



'COMPETENCE' IN HEALTH & SAFETY

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This procedure covers:

- appointment of competent persons to provide health and safety assistance (normally termed 'safety advisors')
- terms of reference for such advisors
- specific requirements for expertise or qualification under legislation
- training requirements for management, advisors and all NERC staff

INTRODUCTION

The concept of "competence" is inherent in all safety legislation and regulations, though few specifically refer to the need for "competent persons". There is no definition of competence in most regulations. The onus is on employers to define the required level of competence against the health and safety risks involved in the activities undertaken within their organisation.

The aim of this Procedure is to make such definitions, in practical terms, for activities conducted within the Natural Environment Research Council by its staff or by casual employees, visitors, contractors or students on its premises.

In most circumstances, competent persons are appointed to provide advice and assistance relevant to specific areas of risk or responsibility. Competence will be defined as:

- knowledge (eg training, qualifications), skill and experience required against ...
- terms of reference defining areas of responsibility which require competence
- the use of teams to develop and demonstrate competence

Competence is also discussed in relation to health and safety management.

It is important that all persons appointed should know and operate within the limits of their own competence.

CONTENTS:

- Operational Procedure
- Roles and Responsibilities

Appendices:

- Appendix I: Regulations having specific reference to, or definition of, competence
- Appendix II: Training
- Appendix III: Appointment of safety advisors, their roles and responsibilities
- Appendix IV: What is competence?

OPERATIONAL PROCEDURE

Management involvement It is the responsibility of senior managers to ensure that they have completed the IOSH-accredited training course on directing safely required by this NERC Policy (**Appendix II**) and that managers of Divisions, Sections and Groups under their control have completed the IOSH-accredited training course on managing safely.

It is also their responsibility to appoint competent persons to advise on aspects of health and safety as required by Regulation 7 of the **Management of Health & Safety at Work Regulations 1999 – Appendix I to this Procedure**. Policy on appointment of advisors, and their specific roles, is presented in **Appendix III**.

Where work is being conducted on electrical installations, management **must** ensure that contractors or NERC staff meet the requirements for **competent persons** defined under the **Electricity at Work Regulations 1989** – see **Appendix I**.

Where pressure systems are being used, the system must be subject to a written scheme of maintenance that is drawn up by a suitable, competent person. Where the scheme requires periodic examination this must be undertaken by a competent person. The requirements for **competent persons** are defined under the **Pressure Systems Safety Regulations 2000** – see **Appendix I**.

For small scale contracts, management **must** ensure that the competence requirements of the **Construction (Design and Management) Regulations 2015** are met with regard to co-ordinators, designers and contractors. For large scale contracts, NERC Estates Management staff will make such provisions in the course of setting up the contract. See **NERC Health & Safety Procedure Number 13: Management of Contractors** for further guidance.

Where lifting equipment and lifting operations fall within the remit of the **Lifting Operations and Lifting Equipment Regulations 1998**, the “thorough examination and inspection” of equipment requires the employment of competent person(s) – see **Appendix I**.

Under the **Ionising Radiation Regulations 2017** NERC, or local management, may appoint a **Radiation Protection Advisor (RPA)**. In addition, where work with ionising radiation is undertaken, local management may need to appoint a **Radiation Protection Supervisor (RPS)** to secure compliance with the regulations. An RPS must be suitable and competent for this role and complete an appropriate training course. NERC Procedure No 35 ‘Working with ionising radiation’ covers work with radioactive materials.

NERC Procedure No 4: Biological Laboratory Safety Policy covers the appointment of competent persons as **Biological Safety Officers** to cover the use of genetically modified organisms.

Specific requirements on competency on board ship are part of marine legislation but are not covered in this Procedure. The [Maritime and Coastal Agency](#) website provides advice on competencies at sea.

A range of other work requires staff to be specifically trained and to hold certificates of competence; examples include: chainsaws, spraying of pesticides, towing of trailers, use of agricultural machinery, use of woodworking machinery, driving of forklift trucks, mast work etc. Management must ensure that such certificates are held and kept up to date and records maintained. Young persons and other inexperienced persons such as students pose particular issues with regard to establishing and proving competence. In other areas of work, management should ensure that those staff who have responsibility for providing safety advice, undertaking risk assessment and the producing of safe systems of work etc. have the knowledge, skill and experience required for the task. Whilst there is no specific legislation or regulation covering these other areas, the discussion of ‘**what is competence?**’ (see **Appendix IV**) should be applied to such tasks.

Authorisation. Appointments to positions of competence **must be in writing** and must be accompanied by appropriate **defined roles and responsibilities** (**Appendix III**). Appropriate training (**Appendix II**) must be arranged and completed satisfactorily.

Performance. Performance assessment and the identification of further training requirements should be conducted for staff appointed as **competent persons** on an annual basis along with appraisal of other aspects of their work.

ROLES AND RESPONSIBILITIES

Staff Safety Representatives

Management must make provision for staff involvement in safety management. There is a legal requirement under the **Safety Representatives and Safety Committees Regulations 1977** as amended by the **Management of Health & Safety at Work Regulations 1999** and the **Health & Safety (Consultation with Employees) Regulations 1996** to set up Safety Committees.

NERC expects Safety Representatives to take advantage of training opportunities provided by their Trade Unions, the TUC and the Research Council. A document giving guidance on the role and rights of Trade Union Representatives is located on the health and safety pages of the NERC website.

It is a sign of a healthy and safe organisation that staff (particularly junior staff and students) feel secure in questioning safety systems and decisions. Trades Unions in NERC have agreed to represent all staff (members and non-members) on safety issues.

Safety Committees will operate throughout NERC at all levels as agreed by local and central management and staff representatives.

Safety Teams and their operation

The average science project might require knowledge of as many regulations as the average small to medium size enterprise. The only way to deal with such complexity is through management systems and team work.

A team will often involve:

- **Line management**
- **Local administration**
- **Local and Research Centre Advisor(s)**
- **Local technical and scientific know how**
- **Technical expertise, if necessary obtained from outside NERC**
- **Training (that may be provided by internal or external trainers)**

Teams require:

- **Clear definition of areas of responsibility**
- **Leadership**
- **The necessary technical expertise**
- **Common purpose**
- **Ownership of the safety systems**
- **The correct safety culture**

In order to operate effectively.

It is a fundamental requirement that both management and staff need to be involved and work together in the development of agreed Safe Systems of Work.

APPENDIX I: REGULATIONS having specific reference to, or definition of, competence

- **Management of Health & Safety at Work Regulations 1999**
- **Electricity at Work Regulations 1989**
- **Pressure Systems Safety Regulations 2000**
- **Lifting Operations and Lifting Equipment Regulations 1998**

Management of Health & Safety at Work Regulations (1999) ACoP (with extracts from the relevant numbered paragraphs from ACoP quoted)

46. Employers are solely responsible for ensuring that those they appoint to assist them with health and safety measures are competent to carry out the tasks they are assigned and given adequate information and support. In making decisions on who to appoint, employers themselves need to know and understand the work involved, the principles of risk assessment and prevention, and current legislation and health and safety standards. Employers should ensure that anyone they appoint is capable of applying the above to whatever task they are assigned.

47. Employers must have access to competent help in applying the provisions of health and safety law, including these regulations. In particular, they need competent help in devising and applying protective measures, unless they are competent to undertake the measures without assistance. Appointment of competent people for this purpose should be included among the health and safety arrangements recorded under **regulation 5(2)**. Employers are required by the **Safety Representatives and Safety Committee Regulations 1977** to consult safety representatives in good time on arrangements for the appointment of competent persons.

48. In some circumstances, a combination of internal and external competence might be appropriate, recognising the limitations of internal competence.

50. The appointment of such health and safety assistants or advisors does not absolve the employer from responsibilities for Health and Safety under the **Health and Safety at Work Act 1974** and other relevant statutory provisions It can only give added assurance that these responsibilities will be discharged adequately. Where external services are employed, they will usually be appointed in an advisory capacity only.

52. More complicated situations will require the competent assistant to have a higher level of knowledge and experience. More complex or highly technical situations will call for specific applied knowledge and skills which can be offered by appropriately qualified specialists. Employers are advised to check the appropriate health and safety qualifications (some of which may be competence based ...), or membership of a professional body or similar organisation....

Electricity at Work Regulations 1989

No person shall be engaged in any work activity where technical knowledge or experience is necessary to prevent **danger** or, where appropriate, **injury**, unless he possesses such knowledge or experience, or is under such degree of supervision as may be appropriate having regard to the nature of the work.

Pressure Systems Safety Regulations 2000

The term “competent person” is used in connection with two distinct functions:

1. drawing up or certifying written schemes of examination and
2. carrying out examinations under the scheme

In general terms, the competent person should have:

- practical and theoretical knowledge and actual experience of the relevant systems
- access to specialist services
- effective support and professional expertise within their organisation and
- proper standards of professional probity

Lifting Operations and Lifting Equipment Regulations 1998 (with extracts from relevant paragraphs of the ACoP quoted)

Thorough examination and inspection

Competent person

294. You should ensure that the person carrying out a thorough examination has such appropriate practical and theoretical knowledge and experience of the lifting equipment to be thoroughly examined as will enable them to detect defects or weaknesses and to assess their importance in relation to the safety and continued use of the lifting equipment.

295. It is essential that the competent person is sufficiently independent and impartial to allow objective decisions to be made. This does not mean that competent persons must necessarily be employed from an external company. If employers and others within their own organisations have the necessary competence then they can use it. However, if they do, they must ensure that their ‘in-house’ examiners have the genuine authority and independence to ensure that examinations are properly carried out and that the necessary recommendations arising from them are made without fear or favour.

APPENDIX II: TRAINING

Management staff must complete training in health & safety. Two training courses are delivered that have both been accredited by IOSH (the Institution of Occupational Safety and Health). These courses are shortened versions of the IOSH 'Directing Safely' (normally 1 day) and 'Managing Safely' (normally 4½ days) courses that have been specially tailored to NERC's needs and are appropriate to all managers, not just those who undertake research activities:

- **Safely Directing in a Research Environment (½ day), or similarly approved course**
- **Safety Management in a Research Environment (2.5 days)**
- **Or IOSH Leading Safely**

The first two courses are examined at the end; those passing the examination will be issued with IOSH certificates. These are recognised throughout the United Kingdom (and in many countries abroad). Those failing the examination will be required to repeat the course.

Attendance on these courses should be as follows:

- **Senior Managers at Director level and their direct reports** who have executive responsibility for health and safety **must attend and complete** the '**Safely Directing in a Research Environment**' or **IOSH Leading Safely** course.
- **All persons who are responsible for areas of work where they have safety management responsibilities must attend and complete** the '**Safety Management in a Research Environment**' course. Attendance on the SMRE course is required as soon as possible after acquiring responsibilities and in any case within two years.

Advice on the need to attend will be provided by the local safety professionals, local safety advisors and the corporate health and safety team. Where required, decisions on the prioritisation and need for attendance will be taken by the relevant senior appointed manager with responsibility for health and safety.

All other NERC staff must complete a general safety awareness training course as well as other specialist health and safety training courses as determined by their managers. All new staff must receive a local induction course in health and safety as soon as practicable after appointment. Students, visitors and, where necessary, contractors must also be instructed as appropriate in health and safety.

Qualifications and training required of safety and specialist advisors are given in Appendix III.

APPENDIX III: APPOINTMENT OF SAFETY ADVISORS, THEIR ROLES AND RESPONSIBILITIES

The role of safety advisors can be described as **the three 'A's'**: to **A**dvice on health and safety matters, to **A**ssist in the implementation of that advice (without taking personal responsibility for safety management) and to **A**udit the health and safety standards and systems in place.

Under the **Management of Health & Safety at Work Regulations 1999**, section 7 'Every employer shall appoint one or more competent persons to assist in undertaking the measures needed to comply with the requirements and prohibitions imposed by or under the relevant statutory provisions...'

Within NERC, this requirement is met at the corporate level by the appointment of the NERC Health and Safety Advisor.

At a centre level this requirement is met by the appointment of professional Safety Advisors.

At a site or facility level there may also be a need to appoint Local Safety Advisors as determined by local management.

In addition there maybe a need to appoint specialist competent persons to advise and assist management and staff on specific areas of health and safety. Examples of areas where specialist competent persons may need to be identified and appointed include:

- Occupational Health
- First Aid
- Occupational Hygiene
- Fire
- Radiation Protection
- Carriage of Dangerous Goods
- Transport
- Construction Design and Management
- Scaffolds
- Biological safety
- Chemical safety
- Explosives
- Diving
- Lasers and other non-ionising radiation
- Display Screen Equipment

Where Statute requires it, specialist competent persons **must be appointed** in writing. Examples include Radiation Protection Advisors, Biological Safety Officers, Occupational Health Physicians (for certain activities), Diving Supervisor, Dangerous Goods Safety Advisors and CDM (Planning) Co-ordinators.

Competence:

For the purpose of establishing competence Safety Advisors will fulfil the following training/qualification requirements.

Professional Health and Safety Advisors at Research Centres should:

- hold either the NEBOSH Diploma in Health and Safety, a Degree / Post Graduate Diploma in the Management of Occupational Health and Safety, a recognised Vocational Qualification (eg NVQ or SVQ) in Occupational Health and Safety to at least level 5 or equivalents recognised by the Institute of Occupational Safety and Health (IOSH) as qualification for graduate membership **and**
- either be, or be working towards becoming, chartered members of IOSH.

They will be formally qualified to carry out safety audits and hold additional formal qualifications appropriate to the type of work carried out within their own Research Centre, as required by the Director. They will undertake training/development to maintain their membership of IOSH.

Local Safety Advisors will have successfully completed the NEBOSH Certificate or Diploma Part 1 course, normally within 1 year of their appointment, or have or be working towards, a recognised Vocational Qualification (eg NVQ or SVQ) in Occupational Health and Safety to at least level 3. Additional training appropriate to the work within the NERC site at which they work will be recommended by the Research Centre or Site Director.

Specialist Advisors must receive the training appropriate to their area of expertise and competence at the time of appointment and maintain training and development thereafter.

Roles:

As defined in the NERC Safety Policy Part 2, section 9, the roles of Safety Advisors are:

- Provide competent and informed advice for management and staff
- Investigate and keep records of accidents, incidents, near misses, dangerous occurrences, occupationally related illnesses and occupational health problems
- Ensure details of reportable events as required by legal codes are submitted to the relevant regulatory authority and information provided to local management and NERC Corporate Health and Safety
- Supply management with information on health and safety performance
- Keep management informed of trends in good practice and proposed legislation
- Advise managers on the development of policy, procedures and guidance
- Help management to carry out audits and inspections
- Take part in health and safety committee meetings
- Work with managers to promote awareness of health and safety throughout their sphere of influence
- Issue a prohibition for any work areas they believe to be unsafe
- Liaise with NERC Corporate Health and Safety.

Responsibilities

The NERC Safety Advisor will be responsible for advising the NERC Executive Board member responsible for safety on all aspects of Health & Safety. Additional responsibilities will include the following:

- Provide advice at NERC corporate level to the Chief Executive and its Directors
- Provide advice and assistance to the appointed Senior Managers with responsibility for health & safety and sit on the NERC Safety Management Team (SMT) of which those managers are also members
- Liaise with, advise and assist Safety Professionals and Local Safety Advisors (LSAs) in Research Centres
- Act as chair of the Safety Management Group (SMG), on which all Safety Professionals sit, and the LSA Group, to which all LSAs are invited
- Participate in the NERC Safety Committee
- Provide safety advice to managers of facilities directly managed by Swindon Office
- Develop and gain agreement on NERC Safety Policy, Procedures and Guidance through SMG, SMT and the NERC Safety Committee
- Liaise with, advise and assist local sites on health and safety matters through contact, visits, inspections and audits as agreed with management and safety advisors
- Provide information on new regulations and interpret their implications for NERC
- Maintain and develop NERC safety websites
- Organise safety campaigns throughout NERC
- Advise on and deliver training of managers and staff in health and safety
- Collect, collate, analyse and report data on safety performance at NERC level
- Cooperate and liaise with staff Safety Representatives and Trade Unions.

The Research Centre Safety Professionals ('Safety Advisors') will be responsible for liaison on all health and safety issues, within his/her Centre and between the Centre and NERC level. He/she will be responsible for advising and assisting the Director and the Senior Management Team on all aspects of health and safety. In addition to the roles specified in the NERC Health and Safety Policy, the following are included:

- Provide advice on health and safety at the Research Centre level to the Director, senior management and staff
- Advise managers on the development of policy, procedures and guidance for their Research Centre
- Help management in setting priorities and targets on health and safety
- Identify and plan for the impact of future regulation and legislation
- Help develop and comment on proposed NERC Policy, Procedure and Guidance, together with Safety Professionals in other Research Centres
- Interpret and implement requirements of NERC Policy, Procedures and Guidance on health and safety as they apply to premises and processes within their Research Centre
- Provide practical advice to management and staff to implement safe systems of work in a cost-effective manner
- Assist in the implementation of health and safety aspects in their Research Centre
- Provide technical support to management in the maintenance, development and safety performance of major equipment and fixtures
- Monitor the effectiveness of maintenance and inspection of equipment and fixtures
- Undertake safety instruction and training on health and safety for staff and management.
- Assist Research Centre senior management in determining the effectiveness of the safety management system throughout the Research Centre by undertaking internal audits.
- Participate in cross Research Centre audits, as agreed.
- Advise and support management at safety committee meetings
- Liaise with the NERC Safety Advisor to represent Research Centre interests and offer information.
- Liaise with other NERC safety professionals and local advisors.
- Collect, collate and analyse of data on safety performance at Research Centre level
- Co-operate and liaise with staff Safety Representatives and Trade Unions

Local Safety Advisors will be responsible for liaison with the Research Centre Safety Professional on health and safety issues within his/her site. He/she will be responsible for advising and assisting the Site Director and local Senior Management on all aspects of health and safety. In addition to the roles specified in the NERC Health and Safety Policy, the following are included:

- Provide advice at the Site level to senior management
- Provide general health and safety advice to local management and staff.
- Assist in the development of safety procedures, risk assessments, risk controls and risk management
- Assist local management with inspections and co-operating with audits.
- Advise and support management at local safety committee meetings
- Help management to promote health and safety awareness at their site
- Assist local management in determining priorities and the provision of safety equipment and supplies
- Co-operate and liaise with staff Safety Representatives and Trade Unions.
- Assist in the development of NERC safety documentation and systems

Specialist Competent Persons/Advisors will be responsible to the local management for advice on specific areas of expertise.

NOTE: the prime role of Safety Advisors is to provide advice on health and safety matters. It is not their role to manage health and safety – that is a line management function.

APPENDIX IV: WHAT IS COMPETENCE?

Competence is the ability to undertake responsibilities and to perform activities to a recognised standard on a regular basis. Competence is a combination of practical and thinking skills, experience and knowledge.

Competence = Knowledge + Skill + Experience

The 'common sense definition' of competence based on decided case law is:

'having the necessary practical and theoretical knowledge as well as sufficient experience of the particular situation to enable him/her to identify defects or weaknesses in work practices or equipment and their implication for the safety of employees without supervision'.

Knowledge

Knowledge consists of aspects of familiarity, awareness or understanding normally gained through education or study, but also from experience in the field. In health and safety terms it includes knowing such things as:

- What are the range of possible hazards involved
- How they can affect persons
- How likely they are to affect persons in the work situation
- How to evaluate risks and decide on appropriate controls
- How the health and safety risks can be managed and appropriate systems for this
- How to obtain and interpret health and safety information
- Relevant health and safety legislation as it applies to that workplace.

Skills

Skills are abilities that have been gained or developed through training and practical experience. In health and safety terms this covers the ability to identify hazards, identify precautions and safe methods of work, write a risk assessment and implement control measures. Personal skills are important too, such as the ability to communicate effectively.

Experience

Experience is the result of a process of observing, encountering or doing something. People gain experience when their knowledge and skills are tested in practice and learn as a result of their actions. A good way to gain experience is from supervision or mentoring by someone who already has wide experience in that field. The more experienced individual can impart a great deal of knowledge, give the learner feedback and point out pitfalls and common mistakes so they avoid making them or are able to correct them more easily should they occur. Experiential learning is increasingly part of training programmes. This helps learners practice, apply the knowledge and skills taught during their course and improve them to give a higher level of competence.

Competence is also about:

- Knowing your limitations
- Knowing when to call on advice from others who have more knowledge, skills or experience,
- Knowing when things are likely to go wrong and how to avoid this
- Identifying when things have already gone wrong and what to do if this occurs
- Rectifying the problem or minimising its consequences and retrieving the situation safely when things have gone wrong.