



## BSS Advisory Forum Terms of Reference

### A. About this document

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

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.

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

**‘BSSTF’** means the BSS Technical Forum.

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

**‘Consensus’** means 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. **Note:** Consensus need not imply unanimity.

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

**‘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 BSSAF

The BSSAF provides advice and recommendations to the Directors on all matters concerned with the impact and operation of the Standards and the Examination Checking Procedures.

The BSSAF is a stakeholder forum and represents the forum in which the standpoints of the various Customer Groups are assimilated, and advice and recommendations developed. The aim is to ensure that key assessments and recommendations are effective and balance the responsibilities and needs of, and meet the expectations of, the Customer Groups.

The key purposes of BSSAF are to:

1. provide guidance and recommendations to the Directors on the development of policy and procedure in the operation of BSS in its role under the MoU with specific regard to the impact on Customer Group
2. review and assess the application of the Standards and Examination Checking Procedures from the perspective of the Customer Groups
3. help ensure that the examination process remains consistently understood and applied across all Customer Groups, including where individual examinations raise wider issues for the application of the Standards and/or the Examination Checking Procedures
4. ensure that BSS risk management remains fit for purpose and proportionate from the perspective of Customer Groups

#### **D. Constitution**

BSSAF sits under the authority of the Directors. The Directors are responsible for the constitution of BSSAF and for determining and amending these ToR.

All BSSAF recommendations which impact the operation and work of BSS are to be addressed to the Directors for consideration.

The BSSAF 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 Convener, 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 Directors' meetings.

#### **E. BSSAF activities**

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

1. carries out reviews and assessments and makes recommendations on the operation and work of BSS upon requests from the Directors and/or the BSS Office;
2. develops its own workload as agreed by the Convener, to support recommendations for the Directors;
3. considers risk review and assessment papers presented to it from the BSSTF concerning any new or changed boat-related risks, including any BSSTF review of individual examinations which raise wider issues for the application of the Standards or Examination Checking Procedures from the perspective of Customer Groups;
4. monitors the effectiveness of BSS office to deliver against activity agreed with the Directors; and
5. undertakes the review of BSS and/or the Standards Scheme's procedures as required.

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

All BSSAF assessments and recommendations are made on the basis of Consensus.

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.

It is open to member organisation representatives to request a vote on proposed alternative assessments and recommendations at the time the majority view is sought by the Convener.

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

When developing assessments and recommendations, the BSSAF 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 and/or Harbour Authority policies, and Government policy; and
4. the influence of UK Regulations and supporting UK and international standards.

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 BSSAF can be used to support the activity of the BSSAF. Sub-groups must be made up only of members, BSS Office colleagues and co-opted members of the BSSAF and report to the BSSAF. Members of such sub-groups remain subject to the 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 BSSAF**

The aim is for the BSSAF 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 BSSAF is restricted to a manageable size.

The membership of the BSSAF is made up of representatives of Customer Groups.

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

Other than for Navigation and/or Harbour Authority members, member organisations of the BSSAF must be national organisations unless the case to accept regional organisations is compelling and co-opted membership is not regarded as appropriate.

Membership of the BSSAF is subject to annual review by the Directors that will at least cover:

1. any changes over the past year that may warrant a BSSAF membership change in support of the BSSAF 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 the Directors by the Convener. BSSAF membership is at the discretion of the Directors and cannot be claimed as of right.

Applications for membership of the BSSAF (for the approval of the Directors via the Convener) 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 BSSAF and would not adversely affect the balance of the interests of the various Customer Groups.

Organisations affected by any proposed changes of membership of the BSSAF or membership types or wishing to propose a change, may appeal in writing to the Directors.

The Directors are the ultimate arbiters in cases of dispute about membership and representation on the BSSAF.

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

## **I. Member Organisation Representatives**

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

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

There is no limit on the tenure of the appointment of representatives, but organisational membership of the BSSAF is subject to annual review by the Directors.

The role of BSSAF member organisations' representatives is to:

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

Individual representatives are subject to the **BSSAF 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 by BSS.

## **J. BSS Office Attendance**

BSS Office personnel supporting the BSSAF may express their views but they are not formally part of the BSSAF's assessment or recommendation-making processes and so their views are not counted when assessing the level of Consensus achieved.

## **K. Co-Opted Members**

Individuals can be co-opted onto the BSSAF if they offer specialist expertise or perspective.

Co-opted members are neither expected nor permitted to represent any specific Customer Group interest.

Co-option is by the Directors at the recommendation of the Convener.

## **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 BSSAF matters.

The Convener is responsible for:

1. agreeing items to be added to the BSSAF's activity list and agreeing meeting agenda items, monitoring the timely production of agendas and meeting notes in accordance with paragraph N of these ToR below
2. leading the BSSAF in its deliberations, with the objective of establishing Consensus on all matters brought to it for an assessment recommendation, including summarising the key action, assessment or recommendation points for recording in the notes of the meeting
3. alerting the Directors to any perceived imbalance in the constitution of the BSSAF, or under-representation of important interests or expertise, and co-opting members as necessary
4. exercising judgement without bias in all of the BSSAF's activities, mindful of the far-reaching consequences that sometimes attach to a BSSAF's assessments and recommendations;
5. ensuring that all those participating in the work of the BSSAF are encouraged and able to have their views heard and respected and that the views of all Customer Groups on the BSSAF are adequately presented;
6. acting with regard to the reputation and standing of the Standards Scheme and BSS and its work;
7. attending Directors' meetings (or parts of meeting) at the invitation of the Directors
8. attending SSF via a standing invitation to update the SSF on the work of the BSSAF

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

The Convener is independent of the Navigation and/or Harbour Authorities, BSS Office and Customer Groups.

The Convener is appointed by the Directors 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 BSSAF to function efficiently and effectively.

In particular the BSS Office 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 BSSAF activity and responsibilities and in line with accepted processed-based quality management processes;
4. offering procedural advice for the Convener; and,
5. acting as the interface with the BSSTF, the Directors and the Navigation and/or Harbour Authorities generally.

## **O. Meeting notes**

Notes of meetings of the BSSAF 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 BSSAF for an assessment 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 Convener.

## **P. Publication of BSSAF documents**

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

## **Q. ToR Review**

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