



## BSS Technical Forum Terms of Reference

### A. About this document

These Terms of Reference (**ToR**) are for BSS Technical Forum (**BSSTF**) members and anyone who may be interested in the work of the BSSTF.

These ToR should be read in conjunction with the Memorandum of Understanding (**MoU**) dated 1 April 2024 between: (i) Environment Agency; (ii) Canal & River Trust; (iii) Broads Authority; (iv) Association of Inland Navigation Authorities; and (v) Boat Safety Scheme Limited, along with the other documents referred to in these ToR.

### B. Definitions and Interpretation

In addition to the definitions given in paragraph A above, in these ToR the following terms have the following meanings:

**‘BSS’** means Boat Safety Scheme Limited.

**‘BSSAF’** means the BSS Advisory Forum.

**‘BSS Office’** means the personnel of BSS, including administrative and professional support staff

**‘Convener’** means the convener of the BSSTF appointed pursuant to paragraph M of these ToR.

**‘Consensus’** means general agreement, characterised 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.

**‘Customer Groups’** means the Navigation and/or Harbour Authorities, boat owners, boating businesses and the marine trade.

**‘Directors’** means the directors of BSS.

**‘Examination Checking Procedures’** means the procedures set out by BSS for the verification of the Standards.

**‘Guiding Principles’** means the guiding principles published by the visitor safety group and promoted by the National Water Safety Forum

**‘Navigation and/or Harbour Authorities’** means the inland navigation authorities and statutory harbour authorities in the United Kingdom that have adopted the Standards Scheme.

**‘Standards’** has the meaning given in the MoU.

**‘Standards Setting Forum’** – has the meaning given in the MoU

### C. Role, purpose, and scope of the BSSTF

The BSSTF provides advice and/or recommendations to the Directors on technical and risk management matters in connection with the purpose and scope the Standards and the Examination Checking Procedures.

The BSSTF is the forum in which constructive consideration and evaluation of the technical and risk management standpoints of the member organisations are to be assimilated and recommendations developed.

BSSTF recommendations on the wider application of the Standards and the Examination Checking Procedures will be passed to the BSSAF to assess impacts on Customer Groups, before recommendations are passed to the Directors to enable them to discharge the role of BSS role under the MoU and to report to the SSF.

#### **D. Constitution**

The BSSTF sits under the authority of the Directors. The Directors are responsible for the constitution of BSSTF and for determining and amending these ToR from time to time.

The BSSTF meets on an ad-hoc basis and a minimum of twice annually. The frequency and timing of meetings is determined by the extent, priority, stage of development and/or nature of its workload.

#### **E. BSSTF activities**

The BSSTF may consider and make recommendations on the following matters presented to it by the Directors, BSSAF and/or the BSS Office:

1. Existing, new or emerging boat-related safety risks;
2. technical matters concerning the general application, continuing relevance or appropriateness of the Standards and the Examination Checking Procedures to vessels licensed by the Navigation and/or Harbour Authorities.
3. the specific application of the Standards and/or Examination Checking Procedures to a particular vessel licensed or to be licensed by the Navigation and/or Harbour Authorities (notwithstanding the statutory rights of boat owners to appeal particular Standards to the Environment Agency, Canal & River Trust and Broads Authority under their respective legislation),
4. technical equivalence with UKCA and CE marked boats through the **BSS Technical Equivalence Panel**

#### **F. The basis of BSSTF assessments and recommendations**

In making its recommendations, the BSSTF will apply the **Guiding Principles** and practical risk management techniques published by the National Water Safety Forum and will follow the **BSS Risk Management Process** that formalises the guiding principles.

The BSSTF 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;
2. existing UK legal requirements, Navigation and/or Harbour Authority policies, and Government policy; **and**
3. the influence of EU Directives and supporting international standards.

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

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

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

Sub-groups of the BSSTF can be used to support the activity of the BSSTF. Sub-groups must be made up only of full and co-opted members of the BSSTF and report to the BSSTF. Members of such sub-groups remain subject to these ToR.

Where the Convener considers it necessary, a sub-group may have its own terms of reference, as approved by the Convener.

## **H. Member Organisations of the BSSTF**

The aim is for the BSSTF to maintain a workable and comprehensive balance of interests within its membership.

Membership of the BSSTF is to be for the purpose of advancing the work of BSS and the Standards and not to advance organisational self-interest, commercial or otherwise.

The member organisations of the BSSTF are subject to annual review and recommendations are made to the Directors by the Convener.

Applications for member organisations of the BSSTF may be agreed by the Directors only when it can be demonstrated that the participation of the organisation would be of wider benefit to the work of the BSSTF and would not adversely affect the balance of the interests of the various Customer Groups.

Membership of the BSSTF is at the discretion of the Directors and cannot be claimed as of right.

The Directors are the ultimate arbiters in cases of dispute about the BSSTF's membership and representation.

A list of BSSTF member organisations is maintained and published on BSS's website.

## **I. Member Organisation Representatives**

Member organisations of the BSSTF are responsible for nominating their representative for approval by the Directors via the Convener. Nominations are supported by a brief summary of their expertise, experience and commercial interests. The Directors can request an alternative nomination if the summary of expertise indicates that the balance of the BSSTF will be adversely affected.

There is no limit on the tenure of the appointment of representatives. The role of BSSTF member organisation representatives is to:

1. contribute their expertise and experience to the BSSTF's activity; and
2. represent on the BSSTF the interests, aspirations and concerns of their respective member organisations and Customer Group.

Individual representatives are subject to the **BSSTF Member's Code**. The Directors 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.

## **J. Co-opted members**

Individuals can be co-opted onto the BSSTF if they offer specialist technical expertise required for a specific project or work programme. They are not regarded as having full membership in an individual capacity and are neither expected nor permitted to represent any Customer Group interest.

Co-option is made by the Directors and may be made at the recommendation of the Convener.

## **K. BSS Office Attendance**

BSS Office individuals supporting the BSSTF may express their views, but they are not formally part of the BSSTF's assessments and recommendations and not counted when assessing the level of Consensus achieved.

## **L. Role & Responsibilities of the Convener**

The role of the Convener is to:

1. act as a facilitator and provide effective leadership and ensure meetings are kept to order and time; and
2. take an independent and neutral stance, accordingly the Convener may not vote on BSSTF matters

The Convener is responsible for:

1. agreeing items to be added to the BSSTF's activity list and agreeing meeting agenda items;
2. leading the BSSTF in its deliberations, with the objective of establishing Consensus on all matters brought to it for a recommendation;
3. alerting the Directors to any perceived imbalance in the constitution of the BSSTF, or under-representation of important interests or expertise, and co-opting members as necessary;
4. exercising judgement without bias in all of the BSSTF's activities, mindful of the far-reaching consequences that sometimes attach to the BSSTF's assessments or recommendations;
5. ensuring that all those participating in the work of the BSSTF are encouraged and able to have their views heard and respected and that the views of all Customer Groups on the BSSTF are adequately presented; and
6. acting with regard to the reputation and standing of BSS and the integrity of the Standards and Examination Checking Procedures.
7. attend Directors' meeting (or parts of meetings) at the invitation of the Directors
8. attending the SSF as a standing invitee to summarise the work of the BSSTF in the context of the wider operations of BSS

## **M. Appointment and Tenure of the Convener**

The Convener is unpaid and is independent of the Navigation and/or Harbour Authorities and the BSS Office.

The Convener post is appointed by the Directors from within the BSSTF membership or by external recruitment if this is necessary.

The post of Convener is unpaid (subject to usual reimbursement of expenses), unless a professional facilitator is selected.

The tenure of the Convener is for an initial 3-year period subject to the Directors right to remove earlier for breach of these ToR.

## **N. Responsibilities of the BSS Office**

The BSS Office is responsible for ensuring that all necessary administrative arrangements are made in order for the BSSTF to function efficiently and effectively.

In particular the BSS Office is responsible for:

1. issuing agendas, support papers within two weeks in advance of any meeting and providing routine reports on matters of interest and relevance to the BSSTF;
2. providing notes of meetings within one month of any meeting and ensuring that recorded actions are followed up;
3. offering procedural advice for the Convener; and
4. acting as the interface with BSSAF, the Directors and the Navigation and/or Harbour Authorities generally.

## **O. Responsibilities of the BSS Quality & Technical Manager**

The BSS Quality & Technical Manager (who is a member of the BSS Office) is responsible for:

1. providing the risk review and assessment papers concerning any new boat-related risks
2. providing support documents concerning any technical matters about the application of the Standards and Examination Checking Procedures requirements, including on matters of technical equivalence with new UKCA and CE marked boats
3. providing support documents concerning the outcome of the monitoring and review of existing BSS and Standards risk controls for their continued relevance and effectiveness; and
4. providing detailed submissions and evaluations arising from public consultations by BSS or the SSF on proposed changes to the Standards or the Examination Checking Procedures.

## **P. Meeting notes**

Notes of meetings of the BSSTF 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. recommendations, outcomes and actions agreed at the meeting
5. the extent of any lack of full Consensus on all matters brought to the BSSTF for an assessment or recommendation; and
6. any specific statement or standpoint requested to be recorded by an individual member.

Any disputes about meeting notes will be adjudicated on by the Convener.

## **Q. Publication of BSSTF documents**

The meeting notes of BSSTF meetings are not published due to potential matters of commercial sensitivity that may be relevant to BSSTF dealings, including novel technology.

Not publishing the notes also ensures that technical papers used to support the early development of recommendations are not taken out of context.

The recommendations and advice arising from the work of the BSSTF will be clear from published BSSAF and Directors notes, as well as meeting notes from the SSF.

BSSTF notes must not be circulated by BSSTF members to any third party and, whilst BSSTF members are encouraged to seek the views of their 'constituents' on matters that come before the BSSTF, they should not discuss the proceedings of the BSSTF or any views that are expressed during meetings.

## **R. ToR Review**

These ToR shall be subject to review not less than five years from the date of publication, or sooner if the Directors determine that an earlier review is necessary.