

# Procedure for providing health and safety information to safety representatives and others

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 Owner: **Assistant Director, Health, Safety and Wellbeing**  
 Responsible work team: **Health,Safety and Wellbeing**

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# 1 Scope

- 1.1 This policy applies to all requests for information received from safety representatives within the London Fire Brigade.

# 2 References

- 2.1 The Health and Safety at Work etc Act 1974, Sections 2(3), and 53.
- 2.2 The Management of Health and Safety at Work Regulations 1999, regulation 7 and, The Management of Health and Safety at Work Regulations 1999 Approved Code of Practice and Guidance L21.
- 2.3 The Safety Representatives and Safety Committees Regulations 1977 and, the Safety Representatives and Safety Committees Regulations 1977 Approved Code of Practice and Guidance 3<sup>rd</sup> edition 1996 L87.
- 2.4 The Health and Safety (Consultation with employees) Regulations 1996 and, the Health and Safety (Consultation with employees) Regulations 1996 Approved Code and Guidance 3<sup>rd</sup> edition 1996 L95.
- 2.5 [Policy number 369](#) - Reporting of injuries, diseases and dangerous occurrences regulations 2013.
- 2.6 [Policy number 351](#) - Data protection and privacy policy.
- 2.7 [Policy number 368](#) - Health, safety and environment event investigation policy.
- 2.8 [Policy number 427](#) - Development and maintenance of operational professionalism.
- 2.9 [Policy number 535](#) - Procedure for the appointment of safety representatives, their functions, facilities and training.

# 3 Definitions

**Safety representative (SR)** : For the purposes of this policy a safety representative will refer to a safety representative appointed by a recognised trade union to undertake tasks specified within the provisions of the safety representatives and Safety Committees Regulations 1977 or a representative of employee safety appointed by management to undertake tasks specified within the Health and Safety (consultation with Employees) Regulations 1996.

# 4 Procedure

## 4.1 Legislation

This policy takes account of all legislation mentioned in section 2 above.

## 4.2 Responsibility

- (a) Employers have an obligation to make available to employees such information as to ensure their health and safety at work. Further, employers are required to make information (within their knowledge) available to a safety representative (SR) in order that the SR may fulfil their functions. This may result in an SR being given information and knowledge over and above that which is provided to employees generally.
- (b) A SR is bound by the requirements of data protection law and is required to maintain the security of any information that is of a personal nature that comes into their possession (reference 2.6).

- (c) A SR, after giving the employer reasonable notice (which for LFB purposes is deemed to be seven working days), is entitled to inspect and take copies of any document relevant to the workplace or to the employees that the SR represents, which the employer is required to keep by virtue of any relevant statutory provision within the meaning of section 53 (1) of the Health and Safety at Work etc Act 1974, except a document consisting of or relating to any health record of an identifiable individual, necessary to enable them to fulfil their functions (Reference 2.1).
- (d) Information that may not be released to a SR includes:
- Any information the disclosure of which would be against the interests of national security.
  - Any information which he could not disclose without contravening a prohibition imposed by or under an enactment.
  - Any information relating specifically to an individual, unless the individual has consented to its being disclosed.
  - Any information the disclosure of which would, for reasons other than its effect on health, safety or welfare at work, cause substantial injury to the employer's undertaking or, where the information was supplied to him by some other person, to the undertaking of that other person.
  - Any information obtained by the employer for the purpose of bringing, prosecuting or defending any legal proceedings.
  - Any document or part of a document which is not related to health, safety or welfare.
- (e) Where doubt exists about what may or may not be disclosed, advice must be sought from Health, Safety and Wellbeing (which will seek further advice from Legal services as necessary) at Brigade Headquarters.

#### 4.3 Documents to which a SR can have access

The following are examples of documents to which a SR may have access:

- Information about the plans and performance of the business and any changes proposed insofar as they affect the health and safety at work of their employees.
- Information of a technical nature about hazards to health and safety and precautions deemed necessary to eliminate or minimise them, in respect of machinery, plant, equipment, processes, systems of work and substances in use at work, including any relevant information provided by consultants or designers or by the manufacturer, importer or supplier of any article or substance used, or proposed to be used, at work by their employees, (e.g. significant findings of risk assessments and operational notes).
- Information which the employer keeps relating to the occurrence of any reportable occurrence under the Reporting of injuries, diseases and dangerous occurrences regulations 2013 (reference 2.5).
- Any other information specifically related to matters affecting the health and safety at work of employees, including the results or any measurements taken by the employer or persons acting on their behalf in the course of checking the effectiveness of health and safety arrangements.
- Information on articles or substances which are issued to employees working from home.

#### 4.4 Disclosure of information

A positive approach on the release of information to SRs will be adopted. As far as possible, information will be provided at a local level within the following criteria:

- Requests from workplace SRs should be made to the senior manager/person in control of premises.

- All requests by SRs for information must be in writing and state precisely what is required.
- The information requested must relate to matters concerning that SR's sphere of responsibility, unless alternative arrangements have been agreed with management.
- Information relating to a safety event will be released in accordance with this procedure with certain exceptions. These are:
  - Under no circumstances will personal details of an individual, other than name, rank/grade and base location be released to a SR without the prior written consent of the person concerned.
  - Under no circumstances will statements or memoranda made by individuals as part of a safety event investigation be passed to a SR without the prior written consent of the person making them.

#### 4.5 **Disclosure of information to persons other than SR**

- (a) Health and Safety executive inspectors are entitled to sight of, and to take copies of, any document relating to health and safety matters which an employer (or his representative) has in their possession.
- (b) A SR will not, under any circumstances, disclose any information to a third party. A third party includes solicitors acting on behalf of an injured person pursuant in a claim for compensation.
- (c) Full time officials of the representative body appointing the SR may have information disclosed to them directly by the SR, in accordance with the foregoing guidance, but they are bound by the restriction on disclosure of information to a third party.

#### 4.6 **Refusal to disclose information**

Advice from Health, Safety and Wellbeing must be sought before refusing to disclose information to a SR. Refusal to disclose information will be confirmed, with reasons for the refusal, in writing, within seven working days.

## Document history

### Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	20/02/26	SDIA	L - 26/05/26	HSWIA	07/03/18	RA	NA
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### Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Throughout	LFEPa changed to LFB throughout.	11/02/2021
Page 2, para 4.2(b)	'Data Protection Act 1988' changed to data protection law.	07/12/2021
Throughout	RIDDOR 1995 replaced by RIDDOR 2013 (para 2.5, 4.3) and HSS replaced by Health, Safety and Wellbeing throughout.	28/05/2026

### Subject list

You can find this policy under the following subjects.

Health and safety at work	Safety Representatives

### Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification