



**Somerset
Council**

HS06 Safety Action Notice Policy.

Organisation	Somerset Council
Title	Safety Action Notice Policy
Author	Daniel Thomas
Owner	The Corporate Health & Safety Unit
Protective Marking	Official – Unclassified
Primary legislation	<i>Health and Safety at Work etc Act 1974</i>

Policy on a page

Somerset Council (The Council) believes in a firm but fair approach to the enforcement of our policies and safe systems of work to enable The Council to discharge its duties under Health and Safety (H&S) law. This enforcement applies to The Council's employees and also extends to all other parties who are undertaking work for or on behalf of The Council.

This policy sets out the approach The Council will administer, when taking action for identified or reported noncompliance, hazards, or serious risks to H&S. This action will be in the form of a Safety Action Notice (SAN) which is modelled on *Health and Safety at Work etc. Act 1974* regulatory enforcement procedures as used by the Health and Safety Executive (HSE). There are two levels of SAN's, these being an Improvement SAN and Prohibition SAN.

When issuing a SAN, The Council will adopt the principals of proportionality, as such, enforcement action will be proportionate to the H&S risks and to the seriousness of any breach of the law. This includes any actual or potential harm arising from any breach, and the economic impact of the action taken.

Any reference in this policy to Prohibition and Improvement Notices relates exclusively to the council's internal procedures for managing serious H&S risks which require the intervention of the Corporate Health and Safety Unit. The HSE and other authorities responsible for the enforcement of statutory provisions may also issue Prohibition and Improvement Notices under sections 21,22 and 23 of the Health and Safety at Work etc. Act 1974.

This document will be available to: **All Elected Members, Somerset Council Staff, 3rd Party Contractors, Secondees and Volunteers.**

Key Messages

- There are two types of SAN: a **Prohibition** Notice (**Appendix 1**) and an **Improvement** Notice (**Appendix 2**). Either or both may be issued, where appropriate by the CHSU Manager, or an Officer delegated by the CHSU Manager.
- A Prohibition SAN will be issued when a risk of serious injury or ill health has been identified or reported, associated with a particular work activity or process. Prohibition notices will be issued to cease an activity where there is a serious risk of harm from an immediate or imminent exposure to a hazard.
- An Improvement SAN will be issued where it is believed that there has been a systematic failure to introduce adequate risk controls.
- An individual or Company can appeal the issuing of a SAN.

This “policy on a page” is a summary of the detailed policy document please ensure you read, understand, and comply with the full policy

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Responsibilities

Somerset Council	Directors and Delegated Senior Managers
Managers	Corporate Health and Safety Unit (CHSU)
Human Resources	Contract Owners

Somerset Council:

- Somerset Council so far as is reasonably practicable, will ensure the highest standard of H&S is achieved and maintained when undertaking all aspects of our business operations and that a firm but fair approach to the enforcement of our policies and safe systems are endorsed by those who represent The Council.

Directors and Delegated Senior Managers will:

- Appoint both financial and physical resources to ensure the successful implementation of The Council's H&S policies.
- Be held responsible and accountable for ensuring that activities within their area of control are undertaken so far as is reasonably practicable in a safe manner without exposing any persons to the risk of harm.
- Be responsible for hearing appeals against a SAN and ensure a fair and just decision is made accordingly.
- Ensure that all aspects of this Policy are complied with and implemented.
- Ensure that all persons under their direction or management comply with the provisions laid out in this Policy.
- Ensure the Executive Leadership Team are informed when a SAN has been issued.

Managers will:

- When required, assist the CHSU with the administration and issuing of SANs in their area of control.
- Attempt to resolve the safety issue with the relevant CHSU Officer.
- Ensure that the relevant Director is informed that a SAN has been issued.
- Ensure that any remedial action timeframes are met.

- When required monitor the progress of improvements and ensure additional controls are adequate.
- Provide accurate and timely updates to the relevant Director as to the progress of remedial actions communication.
- Ensure that all aspects of the relevant notices are complied with in accordance with this Policy.
- Undertake site/work area inspections and audits in their area of control as and when required.

Corporate Health and Safety Officers (CHSO) will:

- When notified of a safety issue, attempt to resolve the safety issue with the relevant responsible person who has control of the work activity.
- Apply the principals of proportionality when issuing a SAN.
- Give a direction to cease an unsafe activity, where a serious safety issue has been reported, and the severity is such that there is reasonable belief serious injury or ill health may occur.
- Notify the relevant Director, that a SAN has been issued.
- Notify the Chair of the Health Safety and Wellbeing Steering Group (HSWSG), that a SAN has been issued.
- Ensure that the SAN remains in place until effective controls have been implemented or the SAN has been successfully appealed.
- Ensure the recipient of the SAN is aware of this policy.
- Approve controls that are to be implemented to eliminate or reduce the risk of serious injury or ill health and monitor the effectiveness of control measures.
- In agreement with key stakeholders, remove a SAN once approved remedial action has been completed.
- Report any instances of failure to satisfy a SAN to the Corporate Leadership Team.
- Provide any request of information pertaining to a SAN to a legitimate approved interested party.
- Include a summary of SANs issued in reports to the HSWSG.

Human Resources will:

- Facilitate support with consideration to personal impacts that a SAN may have on an individual from the issuing of a SAN.
- Facilitate disciplinary proceedings that arise from the issuing of a SAN, that may have resulted in exposing a person/s to the risk of harm.

Contract Owners will:

- Ensure that contractors under their control to undertake work for The Council do so in a safe manner, complying with relevant Council Policies, procedures, and processes. Any unsafe practices are to be reported to the relevant CHSO for address.

- Give direction to the contractor to cease a work activity, when a serious safety issue is identified or reported which may give rise to a risk of serious injury or ill health.
- Ensure any SAN issued to a contractor is recorded and placed on the contractor's file.
- Where more than one SAN is issued to a contractor on a single project, the work is to cease until the contractor has reviewed their safe work practices and implemented the necessary controls to eliminate or mitigate identified risk to a level as low as is reasonably practicable.

Management of Consequences – Disciplinary Process

- In the event of issuing Prohibition or Improvement Notices, to either an individual team or third party, The Council may investigate the matter further and dependent of the outcome possible disciplinary processes may be initiated in line with The Councils established [disciplinary procedures](#) as administered by the Human Resources (HR) Department.
- The stage at which the matter is escalated to HR to initiate disciplinary proceedings will be dependent on the severity of the situation and each case will be assessed on its own merit.
- Prior to any referral to HR to initiate a disciplinary process, the following will be conducted; An investigation of the event, involving the CHSO, the direct reporting manager and the most appropriate Director,
Completion of a report defining the reasons for escalating to disciplinary, including details of the compliancy non-conformance.

Appeal Procedure

- Directors may appeal to have a Notice overturned.
- All appeals will be heard by the Workforce Service Director, except for those involving Notices served within the Workforce business area which will be heard by another nominated Director.
- A Prohibition Notice shall remain in effect while an appeal is considered.
- An Improvement notice shall be suspended while the appeal is considered.
- The Workforce Service Director shall consult with the CHSU Manager as part of the appeal process and before deciding on any appeal.
- The CHSU Manager may amend the conditions of any SAN to take account of the result of an appeal.

Monitoring

- The issuing of SANs will be measured and monitored to ensure practices are in accordance with this Policy.
- Following the issuing of a SAN, monitoring of The Council and contractor's safety performance will be assessed through regular site inspections undertaken by the relevant responsible manager in control of the work area/site.

- Monitoring will involve undertaking audits of contractors Risk Assessments and Method Statements (RAMS) and safe systems of work, to ensure remedial actions applicable to the SAN have been implemented.
- Inspections and audits are to be undertaken by a CHSO or another deemed competent person when nominated as a responsible person.
- Copies of issued SANs shall be retained in line with The Council's General Retention Schedule and shall be accessible to interested parties in a known location on SharePoint

Governance Arrangements

Policy Compliance

If any employee is found to have breached this policy, they may be subject to Somerset Council's disciplinary procedure.

Policy Governance

The following table identifies who within Somerset Council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and publishing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation.
- **Informed** – the person(s) or groups to be informed after policy implementation.

Responsible	Corporate Health & Safety Unit
Accountable	Chief Executive
Consulted	LGR JNF Union Group, LGR H&S Sub-Workstream, Health, Safety and Wellbeing Steering Group (HSWSG)
Informed	All members, employees, contractors (on request), volunteers & 3rd parties (on request)

Review and Revision

This policy will be reviewed as it is deemed appropriate, for instance when there is a change in statutory requirements and/or HSE guidance is revised, but no less frequently than every 36 months. Policy review will be undertaken by rolling programme established by the CHSU and agreed by the Health, Safety, and Wellbeing Steering Group.

Version History

Revision Date	Author	Version	Description of Revision
	Daniel Thomas	V1.0	New policy - draft

Document Notification

Approval	Name	Date
Corporate H&S Advisor		
Service Director of Workforce and chair of HSWSG		
HR Committee		

Appendixes.

- Appendix 1. Prohibition SAN
- Appendix 2. Improvement SAN
- Appendix 3. SAN Flow Chart
- Appendix 4. Improvement and Prohibition Notices Explained

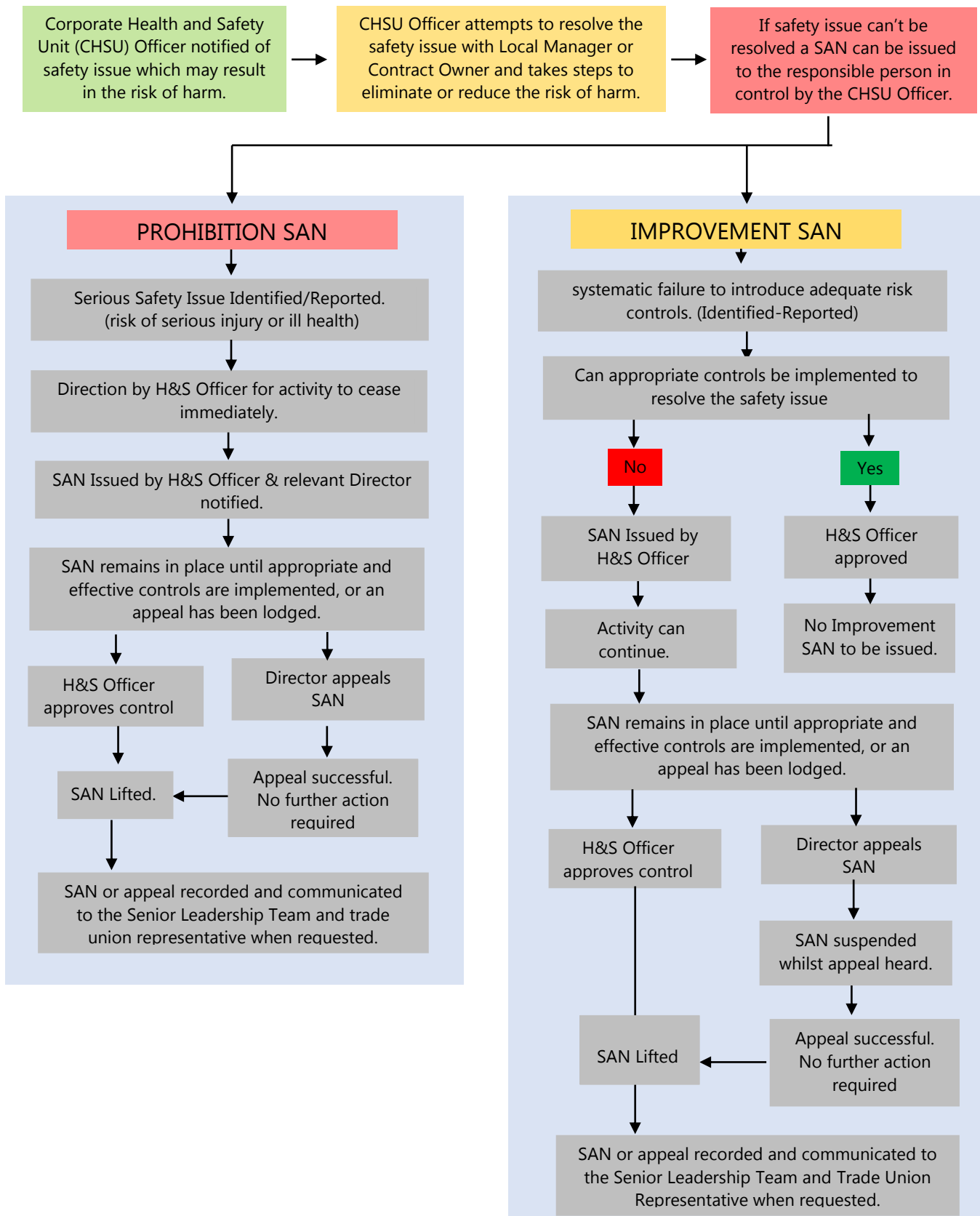
Appendix 1. Prohibition SAN

Prohibition Notice Reference	
Issued to (team and/or individual)	
Notice Activation Date	
Person in receipt of notice	
Reason for issue	<p>ALL WORK ACTIVITIES MUST CEASE IMMEDIATELY <i>As a result of the significant safety risks to personal safety involving the activity below: -</i></p>
	<p><i>Resulting in the following risks: -</i></p>
SPECIFIC ACTION REQUIRED	
<p>These specific remedial measures must be undertaken within the given timescale to achieve compliance with legal standards or internal policy, for the SAN to be lifted.</p>	
Remedial Action	Timescale
	Immediate
	Immediate
	Immediate
Condition of Notice	Until the actions detailed above are met ALL WORK ACTIVITIES MUST CEASE IMMEDIATELY
Issued By (and position)	
Date Director/Assistant Director Notified	

Appendix 2. Improvement SAN

Improvement Notice Reference	
Issued to (team and/or individual)	
Notice Activation Date	
Person in receipt of notice	
Reason for issue	<i>As a result of the failure to introduce/adhere to, adequate risk controls in relation to the following activity: -</i>
	<i>Resulting in the following risks: -</i>
<u>SPECIFIC ACTION REQUIRED</u>	
These specific remedial measures must be undertaken within the given timescale to achieve compliance with legal standards or internal policy	
Remedial Action	Timescale
Condition of Notice	Until the actions detailed above are met this Improvement Notice will be raised as a risk on the Service H & S Risk Register
Issued By (and position)	
Date Director/Assistant Director Notified	

Appendix 3. SAN Flow Chart



Appendix 4: Improvement and Prohibition Notices Explained

What is an Improvement Notice?

- An improvement notice means there needs to be an improvement.
- The notice will identify what safety improvements need to be addressed to rectify the unsafe condition.
- The improvement notice applies as soon as it is issued but it doesn't require immediate action (although you should take action as soon as you reasonably can). The improvement notice won't just tell you what needs to be improved, but also when it needs to be improved by. A deadline. A time limit by which you need to fix the issue. So, instead of stopping work right away, you get time to make things right.
- You shouldn't wait until the deadline to fix any problems. If any issues arise or an accident happens, and you haven't attempted to make the relevant safety improvements, there could be further consequences. So, it's best to get the matter resolved as quickly as you can.
- But, putting in place safety measures can take time. If you have been issued with an improvement notice, you have time on your side to make the necessary changes.
- If you feel an improvement notice is wrong, it can be appealed. During the appeal of an improvement notice, the notice is suspended while the appeal takes place.

What is a Prohibition Notice?

- A prohibition notice will be issued for more serious health and safety problems. This notice has more of an immediate impact because it stops work. As soon a prohibition notice is issued, the activity must stop.
- A prohibition notice would be issued where there is a serious risk of personal injury to one or more people. For example, if moving parts of machinery are not guarded, or work at height is being carried out without any edge protection.
- This type of notice is usually issued in person, to the person carrying out the activity, even if they are not legally responsible for the safety measures. This is to make sure they stop work, and the dangerous activity, right away.
- A copy of the notice will then be issued to the company/employer, who has legal responsibilities to ensure the work is carried out safely.
- Unlike the improvement notice, the prohibition notice doesn't need a deadline. Work just simply cannot happen until the matters are resolved.
- Sometimes, where work is happening, the prohibition notice may be delayed allowing the section of work to finish, if stopping immediately would introduce additional risks, or for example, if workers need to get to a place of safety.
- The work doesn't necessarily need to have taken place for a prohibition notice to be issued. Where there is an anticipation that something dangerous is about to happen, this notice can be issued to stop that work from happening.
- Just like with an improvement notice, you have the right to appeal against a prohibition notice, if you feel it is wrong. However, the prohibition notice remains in place during the appeal process.