



Health and Safety: An Introduction to the Legal Background

Guidance

Health and safety: an introduction to the legal background

Whilst the aims of youth programmes will vary, safety should always be a core consideration. The **benefits** gained from well planned activity will normally be clear to see and will outweigh health and safety risks. The reasons for making programmes safe are obvious but there are also financial and legal reasons for doing so and it is important that organisations are aware of some of the basic legislative framework that applies to them.

Organisations delivering youth work programmes are normally 'employers' and they must therefore comply with legislation including health and safety laws. It is an employer's responsibility to establish which laws apply and this section will provide an introduction to some of the key ones that should be considered by youth work organisations.

Duty of care

A core legal principle that comes naturally to most workers involved in youth work is that they have a **legal duty of care** to safeguard the safety and wellbeing of the young people and colleagues. This can also apply to members of the public or others that are directly affected by the programme, such as a community event. This legal duty of care requires workers and their employers to do what is reasonable to safeguard others. One aspect of this is that organisations must make a balanced decision between the following two factors to keep programmes safe:

- risk of harm or damage to property
- the costs of mitigating against these in terms of time, effort and money

This is what is meant by **reasonably practicable**.

Health and Safety Executive

The Health and Safety Executive (HSE) is the UK Government agency responsible for encouragement, regulation and enforcement of workplace safety, health and welfare. It's website provides a significant resource upon which to draw and the '[health and safety made simple](#)' tool lists some key responsibilities that apply to youth work organisations, many of which are included throughout The Hub resource.

- Appoint a competent person - an individual who will help your organisation manage health and safety
- Prepare a health and safety policy
- Risk assessment - identify hazards, assess and control risks
- Consult staff - involve staff and inform them about health and safety
- Provide information and training - tell staff what their health and safety duties are
- Provide the right workplace welfare facilities
- Provide appropriate first aid arrangements
- Display the health and safety law poster
- Get the right insurance for your organisation
- Act within the law - The Health and Safety at Work Act and associated regulations
- Report accidents and illness - certain injuries, near-misses and work-related illnesses must also be reported to HSE

The legal framework

There are numerous laws that govern health and safety and some of the key ones that may apply to youth work organisations' programme delivery are listed below.

- Health and Safety at Work etc Act 1974
 - this is the overarching health and safety law and it places a general duty upon all employers to keep people safe
 - It applies to employers, workers and also other individuals who are not actually working such as young people taking part in youth programmes or members of the public who could be affected
 - it requires safe working environments that are properly maintained and where activity is conducted safely
 - it requires employers to provide information, training, instruction and supervision of employees so they understand the procedures that help keep them safe
 - It also requires organisations to have a health and safety policy
- Management of Health and Safety at Work Regulations 1999
 - This requires that risk is assessed and that appropriate mitigation measures are implemented to manage potential risks to health, safety and welfare
- Workplace (Health, Safety and Welfare) Regulations 1992
 - this requires employers to ensure that settings are suitable for the activity (as well as safe), including considerations for welfare facilities and a suitable environment
- Regulatory Reform (Fire Safety) Order 2005
 - This requires that settings meet fire safety standards, that a fire risk assessment be conducted and that staff are provided suitable fire safety training
- Activity Centres (Young Person's Safety) Act (1995) / Adventure Activities Licensing Regulations (2004)
 - This regulates providers of certain adventurous activities for children
- Health and Safety (First Aid) Regulations (1981)
- Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations (2013)
- Equality Act (2010)
- Children's Act (1989)
- Children Act (2004)
- Vulnerable Groups Act (2006)
- Children and Families Act (2014)
- Children and Social Work Act (2017)

There are numerous other specific regulations that may apply to specific hazards or youth work activity and organisations are responsible for ensuring compliance with these where applicable. There may also be statutory guidance produced by the Government, aimed at schools or other types of employers that transfer to youth work and organisations must ensure that they are aware of these and remain up to date with the current laws. Finally, there may be widely accepted guidance or standards that are commonly used by other youth work organisations and although not a legal requirement, they could be referred to externally in the event of an incident.

More information can be found on the Health and Safety Executive (HSE) website <https://www.hse.gov.uk/legislation/>

Youth work organisations are reminded that other occupational health and safety legislation may also apply to the work activity involved outside of direct programme delivery.