>1</sup> are assimilated and decisions and recommendations developed. The aim is to ensure that key decisions and recommendations are effective and balance the responsibilities and needs, and meet the expectations of the customer groups.

The key purpose of BSSAC is to:

1. provide guidance and recommendations to the BSS Management Committee (BSSMC) concerning initiatives for BSS policy, procedure and requirements changes;
2. monitor the aim of the BSS to consistently deliver BSS examinations in accordance with published BSS Examination Checking Procedures (*as supported by the BSS Delivering Consistent Examinations Process*);
3. help identify any new boat-related risks for risk review, and monitor the aim of the BSS to ensure that 'real' and accepted risks are identified and managed effectively (*as supported by the BSS Risk Management Process*);
4. help identify matters of concern about the impact and operation of the BSS.

### **C. Constitution**

BSSAC sits under the authority of the BSSMC. BSSMC is responsible for the constitution of BSSAC and for determining and amending BSSAC's ToR.

All BSSAC recommendations are addressed to BSSMC for consideration.

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<sup>1</sup> Customer groups = navigation authorities, boat owners, marine trade, BSS practitioners (*Source – Navigation Authority Agreement*).

## **D. Committee activities**

The following is a list of activities but is not necessarily exhaustive. The committee:

1. acts upon requests for recommendations from BSSMC;
2. develops its own workload as agreed by the Chair, to support recommendations for BSSMC;
3. considers risk review and assessment papers presented to it from BSSTC concerning any new or changed boat-related risks;
4. monitors the effectiveness of BSS Office to deliver against activity agreed at BSSMC;
5. undertakes the review of BSS procedures as required.

The committee meets a minimum of twice annually, once before the beginning of the boating season and once after the end of the boating season.

The frequency and timing of meetings is set by the Chair, as determined by the extent, priority, stage of development and/or nature of its workload. Meetings will generally be scheduled around three weeks in advance of BSSMC meetings.

Where practicable, consensus should be attempted by means that do not entail physical meetings. The Chair will determine any need for a meeting to achieve consensus.

## **E. The basis of committee decisions and recommendations**

All committee decisions and recommendations are made on the basis of consensus<sup>2</sup>.

Where full consensus cannot be achieved the decisions and recommendations are made on the basis of the majority view vote. In these circumstances, the minority view will be recorded and reported to BSSMC.

It is open to member organisation representatives to request a vote on proposed alternative decisions and recommendations at the time the majority view is sought by the BSS Chair above.

It is open to member organisation representatives to request specific statements are recorded in the notes.

When developing decisions and recommendations, the committee will also take account of:

1. the experience and expertise of members and any organisations they may represent;
2. the advice and guidance on particular technical, and risk-management matters by co-opted experts;
3. existing UK legal requirements, Navigation Authority and Government policy;

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<sup>2</sup> Consensus = general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments.

This entails trying to ensure that the interests of all those likely to be affected by it are taken into account, and that individual concerns are carefully and fairly balanced against the wider public interest. Achievement of consensus entails recognition of this wider interest and willingness to make reasonable compromises.

NOTE Consensus need not imply unanimity.

4. the influence of UK Regulations and supporting UK and International Standards.

The quorum for a committee meeting is at least 75% of Full Members.

In the event the BSSAC Chair cannot attend a meeting, members present will agree a temporary Chair for the meeting.

### **F. The use of Sub-groups**

Sub-groups can be used to support the activity of the committee. Sub-groups must be made up only of Full Members, BSS Office Staff Members and co-opted members and report to the full committee. Members of Sub-groups remain subject to this ToR document.

Where the BSSAC Chair considers it necessary, the Sub-group shall have its own ToR, as approved by the Chair.

### **G. Membership (Member organisations)**

The aim is for BSSAC to maintain a workable and comprehensive balance of interests within its membership. For practical reasons and to achieve a balance of the interests of the various customer groups, the committee is restricted to a manageable size.

The membership of the BSSAC is made up of representatives of users', marine trade, BSS practitioners, navigation authorities, BSS Office and relevant regulatory bodies.

Membership is on the basis of the agreement to support the purpose of the BSS and not on the basis to advance organisational self-interest, commercial or otherwise.

Other than for navigation authority members, member organisations must be national organisations unless the case to accept regional organisations is compelling and Co-opted membership is not regarded as appropriate.

Membership is subject to annual review that will at least cover:

1. any changes over the past year that may warrant a BSSAC membership change in support of the BSSAC role and purpose; and,
2. any factors concerning the existing member organisations to suggest that membership or membership type is no longer appropriate.

Recommendations are made to BSSMC. Committee membership is at the discretion of the BSSMC and cannot be claimed as of right.

Applications for membership may be agreed only when it can be demonstrated that the participation of the organisation would be of wider benefit to the work of the committee and would not adversely affect the balance of the interests of the various customer groups.

Organisations affected by any proposed changes of membership and membership types or wishing to propose a change, may appeal. The appeal should be made in writing to the Chair of the BSSMC.

The BSSMC Chair is the ultimate arbiter in cases of dispute about membership and representation.

Member organisations are divided between Full Members and Corresponding Members.

Full Members attend all meetings and are nominated representatives of member organisations and have voting rights.

Corresponding Members are organisations determined to have a form of mutual interest with the BSS and have no voting rights.

A list of BSSAC member organisations is maintained and published on the BSS website.

## **H. Member organisation representatives**

Member organisations are responsible for nominating their representative. Nominations are supported by confirmation of the chosen representative from the parent organisation, and a brief summary of the representative's experience and interests.

The BSSAC Chair can request an alternative nomination if the summary of experience and interests indicates that the balance of the committee will be adversely affected.

There is no limit on the tenure of the appointment of representatives, but member organisation membership is subject to annual review.

The role of BSSAC member organisation representatives is to:

1. contribute their knowledge and experience to the committee's activity;
2. represent on the committee the interests, aspirations and concerns of their respective member organisations and 'customer group'.

Individual representatives are subject to the BSSAC Member's Code. The BSSMC Chair may require an alternative representative if the incumbent is not contributing in accordance with the Code.

The identities of individual member organisation representatives are not published by the BSS.

## **I. BSS Office Staff Members**

BSS Office staff members on BSSAC may express their views but they are not formally part of the committee's decision or recommendation-making processes and so staff views are not counted when assessing the level of consensus achieved.

## **J. Co-opted Members**

Individuals can be co-opted onto a BSSAC if they offer specialist expertise required for a specific project or work programme. They are not regarded as having Full/Corresponding membership and their views are not counted when assessing the level of consensus achieved. Co-opted members are neither expected nor permitted to represent any specific customer group interest.

Co-option is subject to the BSSAC Chair's approval, although BSSMC is empowered to co-opt members on to BSSAC.

## **K. Role & Responsibilities of the BSSAC Chair**

The role of the BSSAC Chair is to:

1. act as a facilitator and provide effective leadership; ensuring meetings are kept to order and time;

2. take an independent and neutral stance, accordingly the Chair may not vote on committee matters.

The BSSAC Chair is responsible for:

1. agreeing items to be added to the committee's activity list and agreeing meeting agenda items, monitoring the timely production of agendas and meeting notes in accordance with Section M below;
2. leading the committee in its deliberations, with the objective of establishing consensus on all matters brought to it for a decision or recommendation, including summarising the key action, decision or recommendation points for recording in the notes of the meeting;
3. alerting BSSMC to any perceived imbalance in the constitution of the committee, or under-representation of important interests or expertise, and co-opting members as necessary;
4. exercising judgement without bias in all of the committee's activities, mindful of the far-reaching consequences that sometimes attach to a committee's decisions;
5. ensuring that all those participating in the work of the committee are encouraged and able to have their views heard and respected and that the views of all 'customer groups' on the committee are adequately presented;
6. acting with regard to the reputation and standing of BSS and its work;
7. attending BSSMC meetings and presenting a report of the BSSAC committee activities and recommendations;
8. providing a report of BSSMC meetings to members at the BSSAC, following the BSSMC attendance.

## **L. Appointment and Tenure of the BSSAC Chair**

The BSSAC Chair is independent of navigation authorities, BSS Office and BSS practitioners.

The BSSAC Chair post is appointed by the BSSMC from within the BSSAC member organisations, or by external recruitment if this is necessary.

The post is unpaid, unless a professional facilitator is selected.

The tenure of the BSSAC Chair is not fixed and is subject to annual ratification by BSSAC member organisations, followed by ratification by BSSMC.

The annual ratification of the BSSAC Chair will be decided by those Full Members present at the first BSSAC meeting scheduled in the calendar year.

At the time of the annual ratification by BSSAC member organisations, the chairmanship of the committee will temporarily pass to the BSS Secretariat.

In the event consensus or majority view on annual ratification is not achieved, the process to recruit a replacement Chair will commence.

Full members who cannot attend the appropriate meeting to ratify the Chair may indicate their views through the BSS Secretariat, provided they have indicated these at least one day prior to the meeting.

### **M. Responsibilities of the BSS Secretariat**

The BSS Secretariat is responsible for ensuring that all necessary administrative arrangements are made in order for a committee to function efficiently and effectively.

In particular the BSS Secretariat is responsible for:

1. issuing agendas, meeting support papers at least two weeks in advance of any meeting;
2. providing notes of meetings within one month of any meeting and ensuring that recorded actions are followed up;
3. providing routine reports and papers supporting BSSAC activity and responsibilities and in line with accepted processed-based quality management processes;
4. offering procedural advice for the BSSAC Chair; and,
5. acting as the interface with BSSTC, BSSMC and the navigation authorities generally.

### **N. Meeting notes**

Notes of meetings will record the following details:

1. the time, date and place of the meeting;
2. the organisations represented at the meeting and any apologies received;
3. any declared conflicts of interest;
4. decisions, outcomes and actions agreed at the meeting;
5. the extent of any lack of full consensus on all matters brought to the committee for a decision or recommendation;
6. any specific statement or standpoint requested to be recorded by an individual member.

Any disputes about notes will be adjudicated on by the BSSAC Chair.

### **O. Publication of Committee documents**

The notes of BSSAC meetings are to be published on the BSS website within two weeks of being confirmed. Published notes will not contain member representative names.

### **P. ToR Review**

This ToR document is subject for review five years from the date of publication or sooner if BSSMC determine a review necessary.