

UCU Regional Advice (B)

How to deal with a Serious and Imminent Danger (SID) situation under the Management of Health & Safety at Work Regulations 1999

This guidance seeks to provide members with advice on how to deal with a Serious and Imminent Danger situation if no suitable or sufficient Serious and Imminent Danger procedure exists on site. If an adequate workplace procedure exists on site we advise that this is complied with.

What does a Serious and Imminent Danger situation look like?

As symptoms of COVID 19 can range from mild, moderate, severe and fatal, under the **Health Protection (Coronavirus) Regulations 2020**, coronavirus is declared in statute as posing a serious threat to public health. We can anticipate therefore a number of circumstances where workers could believe they are at imminent risk of serious danger in the workplace. Whether your situation is classified as Serious and Imminent Danger under the law will be considered on individual circumstances. We therefore urge all members to seek advice from their local UCU branch on this subject prior to engaging in on-site activities.

Why is a Serious and Imminent Danger reporting system important?

In all work environments employees will need a mechanism by which they can alert the employer to a safety problem or failure in safety precautions. Many safety failings are not of this nature but some may be appropriately classed as causing *Serious AND Imminent Danger*.

The legal requirement for a Serious and Imminent Danger procedure is a recognition that some hazards may not be controlled adequately and/or some controls may fail. It's a procedure that seeks to act as a legal safety mechanism in case something goes wrong.

Does my employer have a duty to establish a Serious and Imminent Danger procedure?

Yes, the statutory requirement exists under *The Management of Health & Safety at Work Regulations 1999 – Regulation 8: Establish procedures to be followed in any emergency and in serious and imminent danger, and appoint competent people to implement them: and ensure they can stop work and immediately proceed to a place of safety in the event of their being exposed to serious, imminent and unavoidable danger, and do not return to work until the danger is removed.*

Has my union asked for a Serious and Imminent Danger procedure to be in place?

Yes, you are receiving this advice because UCU believes no suitable procedure exists for members to activate. Your branch has already asked your employer to adopt a procedure for members but unfortunately no agreement has been reached.

Do I have a duty to report a Serious and Imminent Danger situation?

Yes, the Regulations also place a duty on you as an employee to tell your employer if a Serious and Imminent Danger situation exists or is evolving. *The Management of Health & Safety at Work Regulations 1999 – Regulation 14: requires that workers must work in a safe manner, and tell the employer if there is a serious and imminent danger, or where they believe there is a shortcoming in the employer's protective arrangements.*

When should I raise my concerns with my employer related to on site campus activities?

For you to better understand whether a Serious and Imminent Danger situation exists its helpful to be familiar with all the Risk Assessment controls that cover your activities on site. You may also be aware of any branch communications. It would be helpful if you raise any concerns or discussion points about this issue with your line manager as soon as possible with the aim of gaining an agreed approach on how you respond if these situations arise. If no agreement can be reached locally we would advise members where appropriate and as a precautionary approach to follow the staged approach described below. This will allow your employer time to conduct a competent investigation of the situation and determine what if any safety measures have failed.

What are the stages in dealing with a Serious and Imminent Danger situation?

UCU has sought to devise a staged approach to allow you and your employer time to consider how best to manage any potential Serious and Imminent Danger situations that arise on site.

Stage 1

Decide if you think the situation is of a serious and imminent danger nature. If you're not sure contact your line manager and local UCU branch for advice.

Stage 2

If you believe it is a serious and imminent danger situation step away from the work activity immediately be that *withdrawal from* or *no engagement with* the work activity. Go into another area of the workplace to enter a place of safety.

Stage 3

Contact your line manager as soon as possible. Explain what has happened and why you believe a serious and imminent danger situation is taking place.

Your discussions with the line manager will include considerations of any interim actions such as remaining separate from the activity and/or providing the appropriate safety advice to third parties. We recommend that such discussions involve management personnel who are classified as 'competent persons' under the *Management of Health & Safety at Work Regulations 1999*. You should also seek assistance from your local UCU branch.

Stage 4

If you are in close vicinity of other people, colleagues or students think about how you will take the necessary steps to communicate any relevant actions. Especially if you believe they are also at risk.

Stage 5

You should always record the incident with your employer in writing. Make notes of the incident as soon as possible. You may wish to use the *UCU Member's Safety Concern & Incident Report Form*.

An investigation should take place to help the employer consider whether the Risk Assessments need to be reviewed and/or the situation is RIDDOR reportable. You should be kept informed and consulted on the outcome of any investigations. The employer should only ask you to return to the activity or resume the activity once the work activity is safe.

PLEASE CONTACT your local UCU branch prior to activating any of the Stages above.