

28 MAY 2024

## **LTN 23 | HEALTH AND SAFETY**

The law, mainly the Health and Safety at Work Act 1974, imposes many duties on organisations, their employees and others to ensure health and safety in the workplace. This LTN sets out the main issues for councils. It also has links to external sources of information, the most important being the Health and Safety Executive (HSE) ([www.hse.gov.uk](http://www.hse.gov.uk)).

### **Health and safety: the general duty**

An employer's duty is to provide a healthy and safe place of work:

- A safe system of work
- Safe equipment
- Carrying out risk assessments to minimise risk factors
- Providing relevant instruction, training and management of staff
- Providing staff welfare facilities

Useful links:

- [www.hse.gov.uk/legislation/hswa.htm](http://www.hse.gov.uk/legislation/hswa.htm)
- [www.britsafe.org/training-and-learning/informational-resources/the-health-and-safety-at-work-act-explained](http://www.britsafe.org/training-and-learning/informational-resources/the-health-and-safety-at-work-act-explained)
- [www.acas.org.uk/keeping-everyone-safe-at-work](http://www.acas.org.uk/keeping-everyone-safe-at-work)
- [www.worknest.com/blog/health-safety-work-etc-act-1974](http://www.worknest.com/blog/health-safety-work-etc-act-1974)

### **Employee duties**

Employees must take reasonable care of themselves and others who may be affected by their actions and comply with their employers' arrangements for managing health and safety.

Useful links:

- [www.hse.gov.uk/slips/workers.htm](http://www.hse.gov.uk/slips/workers.htm)
- [www.worknest.com/blog/employees-health-safety-duties](http://www.worknest.com/blog/employees-health-safety-duties)
- [www.hse.gov.uk/home-working/worker/index.htm](http://www.hse.gov.uk/home-working/worker/index.htm)

## Consulting employees

Employers must consult with employees on health and safety matters either directly or through representatives.

Useful links:

- [www.hse.gov.uk/pubns/indg232.htm](http://www.hse.gov.uk/pubns/indg232.htm)
- [www.acas.org.uk/consulting-employees/when-consultation-is-legally-required](http://www.acas.org.uk/consulting-employees/when-consultation-is-legally-required)

## Homeworkers

Local councils have the same responsibilities to home workers to ensure their health, safety and welfare.

Useful links:

- [www.hse.gov.uk/home-working/index.htm](http://www.hse.gov.uk/home-working/index.htm)
- [www.acas.org.uk/health-safety-and-wellbeing-when-working-from-home](http://www.acas.org.uk/health-safety-and-wellbeing-when-working-from-home)
- [www.worknest.com/blog/help-my-staff-want-to-work-from-home](http://www.worknest.com/blog/help-my-staff-want-to-work-from-home)

## Duties to non-employees

Councils must ensure that the health and safety of non-employees (e.g. councillors, members of the public, contractors and visitors) are not put at risk.

Useful links:

- [www.hse-network.com/who-is-responsible-for-contractor-health-and-safety](http://www.hse-network.com/who-is-responsible-for-contractor-health-and-safety)
- [www.worknest.com/blog/contractors-and-volunteers-are-you-overlooking-the-health-and-safety-of-non-employees](http://www.worknest.com/blog/contractors-and-volunteers-are-you-overlooking-the-health-and-safety-of-non-employees)

## Health and safety policies

All organisations with five or more employees must have a written health and safety policy which they must share with staff. NALC recommends that all councils should have a written health and safety policy, irrespective of size.

Useful links:

- [www.hse.gov.uk/simple-health-safety/policy/index.htm](http://www.hse.gov.uk/simple-health-safety/policy/index.htm)
- [www.worknest.com/consultations/health-and-safety](http://www.worknest.com/consultations/health-and-safety)

- [www.worknest.com/blog/health-safety-policy-include-2](http://www.worknest.com/blog/health-safety-policy-include-2)

Drafting policies may often require specialist input. NALC does not draft policies for individual councils. They may need to instruct their own advisers. WorkNest ([www.worknest.com/about-us/about-hrsp](http://www.worknest.com/about-us/about-hrsp)) provides policy templates on the NALC website, including a health and safety policy. They provide support to organisations, including local councils. There are other organisations that can provide support to councils. For example, ACAS is a good source of advice for employers in the public sector ([www.acas.org.uk/index.aspx?articleid=1461](http://www.acas.org.uk/index.aspx?articleid=1461)).

### **Risk assessments**

Councils must protect their employees and others from harm. They must:

- Identify hazards
- Assess risk
- Eliminate hazards or if this is not possible
- Control the risk

Useful link:

- [www.hse.gov.uk/simple-health-safety/risk](http://www.hse.gov.uk/simple-health-safety/risk)

### **Safety equipment**

Safety equipment, known as personal protective equipment (PPE), can reduce the risk of injury caused by:

- Inhalation (e.g. masks)
- Falling materials (e.g. helmets)
- Excessive noise (e.g. earplugs)
- Extremes of temperature (e.g. gloves and other outerwear)

Useful link:

- [www.hse.gov.uk/ppe/index.htm](http://www.hse.gov.uk/ppe/index.htm)

### **Instruction, training and management**

Everybody needs to know how to work safely. It requires identifying for example, the particular training needs of new recruits (including councillors), young employees and people changing jobs or duties.

Useful link:

- [www.hse.gov.uk/simple-health-safety/training/index.htm](http://www.hse.gov.uk/simple-health-safety/training/index.htm)

### **Staff welfare**

Staff are generally entitled to welfare facilities at work (e.g. washing, toilet, rest, changing, and eating and drinking facilities).

Useful link:

- [www.hse.gov.uk/pubns/indg293.PDF](http://www.hse.gov.uk/pubns/indg293.PDF)

### **Displaying posters**

Health and safety posters must be displayed where they can be seen easily.

Useful link:

- [www.hse.gov.uk/simple-health-safety/display.htm](http://www.hse.gov.uk/simple-health-safety/display.htm)

### **Health and safety enforcement**

HSE or local authority Inspectors enforce health and safety law.

Useful link:

- [www.hse.gov.uk/lau/enforcement.htm](http://www.hse.gov.uk/lau/enforcement.htm)

### **Insurance**

Local councils are required by law to insure against liability for injury or disease to employees arising out of their employment. It is also essential that councils have public liability insurance that is adequate and up-to-date.

Useful links:

- [www.hse.gov.uk/pubns/hse40.htm](http://www.hse.gov.uk/pubns/hse40.htm)
- <https://www.clearcouncils.co.uk/wp-content/uploads/2021/07/Insurance-and-Accounting-for-Councils.pdf>