



Benchmarking the competent person in manufacturing and engineering sectors

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Benchmarking the competent person in manufacturing and engineering sectors

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The objective of this Contract Research Report is to increase understanding of competence levels held by people acting as nominated Competent Persons, as required by the Management of Health and Safety at Work Regulations 1999. This benchmarking survey shows how the issue is addressed in 502 companies in the manufacturing and engineering sectors.

The findings indicate that the Competent Person is likely to be senior within the organisation, and have considerable experience within that industry. The level of H&S training was variable ranging from 20% with no training to 20% having level 3 standard qualifications or above. The level of training and resources provided does not correlate to risk level, but does to company size.

Existing standards of H&S competence, published by Employment National Training Organisation, are based on the ability to manage H&S. The survey asks whether organisations have elements of a safety management system in place, and to rate their effectiveness. The findings show that some fundamental elements, such as risk assessment and H&S training, are in place but considered to be ineffective.

The report concludes by recommending how this subject could be taken forward.

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EXECUTIVE SUMMARY

Competence is a term used frequently in reference to organisational arrangements for health and safety management. More specifically it is a requirement of the Management of Health and Safety at Work Regulations. Regulation 7 requires employers to appoint one or more Competent Person(s) to assist them in meeting their legal obligations.

The Regulation, the Approved Code of Practice and Guidance on the subject do not prescribe any level of training, qualification or experience as necessary to fulfil this role. As a consequence interpretation of the term varies widely between, and even within organisations. In essence it would appear that competence is a confusing and ambiguous concept to most employers.

This survey benchmarks the position of the nominated Competent Person(s) within the British engineering and manufacturing industry. It aims to take some initial steps towards clarifying the current status but does not seek to provide a definition of competence.

Guidance to the Regulations describes competence in terms of training, knowledge and experience and this survey investigates these three areas. The survey has also been strongly influenced by the National Health and Safety Standards and guidance such as HS(G)65¹.

EEF South undertook this research in March and April 2002, in conjunction with other EEF Associations. The survey was sent to EEF member companies of differing sizes and undertaking a variety of activities. Some companies fill the Competent Person role by using company employees whilst others use external consultants extensively. For analysis the companies were grouped into risk categories (high, medium and low) according to HSE accident statistics. A four-page survey was sent to 1332 companies targeted at the Competent Person, and 502 responses were returned. The response rate of nearly 40% was encouraging and indicates considerable interest in the subject.

Analysis of respondent's data shows that six percent of companies consider that they either do not have a nominated Competent Person, or that the person taking the role believes that they are not competent to do so. This figure is in rough agreement with a previous Contract Research Report conducted by the HSE that evaluated the 'Six Pack' Regulations².

The findings also indicate that the Competent Person is more likely to be a senior person within the organisation, with over half respondents being directors or senior managers. Most of the responses came from people with considerable experience, with over three-quarters of respondents having worked within the industry sector for over eight years.

Under current legislation the Competent Person is not required to be a health and safety practitioner. Instead, they are encouraged to adopt a flexible approach, be aware of their limitations, and call for additional support when required. The survey indicates that over 90% of respondents are clear about their limitations, and would call on Group Advisors or External Consultants when they need assistance.

Training is an important part of competence. The survey highlights that this is an area of weakness. The level of training provided is particularly low in small companies, those in the higher risk groups, and when a director takes the role of Competent Person. Whilst initial H&S training courses are considered to meet the organisation's needs, many respondents comment that there is a lack of refresher training for people that qualified some time ago.

The National Health and Safety Standards assess competence in terms of the ability to implement an H&S management system. This survey asks respondents to self assess whether the elements of a system are in place, and if so how effective they are. Findings here show the key elements of risk assessment and H&S training are likely to be in place but many companies perceive they are ineffective. This indicates a high level of awareness, but a difficulty in implementing these areas successfully.

The Regulations require sufficient resources to be devoted to managing H&S. The survey indicates that half of respondents are able to influence the level at which the H&S budget is set. Nearly forty percent of respondents spend under five hours a week on H&S issues.

The survey indicates that companies have strong beliefs in a management systems approach. 83% of companies have external registration to either the Quality Management Standards ISO 9000 or QS 9000, whilst nearly 40% companies either hold or are working towards the Environmental Standard ISO 14001. In comparison, the number of companies with external registration to an H&S management standard is low (6%). However, the indications are that since the introduction of the standard OHSAS 18001³ there will be growth in this area in the future.

The report concludes with a recommendations section suggesting how the HSE should progress their understanding in this area.

1. INTRODUCTION

This research investigates the approach that companies in the manufacturing and engineering sector take to providing competent advice to assist them in complying with their H&S obligations. This legal requirement came into the force with the Management of Health and Safety at Work Regulations 1992 requiring that all employers must appoint one or more competent persons. An amendment in 1999 states that this person should preferably be in direct employment of the organisation. This survey aims to benchmark how companies within the engineering and manufacturing sector have addressed the issue of Competent Person.

The understanding of competence varies widely leading it to become a confusing and ambiguous concept. The Management of Health and Safety at Work Regulations 1999⁴ (MHSWR) state that a person is competent “where he has sufficient training and experience or knowledge and other qualities to enable him properly” to do the task in question. However, there is no comprehensive and prescriptive definition of what is required. Whilst knowledge can be assessed through formal examinations, skills and experience present a greater problem. In practice, it is often the courts that decide whether a person is competent retrospectively.

The Competent Person has an important role to play in improving H&S performance within organisations. As Bill Callaghan, Chair, Health and Safety Commission said: ‘Occupational safety and health practitioners have a key role in delivering the improvements we need. Working in partnership with employers, directors, trades unions and workers, they provide the knowledge and skills to help generate a positive health and safety culture, and to ensure that occupational risk is properly controlled.’

Securing Health Together⁵, the HSC occupational health strategy for the next 10 years, recognises the need for additional guidance in the area of Competent Person. Programme 4 addresses skills needs. This looks at ‘identifying the standard of skills required for different roles, and working towards ensuring that at whatever stage you are in life, or whatever your occupation, you have been given an opportunity to gain the necessary skills.’ To meet this requires an improved understanding and agreement of skill requirements, which will not necessarily be formal qualifications. It will also need to increase the opportunities for people to gain these skills, and the awareness of these opportunities. Aim 58 states that producing guidance on competence and what is a competent person is one of the priority areas.

2. OBJECTIVES

This project is a benchmarking survey to investigate the current position of the Competent Person within the manufacturing and engineering sectors. The survey questions are based on current guidance from literature, legislation and national standards.

It aims to:

- x Review guidance currently available on competence levels and use this to design a postal questionnaire;
- x Investigate the level of understanding of Competent Person requirements within organisations;
- x Understand how companies are currently responding to these requirements;
- x Identify trends where companies show strength and weaknesses;
- x Recommend areas for future research.

This project does not aim to provide a prescriptive definition of the requirements for a Competent Person. This is a difficult subject to address when considering the wide range of requirements asked from this role. However, it does make recommendations on how what further research may be necessary to better define the role.

2.1 SCOPE

The scope of the project covers the role of Competent Person as required by Regulation 7 of the MHSWR. This is the requirement to provide competent H&S advice to management. Competence requirements for specific jobs, for example electrical work, forklift truck driving etc. are not included in the scope of this research.

The project does not cover self-employed. However, in some cases the employer has sufficient capabilities to act as a Competent Person himself. As the questionnaire is to be completed by the Competent Person, it is assumed that in these cases the employer has completed the questionnaire.

The research covers companies in the manufacturing and engineering sectors. These are significant sectors as employers in the British Economy. In 2000 out of a total number of 24,661,000 employees in the UK economy, 1,714,000 were from the engineering sector, and 3,841,000 from the manufacturing sector.⁶ Accident statistics⁷ show engineering and manufacturing in general to be medium risk organisations. Companies were selected from the membership databases of the Engineering Employers' Federation (EEF). The EEF is a nationwide federation of 12 Regional Associations, and ECIA, the Engineering Construction Industry Association.

The companies surveyed are all based in England, Scotland or Wales and cover all size ranges. The results include both organisations where the Competent Person is a company employee and those using external advice.

2.2 LIMITATIONS

The following limitations should be considered when interpreting results:

- EEF members are likely to use EEF as the provider of external competent advice and training provision, hence responses may be weighted towards the services available;
- Many questions measure perception rather than actual. Where organisations are asked to judge their own abilities there has been no attempt to verify the responses;
- Companies with strong performance are more likely to reply;
- The number of replies (502) gives a statistical accuracy to the survey, with results showing trends rather than absolute values;

Not all respondents answered every question and the number of respondents to individual questions may therefore be less than the total response rate in some cases.

3. CURRENT UNDERSTANDING OF COMPETENCE

3.1 CURRENT DEFINITIONS OF COMPETENCE

Most competence definitions are based on the concepts of training and experience or knowledge. For example, in the Approved Standards, The National Training Organisation (Emp NTO) describe competence as: ‘a combination of knowledge, skills and practical experience which a person has to have to be able to do a particular task properly. This includes not only the routine task, but also covers unexpected situations and changes.’⁸

When considering the specific role of the nominated Competent Person, the definitions widen to account for the many facets of the role.

Akass⁹ considers knowledge requirements to be covered in three areas: the work involved; the principles of the risk assessment and prevention; and the current health and safety ‘state of the art’.

Health and safety is a line management responsibility and the role of the Competent Person is to provide advice to support management, soft skills such as the ability to influence others are important. Akass considers a Competent Person must have the capacity to: evaluate situations that might arise in the enterprise; to design solutions; to communicate effectively at all levels and generally to promote the aims and objectives of workplace health and safety throughout the business.

3.2 LEGAL REQUIREMENT

The term competence first appeared in the Factories and Workshops Act 1901 and has subsequently appeared around 90 times in legislation¹⁰. The principal legislation addressing the specific role of Competent Person is outlined below:

3.2.1 Health and Safety at Work Act etc. 1974 (HSW Act)¹¹

HSW Act introduces the concept of competent advice within the general duties it places on employers. Section 2 requires all employers ‘*to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees*’. Section 3 *extends this to non-employees*

In order to do this, an employer must understand the legal duties facing him, and keep up to date with any changes. He must also understand the risks involved within his business and the best practice means of controlling them. This indicates that managers need to have access to competent H&S advice.

Section 2 also requires employers ‘*to provide such information, instruction, training and supervision as is necessary to ensure, so far as reasonably practicable the H&S at work of all employees*’. This includes enabling the Competent Person to fulfil his role.

3.2.2 The Management of Health and Safety at Work Regulations 1999, Regulation 7 (MHSWR)

Regulation 7 of MHSWR is the principal UK legislation covering H&Safety assistance. It is based on the Framework Directive (89/391/EEC).

MHSWR requires every employer to appoint one or more competent persons to assist with putting measures in place to ensure legal compliance. The Competent Person can be either an individual or a company providing these services. The employer must clarify what duties are expected and ensure adequate resources are in place to meet these.

The person is regarded as competent if they have *'sufficient training and experience or knowledge and other qualities to properly assist the employer to meet his safety obligations'*.

This definition allows for flexibility in how organisations address the requirement. The actual provisions such as the number of Competent Person and the time and resource demands of this role will depend on the organisation. Factors to be taken into consideration include the size of the undertaking, the risks to which employees are exposed and the distribution of the risks throughout the company.

Hence for 'simple situations' the guidance notes describe that competence may require only:

- a) An understanding of relevant current best practice;*
- b) Awareness of the limitations of one's own experience and knowledge; and*
- c) The willingness and ability to supplement existing experience and knowledge.'*

In 1999 MHSWR were amended to state that the person appointed as Competent Person should preferably be a direct employee of the organisation. Such a person is more likely to be familiar with the organisation, products, hazards etc. However, if this is not possible, the Competent Person may be someone from outside the company. The employer must inform any outside consultancy in this role of all the factors which effect H&S of which he is aware, and allow full access to information.

In instances where more than one Competent Person is appointed, the employer shall ensure co-operation between them.

There has been some debate as to whether the preference for the Competent Person to be a direct employee has improved H&S. Clements 1999¹² reports: "The HSE is on record as saying that it has difficulties in tackling health and safety in small businesses. One way it could achieve more would be by actively encouraging and enforcing the need for high quality experienced competent help holding registered practitioner status, rather than trying to pretend that a bit of local experience and reference to HSE guidance will solve most problems."

HSE guidance¹³ on appointing a consultant says consultants "can be many and varied and you need to be sure that they can give you the service you want." The guide includes a checklist to help companies in selection of consultants. It adds "While the appropriate professional qualifications don't guarantee good service, they make it more likely." Business, especially small ones, are often uncomfortable paying for outside advice. However, if in house personnel do not have right skills there is no option but buy in.

In addition, MHSWR Regulation 5 requires clear responsibility for the planning, organisation, control and monitoring of H&S and Regulation 13 ensures work is only be carried out by employees with the capability to do it safely. The Competent Person will have a major role in both these Regulations.

3.2.3 Case law

Several cases have been brought which cast light on what might be expected from a Competent Person.

In the case *Basingstoke & Deane Borough Council v J Sainsbury plc*¹⁴ (1998), Sainsbury was fined £425k and £75k costs when a warehouse operative was killed by a reach truck in December 1996. The truck's safety cut out switch had been deliberately disconnected. The charges included failing to appoint competent person under 7(1) of MHSWR. The person appointed as H&S adviser at the depot was a general nurse with a general certificate from NEBOSH, an insufficient qualification to undertake this role unassisted. At company level there was a safety advisor but his role did not extend to advising on the operational hazards associated with reach trucks at the depot.

Whilst the appointment of a Competent Person shows awareness of the Regulations, it does not alone meet statutory requirements. In the case of *Bell v Department of Health and Social Security* 1989¹⁵ a Competent Person was appointed, but measures to ensure the H&S of employees were not adopted.

The personal qualities expected of a Competent Person are described in *Eckersley v Binnie and Partners* 1988¹⁶. Lord Justice Bingham ruled that a Competent Person would be expected to display the qualities which an ordinary member of his profession would have, but the law "does not require of a professional man that he be a paragon, combining the qualities of a polymath and a prophet." In *Birnie v Ford* 1960¹⁷ mentions personality defects such as being quick tempered or aggressive. Here the employer was held liable for injuries that could have been prevented by a more competent safety officer.

External consultants are also liable to prosecution if failing to provide competent advice. In *HSE v Lockwood* (2001)^{18 19} an occupational hygienist was successfully prosecuted for failing to carry out a proper assessment of workers' exposure to a hazardous substance. He was prosecuted under s36.1 of health and safety at Work Act 1974. In addition it was found that the company had not selected best occupational hygienist for its needs. "... when relevant competencies are absent, it shows in the end result and this, as the recent case [Lockwood] shows, is proof enough for the courts." In this case a Principal Specialist Inspector (occupational hygiene) in Wales & West Division of HSE Field Operations Directorate stated "Competence is difficult, but not impossible, to define. The guidance associated with the MHSWR99 makes it clear that the level of knowledge and experience involved must be tied to the complexity of the problems to be tackled."

*Gibson v Skibs*²⁰ also looked at the use of a consultant with regards to the level of competence needed to conduct thorough examination of lifting gear. The case stated a competent person "is a practical and reasonable man, who knows what to look for and knows how to recognise it when he sees it". In *Brazier v Skipton Rock Co* (1962)²¹ the person was found not competent to carry out an examination of work equipment. This case recognises that experience is an important part of competence as well as theoretical knowledge. It was considered that "the competent person should have such practical and theoretical knowledge and actual experience of machinery or plant which he has to examine, as will enable him to

detect defects or weaknesses which it is the purpose of the examination to discover and to assess their importance in relation to the strength of the machinery or plant in relation to its function.”

3.2.4 Interpretation of the Framework Directive in other countries

Article 7 of the Framework Directive (89/391/EEC) relates to preventive services and includes the employer’s duty to appoint competent personnel or enlist Occupational H&S expertise. In Britain this led to Regulation 7 of the MHSWR.

There has been a wide range of responses to the Directive across the European Community. Frick²² comments “The very general phrasing of the article 7 has left the transposition more explicitly open to national preferences of what employers have to do.” He describes the end result as “a patchwork of occupational services within the EU, which diverge both in form, content and level of mandatory support.” Harper²³ agrees, concluding that “European Directives aim to harmonise standards in health and safety but national models and identities clearly remain.”

The approach taken to the treatment of competence is described by Frick et al²⁴. It ranges from the prescription for the use of integrated preventive services found in legislation in Denmark, Holland and to some extent Southern Europe; through to the prescriptive requirements on the use of specific types of professionals which reflect national traditions evident in the requirements of France and Germany. Harper presents the German approach as prescriptive, with different levels of government and regulation, more worker involvement (through councils) and legally required standards of training for certified safety experts.

Frick compares systems in the various countries. Several countries including Germany, Greece, Italy, Portugal and Spain have initiated new comprehensive Occupational H&S laws. Finland has a legal obligation for employers to enlist such Occupational H&S services while Denmark is gradually mandating it, starting with high-risk industries. In Sweden the Occupational Health services cover some three quarters of the workforce but it is only recently that they have received mandatory support and remain largely dependant upon voluntary support from unions and employers. In the Netherlands, Occupational H&S services are mandatory, but what they should do and how they should be used by employers is not stated. This has resulted in a predominance of cheap OHS services and a focus on activities such as reducing absenteeism.

The British system (as described by Frick, Harper and Walters and James 1998²⁵) contrasts with the rest of Europe. The British approach is perceived as ‘minimalistic’ with Britain simply requiring the use of competent person(s) and leaving employers and market discretion to define what this entails. Harper describes the British system as centralised and voluntaristic, with no legally required level of training for Competent Person. The provisions of the Directive are implemented by absorption into a system dominated by concepts of goal setting as opposed to prescription, self-regulation (not statutory controls) and codes of practice (not regulations). Frick states that the UK has seen no need to interfere with employers’ freedom (and duty) to procure the expertise they consider necessary to execute their duties. Several authors, including Walters²⁶ and Carter²⁷, question whether the MHSWR fully implement the provisions for preventive services in the Framework Directive.

Carter finds one consequence of British/EU hybrid strategy is the strong emphasis on management of health and safety rather than on quality of health and safety expertise. The

latter is more prevalent in European countries where legislative provisions govern the appointment and qualification of occupational health and safety specialists.

Akass²⁸ calls for clarification in the requirements of a Competent Person at European level. He states “No doubt in the course of time, the guidance on competence will be augmented by recognition of specific health and safety qualifications. This will assist employers, who, despite retaining responsibility for following or disregarding the advice of their health and safety experts, are obliged to appoint them without the benefit of any specific official guidance as to recognised or recommended qualifications for safety advisers.”

3.3 GUIDANCE ON COMPETENCE LEVELS

The Guidance Notes that accompany the MHSWR recommend that employers check the H&S qualifications of individual(s) they appoint. It suggests this can be done through competence-based qualifications accredited by the Qualifications and Curriculum Authority (QCA) and the Scottish Qualifications Authority (SQA) and membership of a professional body.

3.3.1 National Standards in Occupational H&S²⁹

National Vocational Standards in occupational Safety and Health were introduced in 1995. Since 1997 the National Training Organisation for Employment (EmpNTO) has been responsible for developing and publishing these H&S competence standards and overseeing that they are used correctly. Emp NTO describes these standards as ‘an integrated suite of clearly written employment standards covering all areas/functions of the occupational map, to achieve better employment practices for everyone working in the UK.’ The Health and Safety Executive, the Institute of Occupational Safety and Health, Trade Unions, Health and Safety professionals, employers and other organisations have endorsed these standards and they have been approved by the QCA, ACCAC, CCEA and SQA³⁰

As well as providing a framework for National Vocational Qualifications (NVQ) and Scottish Vocational Qualifications (SVQ), the standards may also be used to:

- x Evaluate current competence levels and decide how to increase these;
- x Write and review job descriptions;
- x Plan H&S training requirements;
- x Identify skills requirements for recruitment;
- x Appraisal;
- x Evaluate contractors;
- x Demonstrate competence to regulators, customers etc.

The standards are reviewed every 5 years and new standards have recently been published. As many qualifications are currently based on the old standards, it is useful to consider both systems.

The old system of national standards covered two levels (3 and 4). The appropriate standard is based on the risk level in an organisation.

- x Level 3: Occupational Health and Safety Practice. This qualification is intended for H&S practitioners who work in less complex workplaces where the risks are relatively

well controlled. It is also intended for assistant occupational health and safety practitioners who work in higher risk areas reporting to a Level 4 practitioner.

- x Level 4: Occupational Health and Safety Practice. This qualification is intended for H&S practitioners who work in more complex workplaces where the risks are relatively high, who need a high level of technical competence.

Further guidance is provided on selecting the correct standard level for an H&S practitioner³¹

A comprehensive review of the standards started in 2000 and new standards have recently been published. As it is difficult to specify the risk level associated with an organisation, this means of differentiating between the levels has changed. The new standards reflect the need for more people to have H&S as part of their normal job role. The standards require the same underpinning knowledge. The new levels are:

- x Level 3: 'Health and Safety for People at Work'. These are generic standards reflecting the importance of H&S in the workplace, but not designed for H&S practitioners.
- x Level 4: 'Health and Safety Practice'. This is for H&S practitioners.
- x Level 5: is a new level being introduced with an increased the focus on management knowledge and skills. This reflects the changing role of the Safety Practitioner who is likely to have a strategic role within the organisation.

The standards have been used as a basis for many questions within the benchmarking questionnaire. The analysis considers how closely the respondents meet the criteria outlined within the standards.

3.3.2 H&S Management System

Considerations for the appointment of a Competent Person are also found in H&S Management systems including:

- x HS(G)65¹ which provides the basis for the approach which HSE inspectors take when auditing an organisations arrangements for managing H&S. It says that H&S advisers need to have the status and competence to advise management and employees or their representatives with authority and independence. There should be a direct reporting line to directors on matters of policy;
- x OHSAS 18001³ An externally verified system which is based on the concepts of continual improvement and compliance with legislation;
- x Five Star Health and Safety Management System Audit³² which evaluates management performance quantitatively, producing a numerical score for each of the 82 elements.

In these systems the role of Competent Person may be described as a Management Representative or H&S Adviser. All the standards describe the key requirements of the role in terms of setting up and running an H&S management system. This includes: preparation of a policy, setting realistic objectives, establishing adequate systems, monitoring performance, and reporting on this to senior management for review.

3.3.3 HSE Competence map

Some Regulations are more specific in their competence requirements, for example, the Ionising Substances Regulations. In October 1998 HSE conducted an analysis of competency needs specified in different health and safety Regulations.³³ The results are displayed on the HSE web site. This site is currently being updated, and the revision is likely to be available by March 2003. Note, competence as defined in these regulations is outside the scope of this survey.

The 'General H&S Requirements' section outlines the requirements of MHSWR92. It states: Competence does not need to depend on particular skills or qualifications. There is no general approval or accreditation scheme. No additional information to that given in the Guidance to the Regulations is provided.

3.4 QUALIFICATIONS

The British system does not prescribe specific qualifications for a Competent Person; hence the questionnaire covers a wide range. Many qualifications are in line with the National Standards, but have not been approved as equivalent to them.

Examinations have traditionally been the method used to assess knowledge. A wide range of H&S qualifications exist of differing lengths, breadth, level of detail and subject area to meet the specific needs of the Competent Person.

National Vocational Qualification (NVQ) and Scottish Vocational Qualification (SVQ) reflect not just training but an individual's ability to perform activities in an occupation to the standard expected at work

The NVQ or SVQ is achieved by completing all the required units associated with the Employment NTO standards already discussed. Candidates must achieve all the mandatory units, plus optional units allowing selection of those most relevant for the job. An Assessor verifies competence by observing how knowledge is applied in the workplace, supported by documentary evidence. Internal Verifiers check assessors to ensure consistency and quality. There is no need to use simulation and all workplace assessment is carried out in real working situations.

3.5 MEMBERSHIP OF PROFESSIONAL ASSOCIATIONS

There are many professional associations either directly or indirectly covering H&S. The questionnaire asks respondents which associations they belong to. Details of the two most common are provided below:

3.5.1 Institute of Occupational Safety and Health (IOSH)³⁴

IOSH currently have over 26,600 members. The membership categories came into operation in 1997 and reflect the introduction of the Occupational H&S Standards introduced in 1995.

Member (Corporate) level requires a qualification equivalent to Level 4 standard level and at least 3 years full time pro-rata experience. However, the member grade was not designed to recognise full competence as an H&S Practitioner. This is achieved by the Register of Safety Practitioners (RSP) which requires an additional 3 years full time experience together with a demonstration of skills. All RSP need to maintain their competence through Continuing Professional Development (CPD).

In 1997 the level of Technical Safety Practitioner (Tech SP) was introduced to reflect the level 3 standard, replacing the former associate category.

Affiliate members are those with an active interest in Occupational Safety and Health.

Any future changes to the membership structure are likely to increase the use of CPD

3.5.2 International Institute of Risk and Safety Management (IIRSM)³⁵

The Institute was established in 1975 and is a non-profit making body registered with the Charity Commissioners. It has over 6500 individual members in the UK, Eire, the Channel Islands and in over 60 other countries throughout the world. The IIRSM is administered by a secretariat reporting to the Board of Governors and in partnership with the British Safety Council. There are four different entry levels: student, affiliate, associate and member depending on qualifications and experience.

3.6 COMPARISON WITH OTHER SURVEYS

This benchmarking survey conducted by EEF South overlaps with several other surveys. The methodology of these surveys is outlined here, and their findings are discussed within the results section of this report to compare and corroborate data.

3.6.1 Evaluation of the Six Pack Regulations 1992²

The HSE commissioned a survey evaluate company awareness and response to the Six Pack Regulations including MHSWR. It reviews a random sample of 2400 organisations from the industrial and service sectors. Organisations of more than 50 people are classified as large, and those with less than 50 people as small. A short questionnaire was also sent to safety representatives. Responses are weighted by relative distribution of organisations in Britain by size and sector.

3.6.2 Health and Safety Bulletin (HSB)³⁶

In 2001 HSB ran a questionnaire survey of H&S practice in the UK with the 85 respondents of which two thirds are H&S practitioners and a quarter work in the manufacturing sector. Many of the companies that responded are large.

3.6.3 Institute of Occupational Safety and Health (IOSH) Membership Survey³⁷

The Institute of Occupational Safety and Health (IOSH) ran attitude surveys from its membership to evaluate the professional value of OH&S practitioners in 1998, 2000 and 2002. The results from the most recent survey are not yet published. From the 2000 survey 1810 returned questionnaires were received, representing 7% of membership.

3.6.4 Health and safety management in UK and Spanish SMEs³⁸

This survey conducted in 2000 received 71 responses from Small and Medium Enterprises (SMEs) in East Midlands. It found on average companies were spending 3-5 hours per week on health and safety management.

3.6.5 British Chamber of Commerce (BCC) survey³⁹

In 1995 the BCC conducted a survey of occupational health provision throughout Europe. This shows OH services that use professionally qualified staff exist in 68% of firms with over 25 employees, only 5% less than 25 employees

3.6.6 RRC Business training (RRC) trends survey⁴⁰

In 2002 the Health and safety training provider RRC Business Training commissioned in-depth research amongst UK health and safety managers. The objective was to assess attitudes and trends across a variety of sectors, regions and sizes of company. The sample was selected at random from H&S managers across a range of companies with an average of 2655 employees. 100 interviews were conducted anonymously by telephone in April 2002.

4. METHODOLOGY

4.1 DESIGN OF THE SURVEY

A copy of the questionnaire and covering letter can be found in Appendices 1 and 2.

From a review of the current guidance on Competent Person requirements a questionnaire of workable length was produced. To aid completion the questionnaire was designed with a tick box response to most questions together with spaces for some free expression.

The questionnaire was piloted with 11 companies. The feedback was used to refine questions including:

- Reprioritisation to remove any questions that are not considered essential;
- Phrasing of questions to encourage a reply;
- Clarification of questions;
- Improved routing so the correct questions are answered.

From the pilot it was confirmed that the questionnaire could be completed in about ten minutes and this was noted in the preamble on the questionnaire.

In addition, the questionnaire was reviewed by many parties including: HSE, EEF Associations, other trainers, a recruitment consultant and IOSH.

1332 questionnaires were sent out in March and April 2002; 502 completed questionnaires were returned, representing a return rate of 38%. There was no requirement to chase for replies. The questionnaire was sent with a covering letter and a prepaid envelope.

4.2 SAMPLING

Companies within the EEF membership database classified as being within the manufacturing sector (Section D of the Standard Industrial Classification of Economic Activities 1992) form the sampling frame for this project. The companies cover all sizes and are located in England, Scotland and Wales.

The following HSE statistics were used to divide the Section D SIC Codes into High, Medium and Low risk groups.

- Industries with the highest rates of fatal injuries to workers 1998/99-2000/01p combined
- Industries with the highest rates of major injuries to workers 1998/99-2000/01p combined
- Fatal injuries expected in 2000/01 in manufacturing
- Major injuries in 2000/01 in manufacturing
- Non-fatal injuries to the members of the public in 1999/2000 in manufacturing
- Over-3-day injuries in 2000/01 in manufacturing to employees and member of the public

Table 1 Division of sample into high medium and low risk organisations

<i>Risk</i>	<i>SIC Code</i>	<i>Description</i>
High	27	Manufacture of basic metals
	28	Manufacture of fabricated metal products, except machinery and equipment
Medium	15	Manufacture of food products and beverages
	16	Manufacture of tobacco products
	20	Manufacture of wood and wood and cork products, except furniture, manufacture of straw and planting materials
	26	Manufacture of non-metallic mineral products
	34	Manufacture of motor vehicles, trailers and semi-trailers
	35	Manufacture of other transport equipment
	36	Manufacture of furniture, coins, musical instruments & not classified elsewhere
37	Recycling of metal and non metal waste scrap	
Low	17	Manufacture of textiles
	18	Manufacture of wearing apparel, dressing and dyeing of fur
	19	Tanning and dressing of leather, luggage, handbags etc
	21	Manufacture of pulp, paper and paper products
	22	Publishing, printing and reproduction of recorded media
	23	Manufacture of coke, refined petroleum products and nuclear fuel
	24	Manufacture of chemicals and chemical products
	25	Manufacture of rubber and plastic products
	29	Manufacture of machinery and equipment not elsewhere classified
	30	Manufacture of office machinery and computers
	31	Manufacture of electrical machinery and apparatus not elsewhere classified
	32	Manufacture of radio, television and communication equipment and apparatus
	33	Manufacture of medical, precision and optical instruments, watches and clocks

Companies included on the EEF membership database were grouped into the 3 groups by SIC Code as detailed above.

It was intended that the person acting as Competent Person (if internal to the company) should complete the questionnaire or, otherwise, the person responsible for co-ordinating H&S activities.

The EEF membership database includes various named contacts at companies. Where a named Health and Safety contact (Manager, Officer, Adviser) was available the questionnaire was sent to this person. If no Health and Safety contact was listed but a Human Resources contact was named, this contact was used on the grounds that this person often carries additional responsibility for Health & Safety.

In the absence of either a Health and Safety or Human Resources/Personnel contact an alternative contact, in preference the Operations Director, Works Director or Managing Director was used.

The questionnaire included instructions to pass it to the person acting as the respondent's Health and Safety Adviser, if that was not the first recipient.

4.3 ANALYSIS OF QUESTIONNAIRE RESULTS

The information was collated on an Excel spreadsheet and analysed to provide trends in answer to the objectives set above.

Where surveys conducted by other organisations have asked similar questions these results have been included for comparison. This will indicate a level of confidence in the findings.

5. RESULTS

5.1 QUESTIONNAIRE RESPONDENTS

Of the 1332 Questionnaires sent out to EEF member companies in the manufacturing and engineering sectors, there were 502 responses. An analysis shows that the companies that responded have the following characteristics:

5.1.1 Risk level

The industry sectors have been grouped into high, medium and low risk activities according to their SIC code. (see figure 1) The allocation of risk level is based upon HSE accident statistics (see Methodology section). The analysis shows each risk level is sufficiently well represented to enable a statistical approach to be taken.

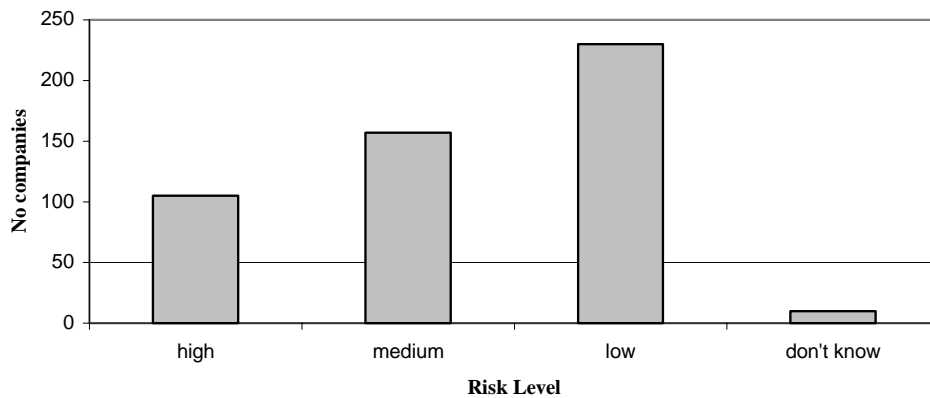


Figure 1 Number of responses by risk type

5.1.2 The Company

Company size:

The size range for the companies that responded was known from the membership database and the distribution is shown in figure 2.

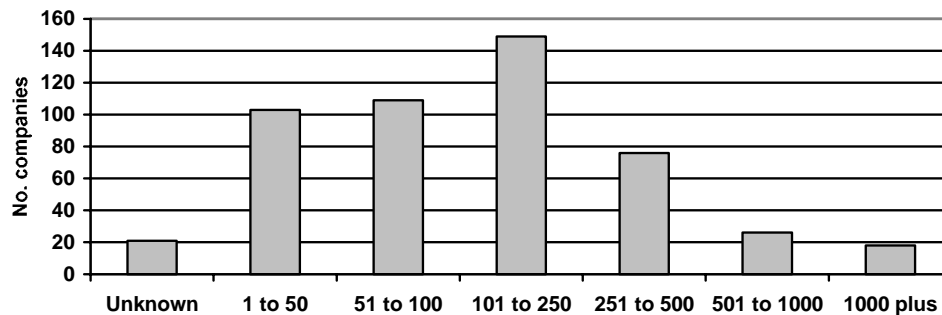


Figure 2 Size of companies responding (number of employees)

Management Systems approach

Many of the companies that responded have adopted a systems approach to managing issues within their organisation. The majority (83%) already hold approval to the quality management systems ISO 9000 or QS 9000. Uptake of the environmental standard ISO 14001 is substantial and on the increase with 15% of organisations currently holding this and 24% currently working towards it.

Few companies (6%) currently have external approval to an H&S standard. However, interest in this area is increasing with 16% of companies either holding or working towards a standard. Uptake of the standards is shown in Table 2.

Currently the most popular standard is the British Safety Council's Five Star H&S Management System. However, the larger number of companies currently working towards the OHSAS standard (9%) indicates that this is likely to be the preferred route until the development of an international standard (ISO) or integrated standard. The results indicate that the international standard OHSAS 18001 will shortly overtake the British Safety Council standard as the most popular H&S standard.

Table 2 Number of companies working towards registered H&S management standards by company risk group

H&S Standard	High risk		Med risk		Low risk		Total
	currently registered	working towards	currently registered	working towards	currently registered	working towards	
OHSAS 18001	4	8	1	22	4	14	53
British Safety Councils Five Star H&S Management System	3	1	6	4	8	4	26
International Safety Rating System (ISRS)	2	0	1	0	0	0	3
Total	9	9	8	26	12	18	82
Uptake of a Safety Mgt System as a % of number of companies in the risk group	9%	9%	2%	17%	5%	8%	16%

When the figures are broken into the various risk groups it is found that the percentage of companies either working towards or having achieved a H&S standard is 17% for high risk, 22% for medium risk and 13% for low risk companies, with the overall percentage being 16%. This indicates higher risk companies do not show an increased drive towards obtaining H&S standards. This implies risk level is not the major reason for becoming registered and other factors such as customer pressure may be more significant.

There is considerable interest in the Investors in People (IiP) standard with a third of companies either holding or working towards this. Companies with this accreditation can be expected to have a robust system for defining training needs, providing training, appraisals and ensuring personnel are competent to perform their jobs. These are important elements in achieving and maintaining competence in the role of Competent Person. Note that IiP does not specifically mention H&S.

5.2 ORGANISATION ARRANGEMENTS

5.2.1 Seniority

The questionnaire was targeted at the person providing competent advice within the organisation. Responses show that this person is usually senior within the organisation with 63% being a senior or middle manager and 19% being at director level. (see figure 3) Note: the figures may be distorted towards more senior people as the questionnaire was sent in preference to a named H&S contact, but if this was not available to HR, then Operations Director or Managing Director.

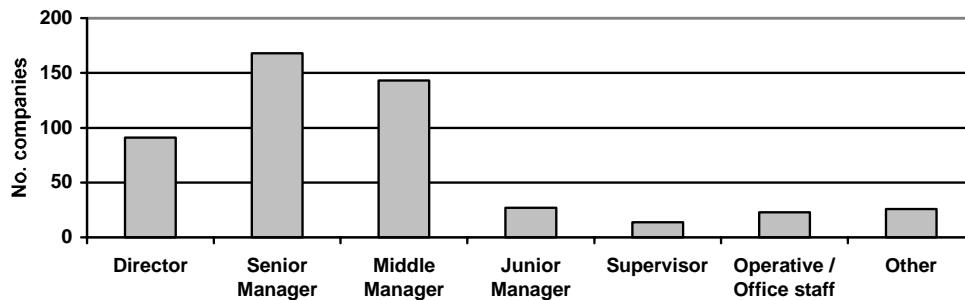


Figure 3 Seniority level for the competent person

When this is broken down into the three risk groups, it shows that the competent person is likely to be senior across all risk groups. (see figure 4) The competent person is more likely to be director level in the high-risk companies with 28.4% of those respondents in high-risk companies being directors.

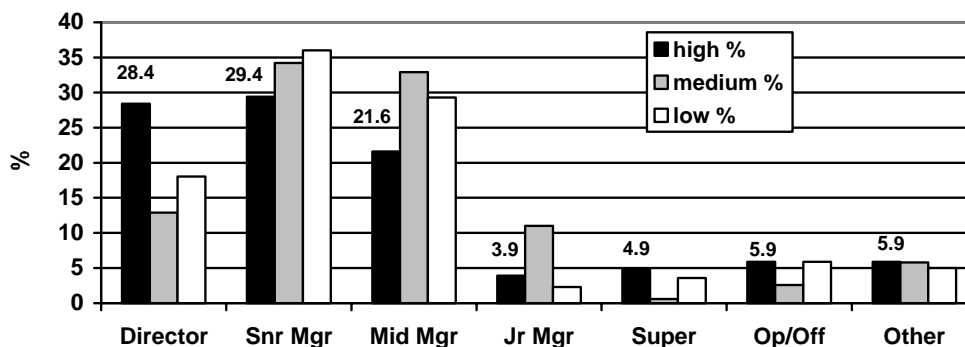


Figure 4 Percentage of respondents within that risk group at each level of seniority

5.2.2 Additional Responsibilities

The competent person is likely to have other responsibilities in addition to H&S. The most common roles to be combined with H&S are environment (57%), and quality (39%). Approximately one third of responses also indicated that they shared one or more of the following roles: Administration, Engineering, Facilities, Human Resources, Production and Security. Only 22 respondents were dedicated to H&S alone.

Comparison with other surveys (see section 3.6)

The EEF survey indicates that more people combine H&S with either environment or quality than the IOSH survey reports. The IOSH survey shows links with Environment and Quality were strong with 22.3% of respondents also being wholly responsible for the environment, and 9% being wholly responsible for quality.

5.2.3 Number of people covered

A Competent Person will provide advice to a number of people across a department, a site or several sites. In this survey the similarity between company size (figure 2) as found from the membership database and the response to the question 'how many people do you act as Competent Person for?' (figure 5) indicates that the Competent Person normally has responsibilities across the whole company.

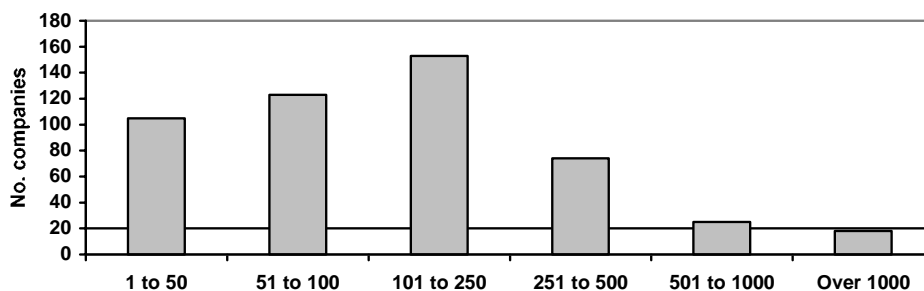


Figure 5 Number of people employed at the site(s) for which they are the Competent Person

5.2.4 Range of risks covered

The Competent Person provides advice over a wide range of risks (see figure 6). Nearly all respondents cover the traditional H&S areas of manual handling, slips trips and falls, fire, and machinery. However, only a quarter of respondents (24.5%) cover stress management. The figure does not show whether other people within the organisation cover this area.

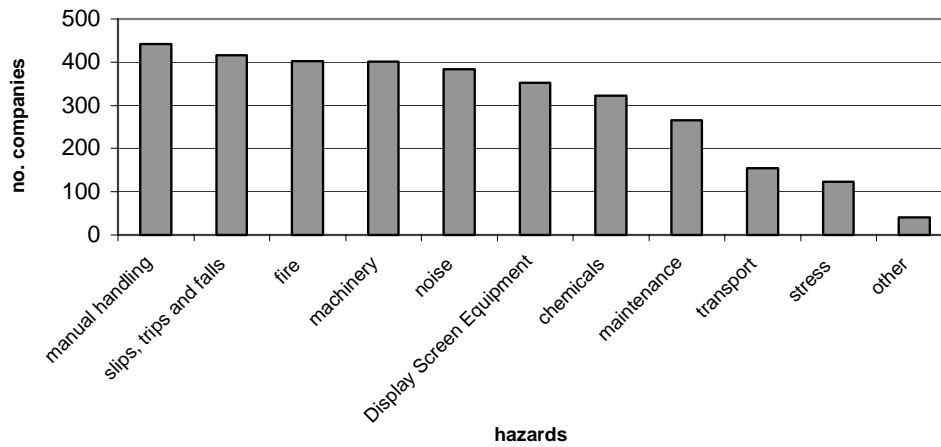


Figure 6 The main hazards for which the competent person provides advice

Comparison with other surveys (see section 3.6)

Research by RRC Business Training indicates that over half of UK businesses are still not training either health and safety managers or employees in recognizing and preventing work related stress. This appears to corroborate the findings of the EEF survey.

5.2.5 Number of people taking the role of Competent Person

Approximately half of the responding companies have the Competent Person role held by one employee, with the others having it shared between several people.

In figure 7 the results are sorted by company size, they show that half the companies with 1-50 employees have a single Competent Person, but in larger companies becomes increasingly more likely for this person to have support from others. For companies with over 1000 employees, 80% receive additional internal support.

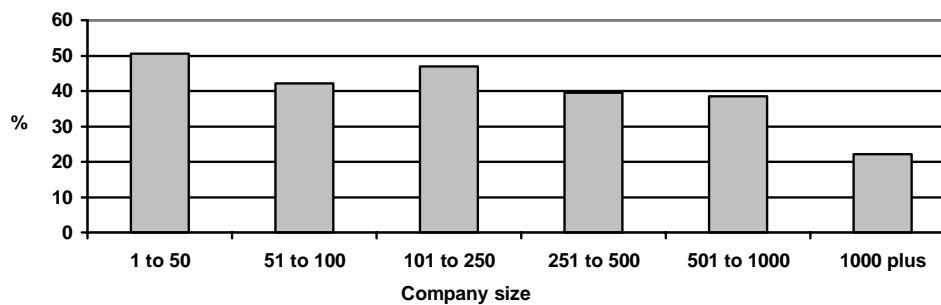


Figure 7 Percentage of companies in that size range with a single Competent Person

In figure 8 the data is sorted by company risk level. The graph shows the percentage of companies with only one person acting as Competent Person as a percentage of the total number of companies in that risk category. This shows that companies in lower risk groups are more likely to have the Competent Person role split between several individuals within the company. This could indicate that there isn't a dedicated H&S person within the lower risk companies, but there is in the medium and higher risk companies. The increase in internal support for high-risk organisations could indicate that no one person within the organisation has sufficient skills to cover all H&S risks.

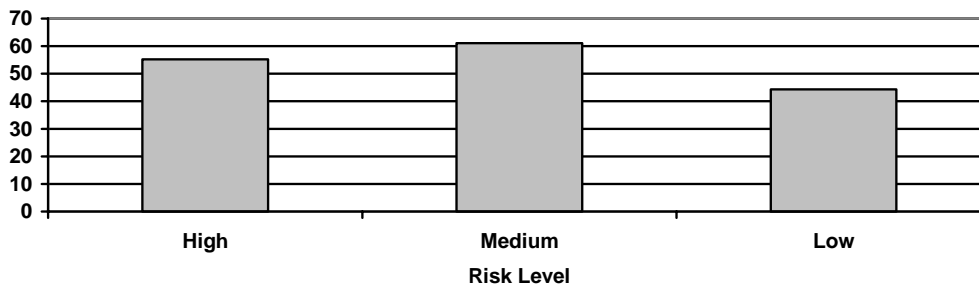


Figure 8 Of those companies in each risk group, the percentage with only 1 Competent Person

For companies where there is a shared role, the other Competent Person is either a Group Advisor (23%), a person providing general H&S advice (33%), a person providing specialist H&S advice (e.g. chemicals, occupational health) (22%) or a person reporting to the Competent Person that completed the questionnaire (22%).

The subjects most commonly covered by specialist advisors are chemicals, occupational health, fire, and maintenance.

Comparison with other surveys (see section 3.6)

The IOSH survey showed 27.7% respondents had responsibility only on a single site, 62.4% for a multiple sites all in the UK, and 10% for multiple sites in UK and abroad. It also considered the number of people reporting directly to the respondent: 46.6% have no direct reportees, 30.4% have 1-4, 11.0% have 5-9, 5.3% have 10-19, 6.7% have over 20.

5.2.6 Companies without a Competent Person

Only 4 of the respondents replied to the last section of the questionnaire stating that they did not have access to competent H&S advice. In each case the reason for this was a lack of time. In addition, one company said the cause was financial pressures and another that they were unaware of the legal requirement for a Competent Person. Of these all intend to obtain access to H&S advice in the near future.

However, earlier in the questionnaire the respondents were asked if they consider themselves to be competent to provide H&S advice, and why they think this. At this stage 32 respondents (6%) did not consider themselves competent. 51 companies did not complete this question and the rest gave reasons as to why they consider they are competent, and their limitations. This implies 6% of companies that responded do not have access to internal competent advice.

Comparison with other surveys (see section 3.6)

The HSE Contract Research Report evaluating the Six Pack Regulations asked both employers and safety representatives whether they have a Competent Person. Responses from employers show the majority (52%) of organisations have a person competent in health and safety employed within the organisation to advise them, 32% use external help (e.g. a consultant), 13% of employers said that they did not have a competent person and 3% did not know. There was a higher proportion not having a competent person in small (14%) than in large organisations (2%), and in service (15%) than industrial organisations (8%).

When safety representatives were asked whether the employer had appointed a specific person competent in health and safety to deal with health and safety issues, the vast majority, (94%) said that they had. Only a small number (3%) said that there was not a person competent in health and safety within the organisation.

Hence, both the EEF survey and the previous Contract Research Report indicate that most companies have access to competent advice. Estimates of the numbers of companies without vary from 3% (Safety representatives), 6% (EEF survey) and 8% (employers in industrial organisations).

5.3 THE PERSON ACTING AS COMPETENT PERSON

5.3.1 Experience

The majority of people acting as Competent Person have considerable experience within the industry that they currently work, with 75% having been employed in that industry sector for more than 8 years, and only 3% being new to the industry having worked in it for less than 1 year. This indicates that they should have a good awareness of the major risks effecting the industry.

Many respondents have been with their current organisation for a long time with over half for 8 years or more. Only 6% have been with that company for under a year. In this time they are likely to have gained a good understanding of how the company works, and formed extensive communication networks.

In comparison, the results show that respondents have held the position of Competent Person, with either current or previous employers for a shorter period of time: under 1 year (13%), 1-3 years (30%), 4-7 years (26%), and over 8 years (31%). This indicates that the Competent Person is likely to have moved from a different role, or been given this responsibility in addition to a former role.

If these figures are broken down into the risk categories we see that in high-risk organisations only 8% of people have held the role of Competent Person for less than a year. (figure 9) As the sector increases in risk, the Competent Person is likely to have held the role for a longer period.

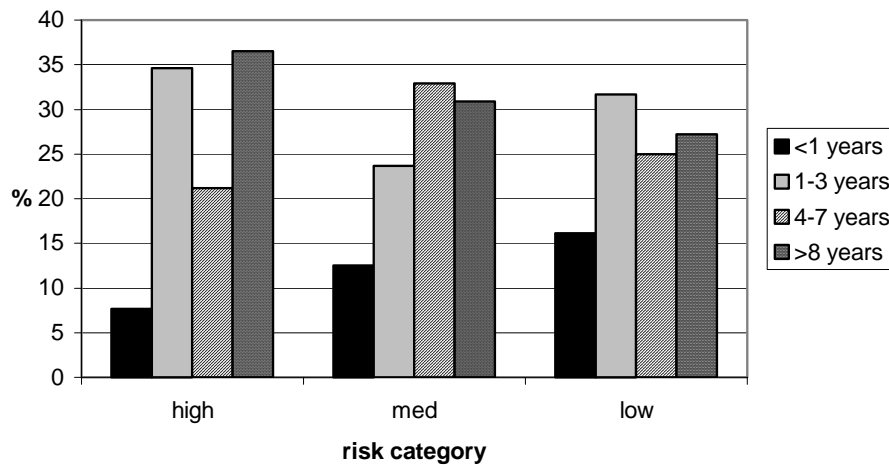


Figure 9 Length of time as competent person for companies of different risk categories

Comparison with other surveys (see section 3.6)

Two previous surveys look at the Competent Person’s level of experience. HSB find that most respondents have considerable H&S experience, with 3 in 4 having worked in the profession for 5 years or more and 43% have more than 10 years experience. IOSH agree that many respondents have been working in occupational health and safety for a considerable time. Their data for the length of time in an H&S role is 0-4 years (20%), 5-9 years (36%) and more than 10 years (44%).

Respondents to the HSB and IOSH surveys have been involved in H&S for slightly longer than those to the EEF survey, but in all cases the results indicate a considerable level of experience.

5.3.2 Knowledge

When respondents were asked to rate their understanding of the legal requirement for the provision of H&S advice in the MHSWR, the answers indicated a good level of understanding. More than 81% rating their understanding as good or adequate and only 4% claimed to have little understanding with 0.2% being unaware of the requirement.

Figure 10 shows the respondents who claimed to have little or no understanding of the regulations broken down by seniority within the organisation. It shows that only 3% of Directors and senior managers claim to have a poor understanding, whilst this figure rises to 11% for the junior managers that replied. (These figures may be distorted by the relatively low levels of junior managers and supervisors replying in comparison to more senior personnel.)

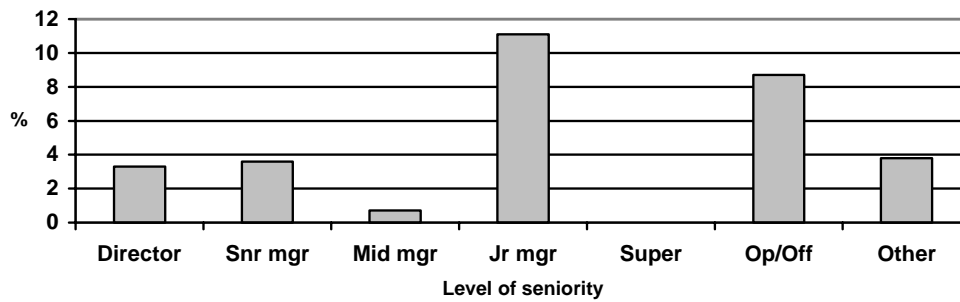


Figure 10 Percentage of those at each level of seniority with no understanding of the management of H&S at work regulations

Of the respondents that claim to have little or no knowledge, most of them come from low risk sectors. (Figure 11) 12% of respondents expressed a need for further clarification of the requirements.

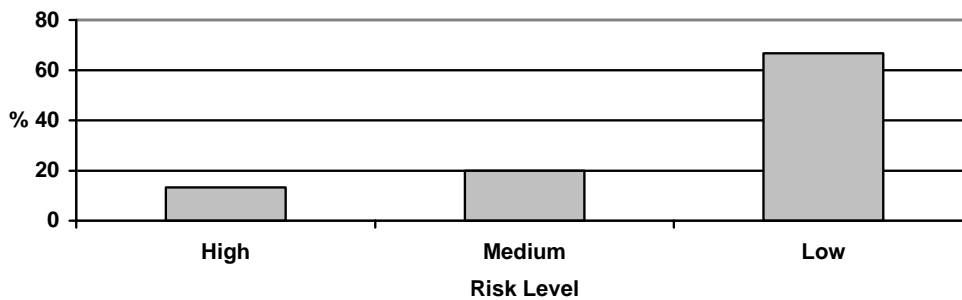


Figure 11 Percentage of respondents with little or no knowledge of the management regulations split by risk category

Respondents were then requested to self assess their H&S knowledge on legislation and risks within their organisation. (Figure 12 and 13) They indicate that once again Competent Person assessed their understanding to be good, with a better understanding of risks in the organisation than legal requirements.

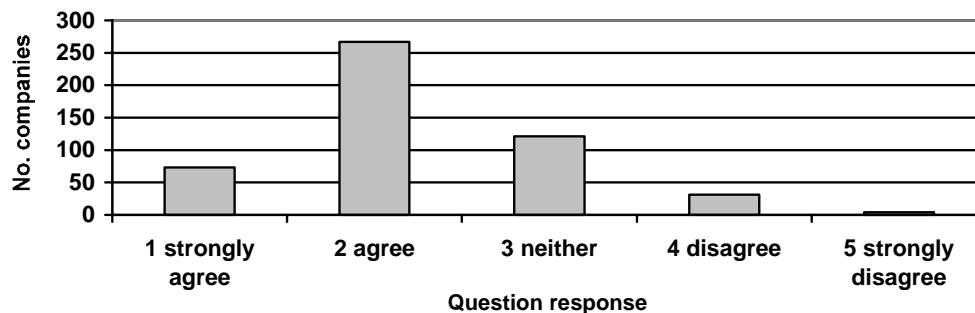


Figure 12 How respondents responded to the question: I have a good knowledge of all H&S legislation relevant to my organisation?

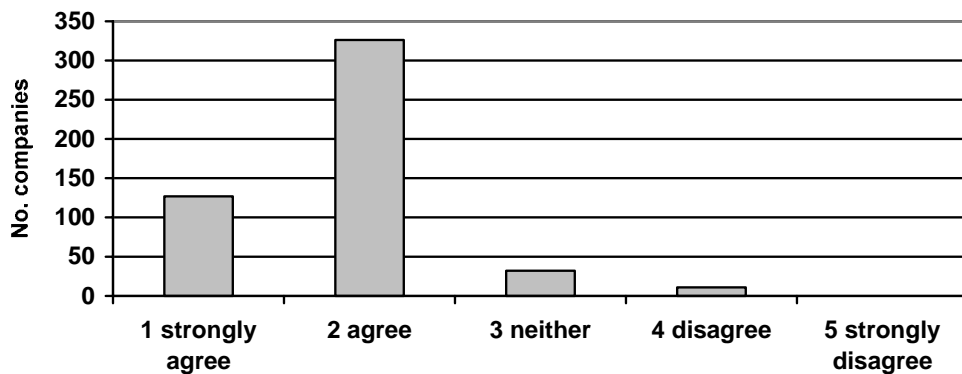


Figure 13 How respondents responded to the question: I have a good understanding of H&S risks in the company I work for?

Comparison with other survey (see section 3.6)

Several surveys look at awareness of legislation. The survey of SMEs indicates a 71.5% level of awareness of legislation. This agrees with the EEF figures.

However, the BCC: survey found the majority of small firms regarded health and safety as important, but adopted “common sense” approach. Regulations were considered too complex and time consuming. It reports that managers were reluctant to approach HSE for fear would conduct a regulatory visit. The RRC study indicates that many businesses, particularly in the high-risk sectors, are woefully ill-prepared for new legislation.

5.3.3 Membership of IOSH

The Institution of Occupational Safety and Health (IOSH) is one of several professional bodies that a Competent Person can join, and arguably the most likely for a Competent Person of an engineering and manufacturing organisation. It provides a membership structure which relates to the level of experience and qualifications held.

20% of respondents were part of IOSH. Medium risk companies showed both the highest membership by number and grade. However, only 15% of the respondents in high-risk companies were in IOSH. Membership levels are shown in table 3.

Table 3 IOSH membership levels

Level	Requirement	Number	Total %	High risk	Medium risk	Low risk
Affiliate	Active interest in H&S	16	3.2	2	5	7
Associate ⁴¹	NEBOSH Certificate or equivalent	35	7.1	7	14	14
Corporate Member	Level 4 qualification + 3 years	37	7.5	1	0	0
Fellow	Made a substantial contribution to H&S field	1	0.2	5	15	16
TechSP	Level 3 qualification + 2 years	10	2.0	1	4	5
RSP	Corporate member + 3 years	0	0	0	0	0
Total		99		16	38	42
Companies in the risk category		502		105	157	230
% in risk category within IOSH		20%		15%	24%	18%

Other professional bodies/ organisations to which respondents belonged to are shown in Table 4. All companies are members of the Engineering Employers Federation.

Table 4 Membership of Professional Bodies/ related organisations

Organisation	Number
Institute of Occupational Safety and Health	99
International Institute of Risk and Safety Management	32
Chartered Institute of Personnel Development	28
Institute of Quality Assurance	23
Institute of Environmental Management and Assessment	20
Institution of Mechanical Engineers	13
Institute of Management	9
Institution of Electrical Engineers	6
British Safety Council	5
Chamber of Commerce	5
Royal Society for the Prevention of Accidents	5
Chartered Institute of Management Accountants	4
Institute of Directors	4
Chartered Engineer	3
Institute of Cast Metal Engineers	3
Institute of Incorporated Engineers	3
Royal College of Nursing	3
Royal Society of Chemistry	3
Society of Operations Engineers	3
British Institute of Facilities Management	2
British Institute of Occupational Hygienists	2

5.3.4 Training

Range of training

There is a wide range of H&S qualifications available. The questionnaire asked the Competent Person to indicate through a tick box if they held one of the main qualifications, and in addition gave a free space for them to enter any additional qualifications they held. Respondents were requested to indicate all the training that applied, and may have ticked several boxes. The response is shown in table 4 and figure 14. In an analysis of these figures, it is important to recognise that the respondents are EEF member organisations, and EEF currently runs the following open courses at some or all associations: NEBOSH certificate, NEBOSH part 1 Diploma, IOSH managing safety, IOSH Contractors passport scheme.

The NEBOSH National General Certificate is the most popular course with nearly 40% respondents having this qualification. It may be a first step for people then going on to a higher level qualification. The certificate course is designed to help those with health and safety responsibilities (eg. managers, supervisors and employee representatives) to discharge more effectively their organisational duties and functions. It is not regarded as a qualification for health and safety specialists. Hence, a Competent Person with this level of qualification may be expected to require considerable support to fulfil the role.

The vast majority of respondents have followed an exam route to gaining knowledge. Only 5% of respondents have followed the NVQ route. About half of the respondents say they are planning to take further training shortly.

Table 5 All qualifications held

Training	Number	% of respondents	Training	Number	% of respondents
No health and safety training	93	19	NEBOSH certificate	195	40
Contractors Passport	13	3	NEBOSH bridging course	2	0
British Safety Council Certificate in Safety Management (CSM)	15	3	NEBOSH diploma (awarded before 2000)	31	6
British Safety Council Diploma in Safety Management (DipSM)	37	7	NEBOSH diploma (part 1)	18	4
Managing Safely (IOSH)	70	14	NEBOSH diploma (part 2)	7	1
S/NVQ level 3	15	3	Degree in H&S	5	1
S/NVQ level 4	10	2	Masters degree in H&S	4	1
			Other H&S training (please specify)	164	33

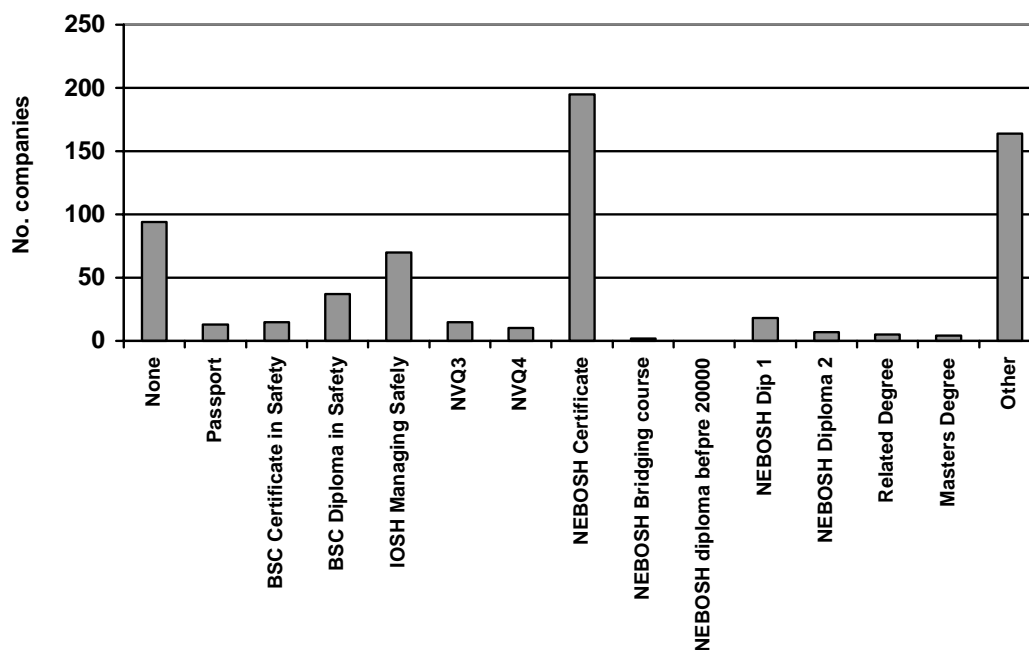


Figure 14 The total number of respondents having taken each training course

The details regarding only the highest level of H&S qualification held are shown in Table 6. Note that many people take introductory then higher-level qualifications, making comparison between table 5 and 6 difficult. Hence, 48 people hold a NEBOSH Diploma or NVQ level 4. Of these 4 went on to take a Degree or Masters Degree in H&S making the NEBOSH Diploma or NVQ4 the highest qualification for only 44 people.

Under the old scheme of National standards a level 3 qualification is considered suitable for an H&S Practitioner in a low risk environment, 108 respondents (21%) hold the equivalent of this. 53 companies (10%) hold a level 4 qualification and are therefore IOSH considers to be suitably qualified as an H&S practitioner for a high-risk organization. (Note the new NEBOSH Certificate (2003) is considered to be equivalent to NVQ level 3, but the former qualification was not.)

Table 6 Highest H&S qualification held

Qualification	Number of respondents
Degree or Masters Degree	9
NEBOSH Diploma Part 2, NEBOSH Diploma gained before 2000 or NVQ 4	44
NEBOSH Diploma Part 1, NEBOSH bridging Course, Diploma in Safety Management, NVQ3	55
NEBOSH Certificate, Certificate in Safety Management, IOSH Managing Safely	144
Passport qualification or other course	47
No H&S training undertaken	93
No response	90
	14

The questionnaire allowed respondents a free space to mention any additional H&S training they have received not already itemized. Responses are shown in table 7:

Table 7 Other training undertaken

<i>Course/other</i>	<i>Number</i>	<i>Course/other</i>	<i>Number</i>
risk assessment	26	construction	3
CIEH (chartered inst of env health)	11	first aid	3
fire	9	safety auditing	3
manual handling	9	accident reporting	2
COSHH	8	Dangerous Goods Adviser	2
management responsibilities	7	training for trainers	2
noise	4	IOSH working safely	2

5.3.5 Companies where the respondent has no H&S qualifications

A large number of respondents (19%) have received no health and safety training. Figure 15 shows this broken down by risk level. 29% of companies in the in the high risk sector have no Competent Person with H&S training, as compared with 14% in the medium risk and 22% in the low risk sectors. The Competent Person from medium risk companies is most likely to have H&S training, and this agrees with the finding that they are also more likely to have IOSH membership.

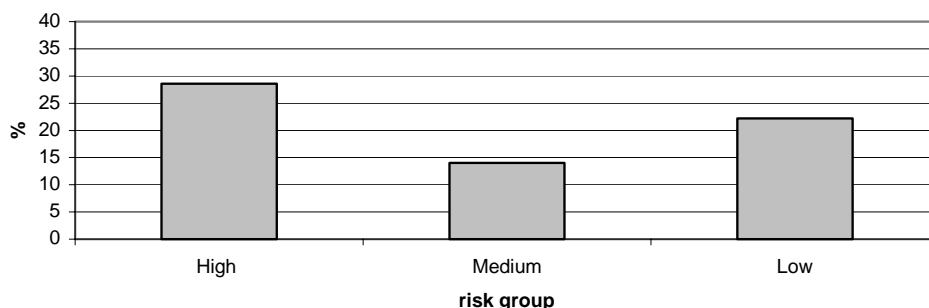


Figure 15 Percentage of companies in that risk group where the Competent Person has received no H&S training

Figure 16 shows that larger companies are more likely to have a trained Competent Person than smaller companies. Of companies in the size range 1-50 employees, 45% have an untrained Competent Person. This figure decreases sharply with 19% of companies in the size range 51-100 employees having no training.

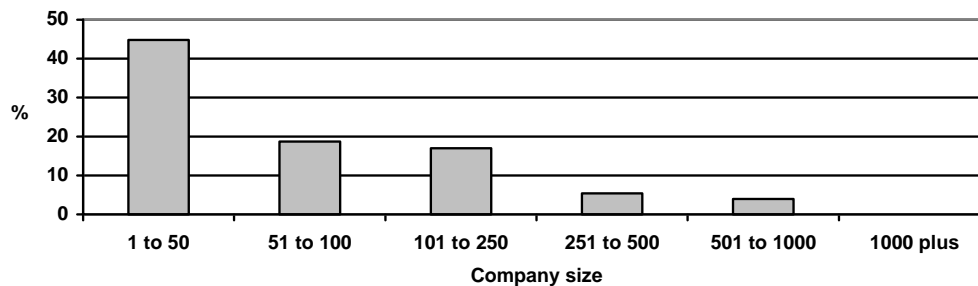


Figure 16 Percentage of companies in that size group where the Competent Person has no H&S training

Figure 17 analyses the respondents who have had no H&S training by seniority level and shows that nearly 50% of directors have had no H&S training. This is particularly worrying as senior management commitment is one of the most important elements of safety management.

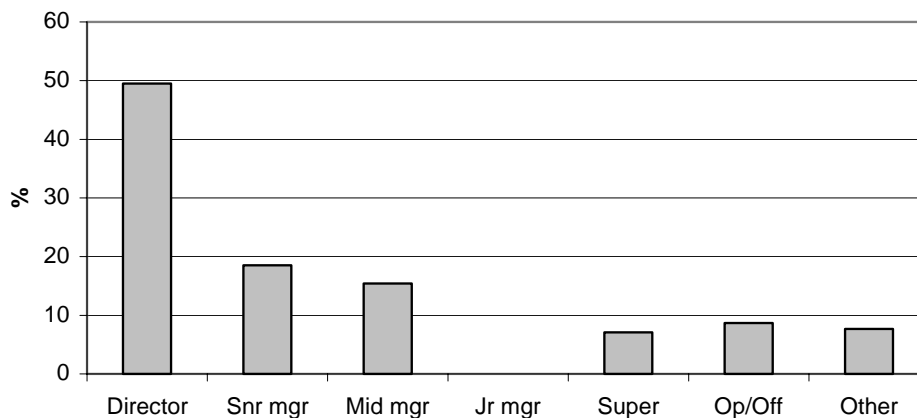


Figure 17 Percentage of respondents at that level of seniority that have not received training

Comments on training

There was a general level of satisfaction with the courses available with 378 (75%) of respondents reporting that the training provided the information needed for the job whilst only 37 (7%) did not.

However, 183 (36%) respondents felt that they have not had adequate training for their role and only 288 (57%) responded that they had adequate training.

In the free comments section many respondents refer to the need for additional refresher training. Responses include:

“There seems to be a lack of good quality refresher training for people who qualified some time ago”

“The training was delayed through increased work load and multi – role”

“The initial training was probably OK, but things have changed so much over the years it is now probably out of date”

“H&S has too many subjects to cover in detail. You always need to refer to guidance notes etc”

“The training was too broad based and did not really tackle the problem solving or overcoming certain safety issues”

“Fragmented and expensive”

“The courses attended have pointed me in the direction of where to seek additional/detailed information”

“Too little, too late”

Comparison with other surveys (see section 3.6)

Many surveys consider H&S qualifications held by the Competent Person. The three quoted here show a higher level of training than the EEF figures. This probably reflects the sampling structures of the surveys, with IOSH and HSB aimed at H&S specialists, and RRC being a training body.

HSB finds 96% of H&S Managers and 88% of H&S co-ordinators and advisors have H&S qualifications. IOSH RSP status, and NEBOSH certificates and diplomas are the most popular.

The IOSH survey shows more highly qualified individuals with 83% of respondents possessing an OSH qualification (NEBOSH certificate = 73.2%, NEBOSH Diploma = 50.1%, NVQ level 4 = 6.0%, NVQ level 3 = 36%).

RRC find a 75% of health and safety managers have formal qualifications to equip them for their role. (EEF found 80% companies have had some form of training, but this probably does not constitute a formal qualification in many cases.)

5.3.6 Other Qualities

Understanding of relevant current best practice

As competence is very much a time bound characteristic, the Competent Person needs to keep up to date with the latest developments. The questionnaire asks respondents to rank their preference for different methods of doing this from a list of 10 proposals and a free ‘others’ section. The responses are weighted, with the first preference awarded 11 points, the second 10 etc. and this is shown in figure 18. It shows that HSE publications are the most popular means. The internet is relatively unpopular, despite the amount of good information available free of charge.

When asked which information sources they use the replies show 193 (38%) respondents use the HSE web site, only 132 (26%) use other sites on the internet for H&S information. This compares with 269 (53%) using HSE publications.

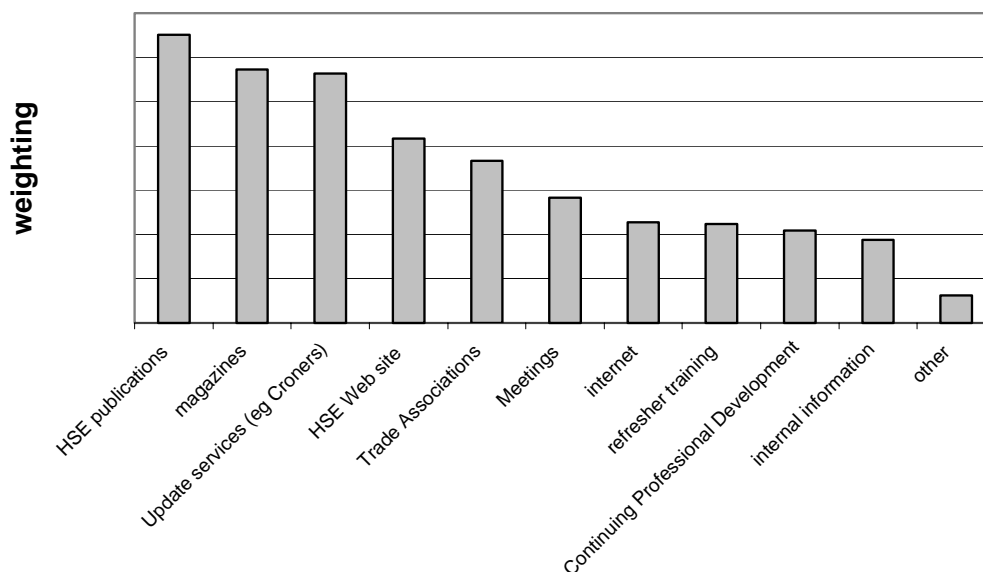


Figure 18 Preferred information sources for keeping up to date

Comparison with other surveys (see section 3.6)

Two other surveys consider means of keeping up to date, and their findings are similar to those in the EEF survey.

The HSB survey indicates H&S magazines and periodicals were the most popular source of advice, with 88% respondents having used them. Electronic information does not seem as widely used as might be expected, with less than half (41%) of all respondents saying they use the internet.

The survey comparing SMEs in UK and Spain finds that 62% respondents use health and safety articles in professional and popular journals, 49.3% use HSE materials and 39.4% use information from trade associations

5.3.7 Understanding of limitations

When asked their level of agreement with the statement ‘ I am aware of when I need to seek additional support in my role as a H&S advisor’ 37% strongly agreed and 54% agreed with this statement. Possibly the willingness to seek external support is reflected in the large number (about three quarters) that use external consultant.

Comments in the free section include: “As a small engineering company it is not practical for us to have in-house competency in all areas of H&S. Where such competency is required we bring in consultants”.

5.4 RESOURCES

Regulation 7(3) of MHSWR requires employers to ensure that the Competent Person has “sufficient time available to fulfil their functions, and the means at their disposal are adequate having regard to the size of undertaking, the level of risk, and the distribution of risk.”

Time allocated

The questionnaire asked about the level of resources committed to the role of Competent Person.

Figure 19 shows over 50% of respondents spend over a day a week on H&S issues, and only 11% spend less than one hour a week. The graph indicates that the Competent Person is more likely to spend little (1-5 hours) or a lot (over 20 hours) time dedicated to H&S compared to the middle amount of time (6-20 hours).

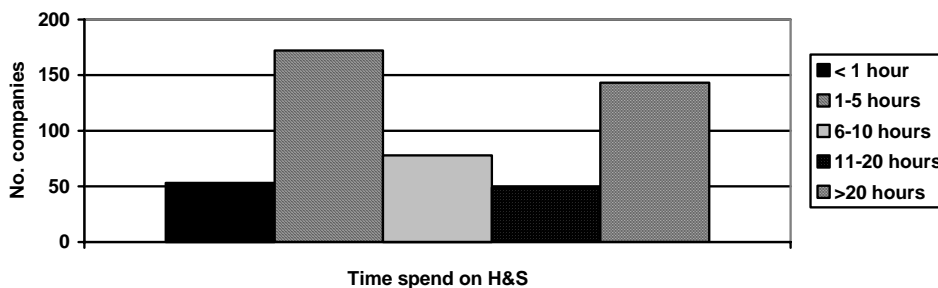


Figure 19 Amount of time spent on H&S each week in companies

The graph indicates that when a director acts as Competent Person he spends relatively less time on H&S compared to when this role is held by other seniorities. Junior and middle managers and supervisors spend the most time on H&S as a Competent Person.

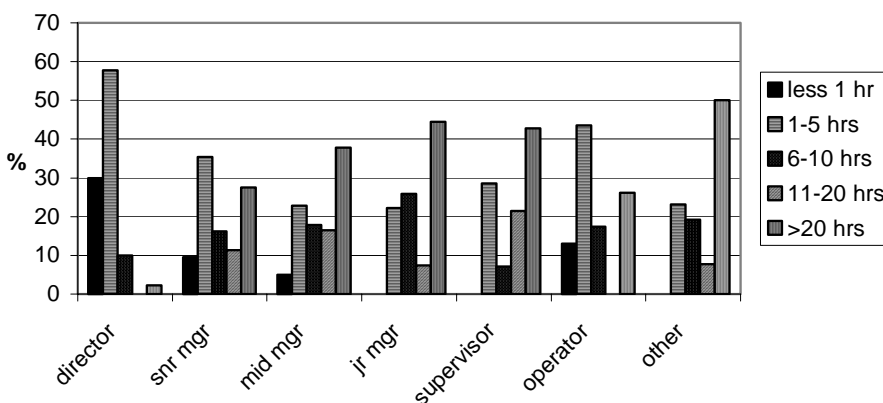


Figure 20 Percentage of time spent on H&S by different seniorities

Figure 21 shows that the level of risk in a company has very little effect on the amount of time spent on H&S.

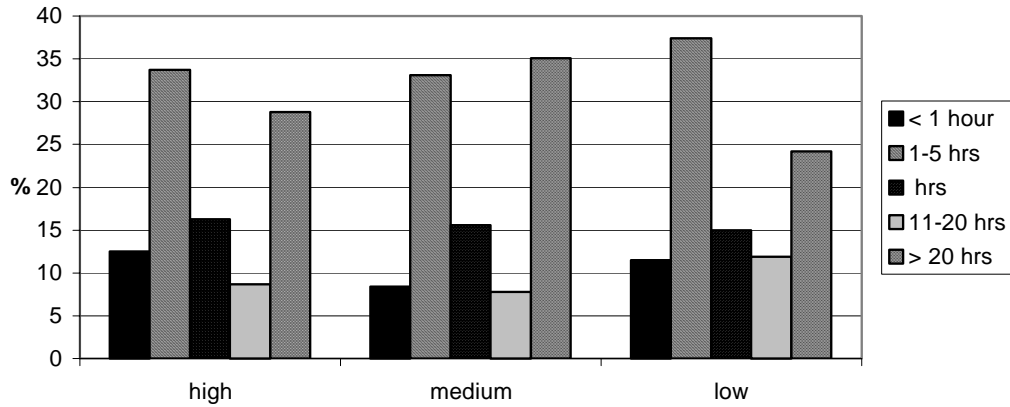


Figure 21 Percentage of time spent on H&S in companies of different risk levels

When the companies are divided into different size categories, we see that in the larger companies the Competent Person spends longer on H&S issues.

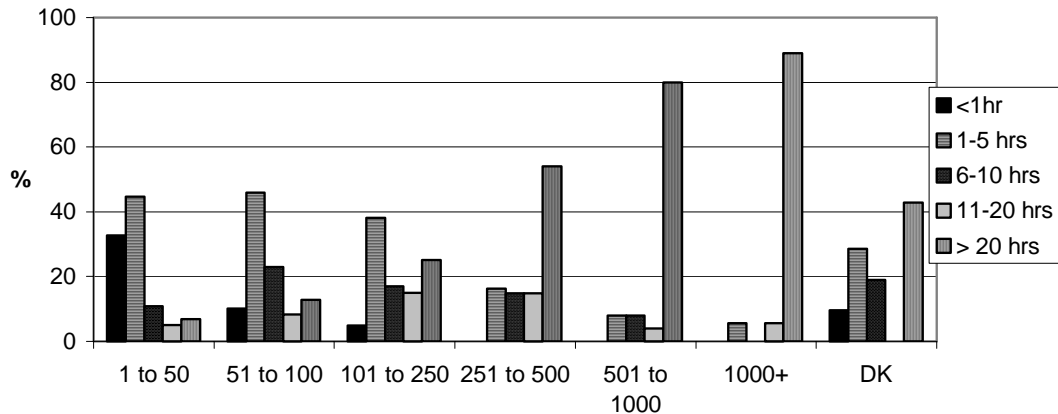


Figure 22 Percentage time spent on H&S in companies of different sizes

5.4.1 Finance

In approximately $\frac{3}{4}$ of companies there is a specific budget dedicated to H&S. In 75% of these cases the Competent Person was able to influence the level at which that budget is set.

To gain additional resources within an organisation it is necessary to have access and be able to influence company directors. Over 80% respondents agreed or strongly agreed that they are able to influence the decisions of directors on H&S issues. However, when asked if, in their opinion, H&S is given equal priority with other aspects of the business, the responses varied more widely. This is shown in figure 23.

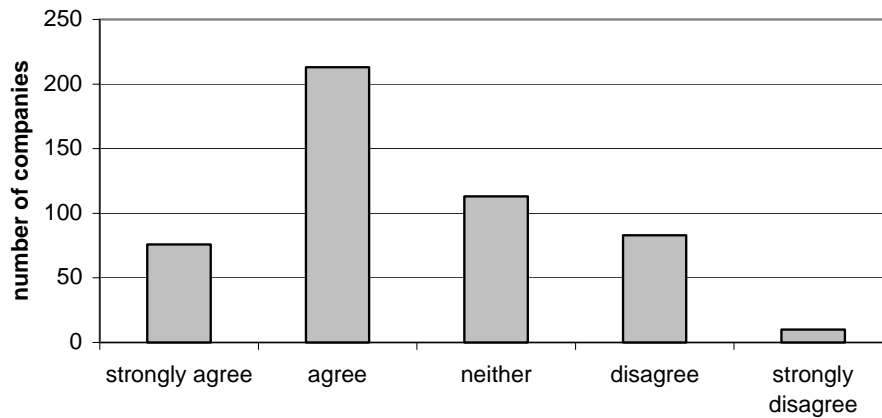


Figure 23 Response to “H&S is given equal priority with other aspects of the business”

Comparison with other surveys (see section 3.6)

The HSB survey agrees with the EEF survey in finding that resource constraints are considerable. In the HSB survey recipients experienced problems in the following areas: motivating other management (67%), excessive workload (57%), inadequate financial resources (44%). Improved management commitment and communication are described as the most useful way to improve H&S within organisations and rank much higher than financial resources and outside help.

5.5 USE OF EXTERNAL H&S CONSULTANTS

One of the requirements of competence as defined in the Guidance to the MHSWR is an awareness of the limitations of knowledge and experience. This should be combined with the willingness and ability to supplement existing experience and knowledge, when necessary obtaining external help and advice.

About 70% of respondents have used H&S consultants to provide advice on H&S issues, with approximately one third using an external consultant for 1-5 days work in the previous year. The sample may be biased as H&S consultancy is a service offered by the EEF. The survey did not distinguish between organisations using EEF services and those of other consultancies.

The type of work for which consultants are used is shown in the figure 24 below with companies indicating all that applies.

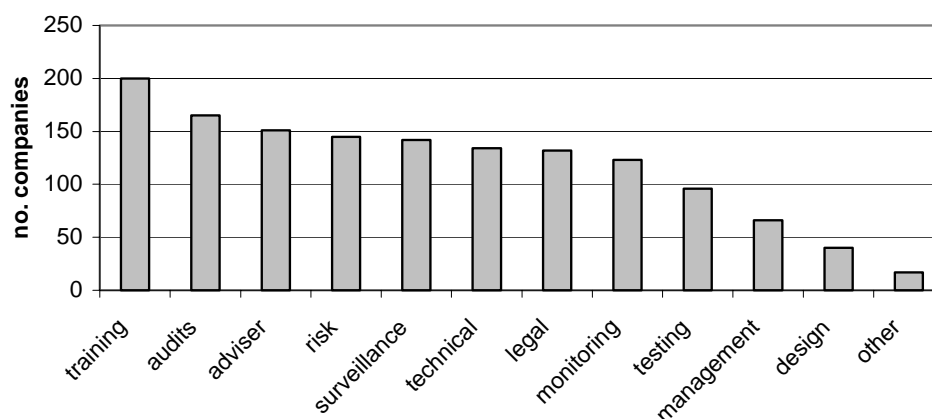


Figure 24 Activities carried out by a consultant

Training provision is the largest use of consultants indicating that H&S knowledge is being shared throughout the organisation. Audits is the second largest use indicating the preference for an independent review highlighting areas which can be developed and improved.

There is a good level of satisfaction with using consultants to supplement existing knowledge. When asked about the effectiveness of consultants the responses are shown in table 8. Of the four questions, the one with which the respondents most strongly agreed was that consultants make recommendations that can be acted upon.

Table 8 Responses to statements about the use of external consultants

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
They are a cost effective way of getting H&S support	57	174	106	27	2
They have a good understanding of H&S issues in my company	58	176	103	25	4
They make understandable recommendations that can be acted upon	58	230	70	8	1
Sometimes their advice is inappropriate	9	84	130	127	16

Comparison with other surveys (see section 3.6)

The survey comparing H&S provisions in SME companies in UK and Spain reports 33.9% of companies use external consultants for managing health and safety issues. This is lower than the figure from the EEF survey, probably as H&S consultancy is one of the services offered by EEF.

5.6 ASSESSING COMPETENCE

5.6.1 Internal company personnel

In approximately half the companies the role of Competent Person is split between 2 or more employees. In these cases the Competent Person with an assistant were asked if he assessed the competence of his assistant, 50% responded yes. 102 people provided information on how they assessed competence, and the answers are figure 25. It shows that training and qualifications are the most common measure used. This is followed by staff appraisal, which may be a reflection of the use of schemes such as Investors in People. The third most common is audit, which may be due to the use of management systems such as ISO 9000.

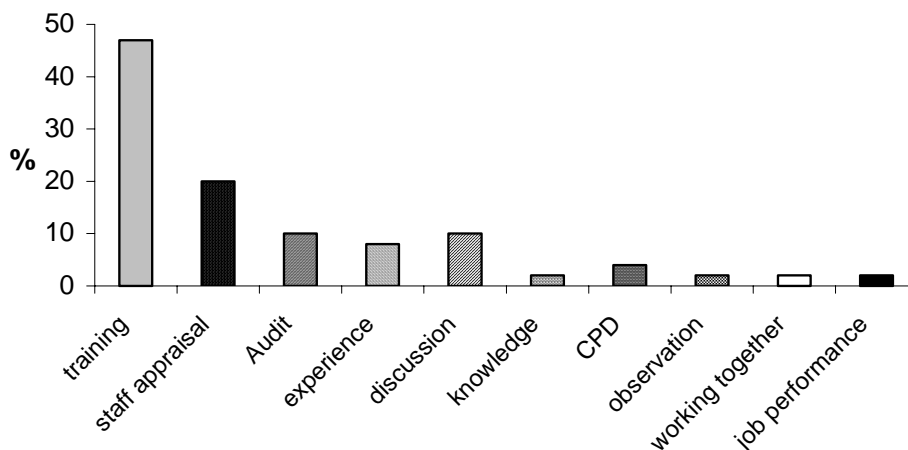


Figure 25 Ways in which competence is measured in staff

5.6.2 Use of external contractors

Four fifths of respondents use contractors and/ or self employed workers. When these people were asked how they assessed the H&S competence of these contractors the replies are shown in the figure 26. Note that respondents could tick all that apply.

The level of experience was the most common way of measuring competence of contractors, and this was followed by qualifications and training. Membership of a professional body was also considered to be very important. 61 companies (12%) use the contractors passport scheme. 85 respondents (17%) stated that they did not measure the competence of contractors.

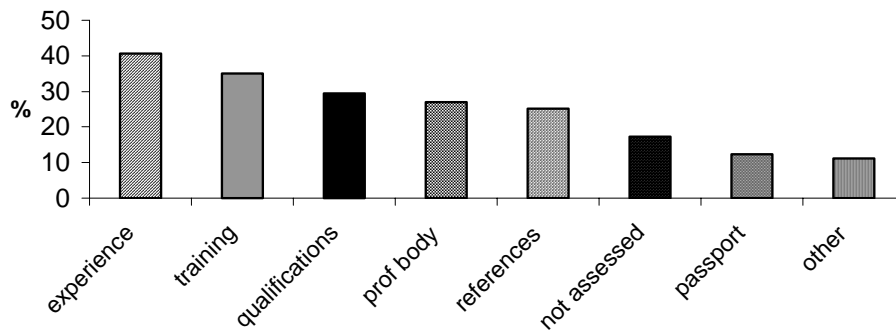


Figure 26 Ways in which the competence of contractors is measured

5.7 EVALUATION OF THE COMPETENT PERSON'S ACTIVITIES

EmpNTO publish H&S standards against which the performance of a Competent Person may be assessed. The standards cover the key elements in setting up and running a safety management system. (note a Competent Person does not have to possess these skills himself, but has to have access to them). This is also the approach taken in HS(G)65 which provides the basis of approach for HSE inspectors. Table 9 shows when companies responded that they had this element of a management system in place in some format. It also shows a ranking (by position on the table) of which elements a company is most likely to have. The last column of table 9 shows a ranking by how effective the element is perceived to be, and for more details on this see table 10 and discussion below.

Table 9: Number of companies having this element of a management system

<i>Elements of a safety management system</i>	<i>Companies with the element in place</i>		<i>Relative position of the element</i>	
	<i>No.</i>	<i>%</i>	<i>Have it</i>	<i>Effectiveness</i>
A documented H&S policy	490	98	1	2
Senior management commitment to H&S	481	96	2	1
H&S risk assessments	479	95	3	16
Workforce involvement in identifying hazards	463	92	4	8
A clearly defined structure for H&S responsibility	462	92	5	3
H&S information easily available for workers	460	92	6	4
H&S training for workers for all relevant activities	452	90	7	11
Workforce involvement in proposing H&S improvements	451	90	8	5
Audits or inspection	431	86	9	13
Documented safe systems of work	416	83	10	9
Analysis of accident statistics or incident trends	416	83	11	12
H&S committee	410	82	12	15
H&S reviews to identify inadequacies and make improvements	406	81	13	10

<i>Elements of a safety management system</i>	<i>Companies with the element in place</i>		<i>Relative position of the element</i>	
	<i>No.</i>	<i>%</i>	<i>Have it</i>	<i>Effectiveness</i>
Documented emergency plans which are tested and reviewed	402	80	14	7
Well defined H&S objectives and targets which are reviewed and achieved	387	77	15	14
Refresher training on H&S matters	378	75	16	6

The questionnaire asks the respondent to judge whether the elements of a safety management system are carried out in his organisation, and if so how well. They can rate the different elements as either very effective, adequate or needs improvement. No indication of what equates to very effective, adequate or needs improvement is given within the questionnaire. The replies have not been verified.

The responses are shown in table 10

Table 10 Self evaluation of safety management status

	<i>very effective</i>		<i>adequate</i>		<i>needs improvement</i>	
	<i>number</i>	<i>%</i>	<i>number</i>	<i>%</i>	<i>number</i>	<i>%</i>
Senior management commitment to H&S	167	34.1	267	54.5	56	11.4
A documented H&S policy	177	36.8	215	44.7	89	18.5
A clearly defined structure for H&S responsibility	163	35.3	214	46.3	85	18.4
Health and safety committee	85	22	180	46.5	122	31.5
H&S information easily available for workers	138	28.8	226	47.2	115	24
Documented safe systems of work	118	25.5	191	41.3	154	33.3
H&S training for workers for all relevant activities	105	23.3	207	45.9	139	30.8
Refresher training on H&S matters	171	41.7	173	42.2	66	16.1
Workforce involvement in identifying hazards	101	22.3	237	52.4	114	25.2
H&S risk assessments	54	14.3	194	51.3	130	34.4
Workforce involvement in proposing H&S improvements	113	24.6	245	53.3	102	22.2
Audits or inspection	89	21.4	192	46.2	135	32.5
Analysis of accident statistics or incident trends	110	27.4	181	45	111	27.6
Documented emergency plans which are tested and reviewed	161	38.7	181	43.5	74	17.8
H&S reviews to identify inadequacies and make improvements	123	28.5	210	48.7	98	22.7
Well defined H&S objectives and targets which are reviewed and achieved	77	19	213	52.5	116	28.6

Weighting the responses such that very effective = 3 points, adequate = 2 points, needs improvement = 1 point, and not available = 0 points, enables a chart showing relative strengths to be drawn (figure 27).

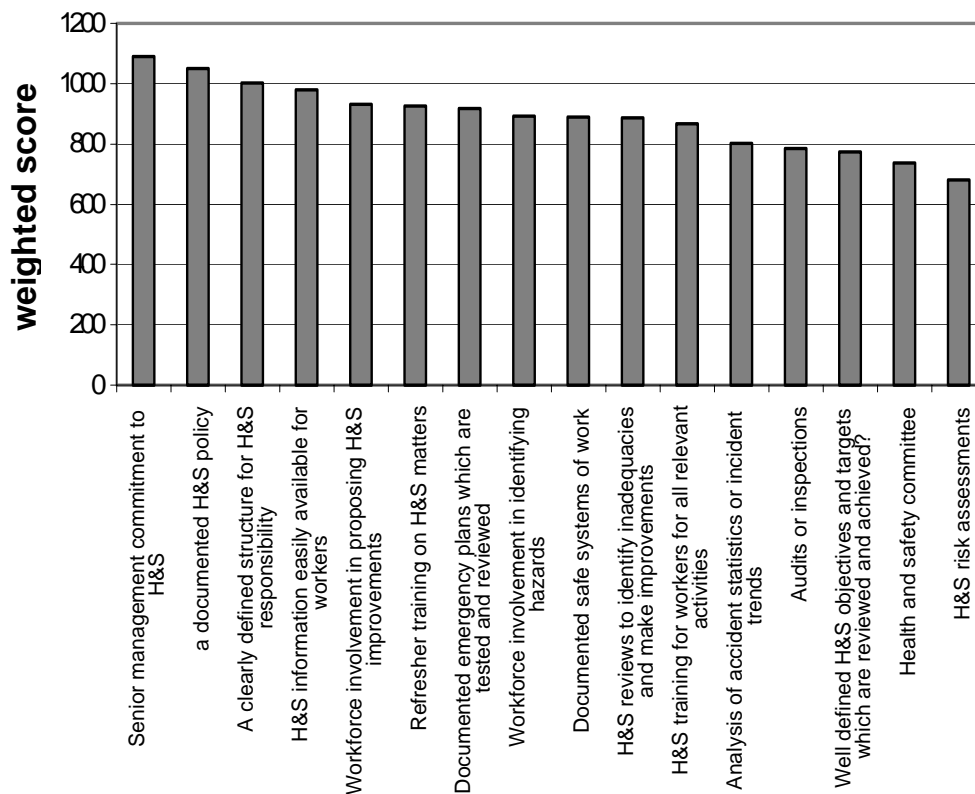


Figure 27 Relative strengths in the management system

Self-assessment indicates there is generally a good uptake of the elements of a Safety Management System. Analysis of the elements shows:

- x Elements which are in place and considered to be effective include the H&S policy and senior management commitment, and a clearly defined responsibility for H&S.
- x Elements which are likely to be in place but are least likely to be judged effective include risk assessments, workforce involvement in identifying hazards and H&S training for all relevant activities. These are areas which companies are aware of but are struggling to implement. Two key areas, which are fundamental to H&S management, fall within this category: risk assessment and training.
- x Elements that are least likely to be in place, but where they are they are judged to be effective include: refresher training on H&S matters and emergency plans which are documented, tested and reviewed. Elements falling into this category may be due to a lack of awareness of the requirement, or a lack of understanding of its importance.

- x Elements which are most likely not to be in place and are also judged to be least effective include: having well defined H&S objectives which are reviewed and achieved.

Comparison with other surveys (see section 3.6)

Other surveys report much lower levels of management commitment than the EEF survey finds. This may be due to different levels of management completing the surveys. RRC find over half the respondents say their board directors see current health and safety legislation as unnecessary red tape and a third believe their board thinks legislation already imposes unnecessary constraints on their business. In a third of the companies no one at board level takes ultimate responsibility for health and safety.

SME find 76.8% of senior management are involved in managing health and safety issues, 90% of companies have a written health and safety policy, 80% use risk assessments and 88.6% had accident/incident reporting system.

5.8 DO YOU CONSIDER YOURSELF TO BE COMPETENT

Respondents were able to write their own thoughts in response to the question ‘Do you consider yourself to be competent to provide H&S advice, and why do you think this?’ The responses have been grouped into three areas. A selection of responses is given below:

Yes, I consider I am competent to provide H&S advice

- x I have received the most recent comprehensive training amongst employees here. Combining that knowledge with the engineering and technical knowledge of our managers gives a more balanced approach
- x I have the training (NEBOSH General Certificate Pass), information (regular updates read and filed), and experience 20 years in manufacturing
- x I have been well trained and I am more interested in health and safety than any work I have previously been involved in.
- x 27 years in the same manufacturing business and 12 years in health and safety. It is easier to apply legislation to processes that you are very familiar with.
- x Experience as a shop floor operative (12 y) straight thinking, observant, good mechanical and engineering background, understand the need to listen and act.
- x Yes, with my previous background in engineering and the H&S training I have received in the last 5 years I feel that I am competent to give safety advice, but I am still willing to learn.
- x Yes because the company H&S record is very good
- x Yes, because I keep up to date with all regulations, its done honestly with nothing hidden and everyone is informed at all times

I consider I am competent to provide H&S advice with support from others as necessary

- x Yes due to my training and experience. I also have access to a lot of information, expertise and good relations with enforcing agencies who give advice when asked.

- x Extensive experience of company machines and work practices, training received to date (not complete). I am realistic, I recognise my limitations and know when to seek further advice.
 - x I am competent for my role due to the level of training received, experience in post, feedback from customers, and assistance from other H&S competent people within organisation
 - x In most cases yes, but in situations where I do not have sufficient knowledge I would seek advice from other sources
 - x I am competent to give general health and safety advice, I seek specialist advice from the Group Safety Manager
 - x By working closely with the group consultant who advises on changes and updates
 - x I have had a breadth of experience both doing tasks and advising on them. I know my own limits and when to seek assistance
 - x I consider myself competent, based upon my knowledge of applicable legislation, ability to influence, empathy with production managers, measures of continuous improvement of OH&S management system and very good assistance
- No, I do not consider myself to be competent in H&S
- x No, due to inheriting H&S as a part of my role and having had no H&S training
 - x Not fully, there are gaps in my knowledge and training
 - x No we have a competent person (third party)

6. CONCLUSIONS

The questionnaire results have been analysed to draw out strengths and weaknesses in how companies address the issue of a Competent Person. The report goes on to discuss opportunities for improvement and threats which may lead to the situation deteriorating. These findings have not been put in an order of importance.

6.1 STRENGTHS

Investors in People

A third of companies either hold or are working towards the Investors in People standard. This reflects the importance they place on ensuring staff are able to perform well in their jobs to meet the needs of the organisation. Investors in People is based upon the principles:

- x Commitment – being committed to developing people in order to achieve the organisation’s aims and objectives
- x Planning – being clear about the aims and objectives and what people need to do to achieve them
- x Action – Developing people effectively to improve performance
- x Evaluation – Understanding the impact of investment in people on performance

Whilst Investors in People does not specifically address H&S issues, its systematic approach should provide a successful structure for ensuring the Competent Person has the correct mix of training, experience and knowledge and other qualities necessary to meet the needs of the position and the organisation. Investors in People is a process of improvement, and by following it companies should see competence levels increase.

Seniority of the Competent Person

The results indicate that the role of Competent Person is usually taken by someone senior within the organisation. 18% of respondents were director level, 33% senior managers and 28% middle managers. A senior person is likely to:

- x Have access to other senior personnel within the organisation and so is well placed to develop management commitment across all functions. This is supported by over 80% of respondents either agreeing or strongly agreeing that they are able to influence the decisions of directors on H&S issues;
- x Have good management skills enabling them to influence others at all levels within the organisation and persuade them to include H&S considerations within their daily processes;
- x Have access to both financial and human resources, and are therefore in a position to ensure sufficient resources are available to meet H&S requirements;
- x Have a strategic approach to H&S, including setting and working towards objectives in accordance with legal requirements and company policy. This approach is the first stage to introducing an effective, sustainable safety culture.

Good understanding of company activities

The results indicate that the Competent Person has a good understanding of the business in which they work. In nearly three-quarters of replies, the Competent Person has worked for their current employer for four or more years and for a similar number the Competent Person has worked within that industry for more than eight years. This high level of experience is likely to have enabled them to:

- x Build up contacts within the industry with whom they can benchmark their activities, and discuss and resolve any H&S problems they face. This may be through industry trade associations;
- x Understand the industry processes and be aware of the major hazards and best practice methods for controlling them;
- x Know people within the company sufficiently well to be able to gain their support in controlling hazards. This will include making use of informal communication routes and knowing who the 'leaders' are that need to be encouraged as H&S champions.

This is supported by 90% of respondents either agreeing or strongly agreeing with the statement 'I have a good understanding of the H&S risks in the company I work for'.

Good understanding of limitations and willingness to seek support

H&S is a wide subject and a single person is unlikely to have the skills and knowledge required to meet all situations. Over 90% of respondents say they are aware of their limitations and know when to ask others for advice.

- x 23% respondents have access to a Group Advisor;
- x 30% of companies used an external consultant in the last year. There seems a reasonable level of satisfaction in the advice provided and that consultants provide cost effective support;
- x HSE publications, magazines and update services such as Croners are the preferred information sources;
- x Membership of a professional body can provide support through telephone help lines and group meetings etc. 20% respondents have joined IOSH, and 6% are in the International Institute of Risk and Safety Management.

Elements of the safety management system most likely to be in place and also judged to be effective

Elements which are in place and considered to be effective include: the H&S policy, senior management commitment, and a clearly defined responsibility for H&S. It would be impossible to implement a safety management system without these elements, and so it is very good to find these as strengths.

6.2 WEAKNESSES

Lack of understanding of ill health effects due to stress

Tackling health effects from stress is high on the HSE list of priorities. The cost to UK Industry of people suffering from stress related illnesses is estimated to be about £7 billion. Effective stress management therefore contributes to good company performance and is a key part of a positive, proactive H&S and human resources policy.

Under Common Law, all employers owe a legal duty of care to their employees. Injury to mental health is treated in the same way as injury to physical health. The Health & Safety at Work Act & the Management of Health & Safety at Work Regulations also apply to the control of stress caused, or made worse by work.

However, when asked which hazards fall within the scope of their work as a Competent Person, only a quarter of respondents ticked the box marked 'stress'. This indicates a low level of recognition of stress as a health factor. The survey did not investigate further whether stress issues fall within the scope of a different function within the organisation, for example, Human Resources.

H&S Training

Training is an essential part of increasing knowledge. The survey respondents have attended a wide range of training courses, from those taking several years, down to specialist short courses in areas specific to the needs of their organisation.

The survey shows that 20% of respondents have had no H&S training. The MHSWR Guidance states clearly that a Competent Person requires training, although no level is stated. The Competent Person should understand the limit of their knowledge and be able to call on additional support as required. However, even if the intention is to make considerable use of external support rather than having the skills in house, the Competent Person will need a certain level of awareness to be able to understand what is required. It can therefore be concluded that in the current situation these people are unable to act as a Competent Person and the employer is exposed to criminal liabilities.

The level of training undertaken is not linked to the risk level of the organisation. Indeed, in the high-risk sector nearly 30% of companies have a Competent Person with no training, and this is a higher figure than for either the medium or low risk companies. A comparison between the level of training and size of the company shows that larger companies are more likely to have a trained Competent Person than small companies. This is probably due to more resources being available within larger companies. This indicates that company size rather than risk level is the dominant factor when determining whether the Competent Person has training.

A Competent Person at Director level is least likely to have H&S training. Analysis shows that in half of the companies where a director takes the role of Competent Person in he has no formal H&S training. Reasons for this could include the other demands on his time.

The MHSWR do not require the Competent Person to be a H&S practitioner, but it is interesting to analyse the questionnaire responses to determine how many companies have a Competent Person working at this expertise level. The EmpNTO standards and IOSH regard

the level of training suitable for a Safety Practitioner to be a level 4 standard. 10 % of respondents meet this level.

Level 3 standards were initially designed for Safety Practitioners in lower risk organisations, or when in a supporting role. Following a review of the standards, they are now considered as a qualification for meeting the needs of 'people at work' and are no longer aimed at Safety Practitioners. This level is held by 10 % of the respondents. (The IOSH grade TechSP has been included at this level)

This means that 60% of respondents have had some H&S training at below the level 3 standard. The Nebosh Certificate is most common qualification, with 30% respondents having either this or the British Safety Council Certificate in Safety Management as their highest level qualification. This is not intended as a level for an H&S practitioner but does provide a good level of awareness of H&S issues. 10% of respondents holding qualifications at this level go on to take higher level qualifications.

The MHSWR prefer the Competent Person to be an employee in preference to someone who is not in their employment. If this is followed, then a higher level of training would be expected. The findings of this survey do not reflect this.

A large number of people (37%) consider they have inadequate training for their role. Only 56% thought they had adequate training. Some issues mentioned in the free comments section could account for this including: cost of courses, time pressures, wide range of issues that need to be covered in an H&S course.

Refresher training is highlighted as an area of weakness. It was reported that this is the least likely of the elements of a safety management system to be in place. Whilst this refers to H&S training for all employees, the finding is repeated when considering the comments made by the Competent Person about their personal training. A typical comment is: "there seems to be a lack of good quality refresher training for people who qualified some time ago."

Lack of Resources

The MHSWR require every employer to: 'Ensure that the number of persons appointed, the time available for them to fulfil their functions and the means at their disposal are adequate.'

With regards to financial resources, the survey shows that half of respondents are able to influence the level at which an H&S budget is set.

In 37% of companies the Competent Person spends less than 5 hours a week on H&S. However, in 28% of companies the Competent Person dedicates over 20 hours to H&S. There is a correlation between the amount of time dedicated to H&S and the size of a company, but not the risk level. If the Competent Person is at director level, then he is likely to dedicate less time to H&S responsibilities than if he is at a different level in the organisation.

Safety management elements which are least likely to be in place and also least likely to be judged effective

The presence of defined H&S objectives which are reviewed and achieved is the element of a safety management system which is least likely to be in place and which those companies with it consider it to be ineffective. Improvements in H&S performance (continual improvement) are most likely to come about when senior management set objectives of which everyone is aware and committed, and progress towards them is regularly monitored and reviewed.

6.3 OPPORTUNITIES

Safety Management Systems

A safety management system, whether formal or informal, ensures H&S is dealt with in a proactive and sustainable way. A systematic approach requires the setting of policies and objectives. The company implements systems and training to control risks and achieve the objectives, and measures progress. The final stage, a review by management ensures the system is meeting the objectives of the organisation, and reviews policies.

Whilst the survey shows 83% of companies already hold registration to a quality standard, and nearly 40% of companies either hold or are working towards the environmental standard, the uptake of H&S standards is lagging behind at 6%. This may be because there is currently no ISO standard for H&S, and the international standard OHSAS has only recently been introduced. However, the results indicate 10% of companies are currently working towards an H&S standard. The strong uptake of quality and environmental systems may indicate that H&S systems uptake is also likely to grow in the future.

Information on the internet

Although there is a significant amount of information available for free on the internet, this media is not ranked highly as an H&S information source. The HSE web site proves to be relatively popular, and has been visited by 38% respondents. However, only 26% companies said they use other sites. These information sources rank behind HSE publications, magazines and update services such as Croners which are preferred even though you have to pay for much of the information. Reasons for the internet lagging behind could include: lack of access to facilities, not knowing what information is available, not being able to find the information required. As technology improves this medium is likely to become increasingly important. There is a big opportunity to provide targeted information to companies at low cost.

Priority given to H&S

The survey finds that 60% of respondents agreed or strongly agreed with the statement that H&S has equal priority with other aspects of the business in their company. Over 80% respondents agreed or strongly agreed with the statement that they were able to influence directors on H&S issues. This is an important area to bring about improvements and improvements could be made.

No Competent Person

The survey indicated that 6% of companies do not have a nominated Competent Person. Although this is a relatively low figure, and it is substantiated by other surveys in this area, as this person is important to improving H&S performance, it is important that companies bring someone into this position.

Transferable skills

Only 22 respondents said that their time was dedicated to H&S issues alone. All the other respondents have additional responsibilities, with the most common being environment (57%), quality (39%), and Human Resources (36%). A wide role may enable the competent person to develop a variety of transferable skills, for example, lessons learnt in developing quality management systems can equally be applied to safety management systems. However, it could indicate that resources are being stretched thinly, and conflicts of interest may arise eg between H&S and production.

Safety Management elements which are likely to be in place but are least likely to be judged effective

Elements which are likely to be in place but are least likely to be judged effective include: risk assessments, workforce involvement in identifying hazards and H&S training for all relevant activities. These are likely to be areas of which companies are aware of but are struggling to implement. Two key areas, which are fundamental to H&S management, fall within this category: risk assessment and training.

6.4 THREATS

Legal Knowledge

A good understanding of legal requirements is fundamental to ensuring the health, safety and welfare of employees and others affected by the company's activities. A Competent Person should have at least an awareness of the requirements, even if they do not understand the detail. This will enable them to identify areas where they need to get additional help. Only 15% of respondents strongly agree with the statement that they have a good knowledge of all H&S legislation relevant to their organisation. 53% agreed to this. Only 7% disagreed or strongly disagreed.

Safety Management elements that are least likely to be in place, but where they are they are judged to be effective

Refresher training on H&S matters and the presence of emergency plans are the elements which companies reported are least likely to be in place, but those companies which have them judge them to be effective. Safety Management Elements may fall into this category due to a lack of awareness of the requirement, or a lack of understanding of its importance.

7. RECOMMENDATIONS

The objective of this report is to increase the HSE's understanding of competence levels held by people acting as nominated Competent Persons within the manufacturing and engineering industry. 'Competence' requirements vary widely depending on the legal requirements and the nature of the undertaking making it difficult to provide any specific guidelines. The survey provides preliminary data on which to develop the study.

7.1 CORRELATION OF COMPETENCE AND PERFORMANCE

The survey made no attempt to correlate characteristics of the Competent Persons with that of their company performance. An extension of this study is recommended to evaluate this data, possibly through the use of case studies. This report shows that to be most effective additional work should focus on good examples within smaller companies and those operating in the higher risk sectors.

7.2 THE IMPACT OF TRAINING

The survey indicates that the level of training undertaken by the Competent Person is one of the areas of weakness. HSE should consider conducting further work into the impact of training on the abilities of the Competent Person. This report indicates that to be of most benefit additional work should focus on the higher risk sectors, smaller companies and where the person taking the role of Competent Person is at Director Level.

HSE commissioned a Contract Research Report on 'The impact of trade union education and training in health and safety on the workplace activity of health and safety representatives'⁴². (Walters et al). This survey comprised a postal questionnaire, telephone interviews, face to face interviews and group activities. It demonstrated the significance of training in stimulating and supporting the workplace activities and found increased health and safety activity following attendance on courses. The Safety Representatives perceived the training to be a substantial support for their H&S achievements as well as a significant aid in overcoming barriers to their workplace actions.

A similar piece of work focused on the activities of the Competent Person could collect valuable information on the links between training and performance. Such work should consider the format of training provision, availability, coverage and access as well as its content. This could build on findings from this benchmarking survey including the significance of duration and cost of courses and the lack of refresher training. Factors to consider include:

- x which elements of content and delivery were thought to be most useful;
- x how are courses targeted considering both subject areas and applicability to personnel with different roles and seniorities
- x what are the perceived constraints and how to overcome these. For example, how to engage smaller companies with resource constraints, and senior personnel with time constraints;
- x what format should refresher training take;
- x evaluation of the contribution training has made to H&S performance.

7.3 WHAT ADDITIONAL SUPPORT IS REQUIRED

An ability to keep up to date with information is an important requirement for the Competent Person. This benchmarking survey indicates that the internet is used infrequently as a source of advice. (Use of the HSE web site was higher than the internet in general.) HSE could consider further work could find out why the internet is little used. This would consider factors such as: do companies have access, is information difficult to locate, do people have a sufficient level of understanding of the internet. With regards to the HSE web site, questions could be asked about how the information is targeted.

7.4 HIGH RISK COMPANIES

This survey indicates that there is no correlation between the level of risk of an industry sector, and the level of Competent Person available. This is in contradiction to the MHSWR which allow for flexibility but requires a response suitable for the organisation. Risk level would be one of the factors in this evaluation. Additional research should consider how to increase the awareness of the requirements of the Regulations, particularly focusing on high-risk organisations.

7.5 CONSIDER APPROACH TAKEN IN OTHER COUNTRIES

The requirement for a Competent Person originates from the Framework Directive and has been incorporated into legislation in different formats across Europe. Other countries have taken a more prescriptive approach. It would be interesting to consider further how the requirements have been structured in other countries, and how successful the different approaches have been.

7.6 TARGETING AREAS OF COMPETENCE

Different aspects of competence can be assessed using the National H&S Standards. The EEF questionnaire probed this area by asking respondents to self assess the effectiveness of different elements of the safety management system. This has indicated several key areas where performance is weak, and HSE should focus efforts:

- x Improving the effectiveness of risk assessments and training
- x Improving awareness of the importance of emergency planning
- x Encouraging companies to set H&S objectives and monitor progress towards them
- x Encouraging companies to set up H&S committees, and advice on how to make these effective

APPENDIX 1 – COVERING LETTER SENT WITH QUESTIONNAIRE

Ref: H&S01

8 April, 2003

«Name»
«Job_Title»
«Company_name»
«Address_line_1»
«Address_line_2»
«Address_line_3»
«Address_line_4»
«Address_line_5»
«Postcode»

Dear «title» «surname»

It is important that companies have access to good advice on health and safety issues to ensure the well being of their workforce and enable them to meet legal requirements. EEF is investigating the current provisions that member companies have using the enclosed questionnaire. We are asking that the person who acts as your health and safety adviser (or nominated competent person) complete the enclosed questionnaire.

The questionnaire can be used as a self-assessment measure of your own performance. A summary of the survey results will be forwarded to all participants with a full copy available on request. This will enable you to benchmark yourselves against other manufacturing and engineering companies.

An analysis of the results will be forwarded to the Health and Safety Executive (HSE) to improve their understanding of the actual provisions companies have in place. This will help them produce workable requirements that benefit all organisations.

Please be assured that all responses to this questionnaire will be treated in the **strictest confidence**. In addition, no one will offer to sell you anything as a result of your response!

Please return the questionnaire by the 22 April, using the prepaid envelope enclosed. Alternatively, you can fax your response to 01256 761484. If you have any queries, please contact the Information & Research Unit.

Many thanks for your assistance.

Yours sincerely,

Alison Hinde
Health, Safety & Environment Unit

APPENDIX 2 - QUESTIONNAIRE



Competency in Health and Safety Advice

This questionnaire investigates the access that companies have to health and safety (H&S) advice and support.

We are asking that the person who acts as your health and safety adviser (or nominated competent person) complete this questionnaire. If this role is shared then the most senior person should respond. If this role is not carried out by yourself please could pass the questionnaire to the appropriate individual. The questionnaire should take approximately 10 minutes to complete.

Your replies will be treated in strictest confidence and neither you nor your company will be identifiable in the results.

If you do not have access to competent advice, please answer questions 1 to 9, and 34 to 36, and return this form.

1. Which one of the following best describes your level of responsibility?

Director	91	Middle manager	143	Supervisor	14	Other (<i>please specify</i>)	26
Senior manager	168	Junior manager	27	Operative / office staff	23		

2. Which of the following functions form part of current role? (please tick all that apply)

Administration	164	Finance	67	Quality	197
Engineering	164	Health and safety	475	Security	162
Environment	285	Human resources	181	Others (<i>please specify</i>)	59
Facilities	179	Production	157		

3. What are the main hazards that you provide competent advice on? (please tick all that apply)

Chemicals	323	Maintenance/ repair	266	Stress	123
Display Screen Equipment	352	Manual handling	442	Transport	155
Fire	402	Noise	384	Others (<i>please specify</i>)	41
Machinery	401	Slips, trips & falls	416		

4. Do you have sufficient knowledge and information to advise on controlling these risks?

Yes	382
No	67
Don't know	44

5. Does any other company employee provide competent advice on health and safety?

Yes	262	<i>Please answer question 6</i>
No	226	<i>Please go to question 8</i>
Don't know	3	

6. What is the role of this person?

Group adviser	62	Specialist adviser	57	On what subject(s)? _____
Generalist H&S adviser	90	Your assistant	59	<i>Please go to question 7</i>

7. If you have an assistant, do you assess their competence?

Yes	81	If so, how? _____
No	80	_____

8. How many people are employed at the site(s) for which you are the competent person?

1-50	105	51-100	123	101-250	153	251-500	74	501-1000	25	1000+	18
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9. How many hours do you spend each week on H&S issues?

Less than 1 hour	53	1-5	172	6-10	78	11-20	49	Over 20	143
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			Under 1 year	1-3 years	4-7 years	Over 8 years
10.	For how long have you had the role of competent person, in your current and previous employment?		64	146	129	151
11.	How long have you worked for your current employer?		29	95	91	279
12.	How long have you worked in the industry in which you now work?		14	52	52	374
13.	How would you rate your understanding of the legal requirements for the provision of H&S advice as outlined in the Management of Health and Safety at Work Regulations?					
	Good	185	Think clarification is required	60	Not aware of the requirement	1
	Adequate	226	Little understanding	21		
14.	What health and safety training have you received? <i>(please tick all that apply)</i>					
	No health and safety training	94	NEBOSH certificate			195
	Contractors Passport	13	NEBOSH bridging course			2
	British Safety Council Certificate in Safety management (CSM)	15	NEBOSH diploma (awarded before 2000)			31
	British Safety Council Diploma in Safety management (DipSM)	37	NEBOSH diploma (part 1)			18
	Managing Safely (IOSH)	70	NEBOSH diploma (part 2)			7
	S/ NVQ level 3	15	Degree in H&S			5
	S/ NVQ level 4	10	Masters degree in H&S			4
			Other H&S training <i>(please specify)</i>			164
15.	Did the training provide the information you needed for your job?		Yes		378	
			No		37	
16.	Do you think you have adequate training for your role?		Yes		288	
			No		184	

17. Please add any additional comments on the H&S training that you have had.

18. What, if any, H&S training are you planning to do in the future? _____

19. Are you a member of the Institute of Occupational Safety and Health (IOSH)?

Yes	107	<i>Please answer question 20</i>
No	371	<i>Please go to question 21</i>

20. What level of membership of IOSH do you hold?

Affiliate	16	Graduate	1	Corporate Member (MIOSH)	37
Associate	34	Fellow (FIOSH)	1	Technician Safety Practitioner (TechSP)	10
				Registered Safety Practitioner (RSP)	0

21. Please list any other professional organisations to which you belong?

22. Does your company have accreditation for any of the following?

	Have	Working towards		Have	Working towards
ISO 9000 quality system	416	16	British Safety Council's Five Star H&S Management system	17	9
Investors in People	113	57	International Safety Rating System (ISRS)	3	0
ISO 14001 environmental system	77	120	Other standard <i>(please specify)</i>	28	9
OHSAS 18001 H&S system	8	47			

23. Do you have the following, and if so, how effective would you rate them?

		(*circle as applicable)	If Yes, how effective is it?		
			Very effective	Adequate	Needs improvement
A documented health and safety policy	490	Yes / No*	167	267	56
Senior management commitment to health and safety	481	Yes / No*	177	215	89
A clearly defined structure for health and safety responsibility	462	Yes / No*	163	214	85
Well defined health and safety objectives and targets which are reviewed and achieved	387	Yes / No*	85	180	122
Health and safety risk assessments	479	Yes / No*	138	226	115
Workforce involvement in identifying hazards	463	Yes / No*	118	191	154
Workforce involvement in proposing health and safety improvements	451	Yes / No*	105	207	139
Health and safety committee	410	Yes / No*	171	173	66
Health and safety training for workers for all relevant activities	452	Yes / No*	101	237	114
Refresher training on health and safety matters	378	Yes / No*	54	194	130
Health and safety information easily available for workers	460	Yes / No*	113	245	102
Documented safe systems of work	416	Yes / No*	89	192	135
Documented emergency plans which are tested and reviewed	402	Yes / No*	110	181	111
Analysis of accident statistics or incident trends	416	Yes / No*	161	181	74
Audits or inspections	431	Yes / No*	123	210	98
H&S reviews to identify inadequacies and make improvements	406	Yes / No*	77	213	116

24. Do you use contractors and/or self-employed workers? Yes **390** Please answer question 25
 No **101** Please go to question 26
 Don't know **0**

25. How is the competency of these workers assessed? (please tick all that apply)

Not assessed	86	Safety passport scheme	61
Evidence of training	174	Evidence of experience	202
Qualifications	133	References	126
Membership of professional/trade body		Other (please specify)	55

26. Thinking about how you keep up to date with changes in health and safety, please rank the following in order of usage, with 1 being the most used (please rank all that apply) **These are ordered 1-11**

Continuing Professional Development	9	Croners/Gee/Other update service	3
HSE publications	1	Meetings with other H&S professionals	6
HSE website	4	Refresher training	8
Internal company information/ head office	10	Trade association information	5
Internet	7	Others (please specify)	11
Magazines/ journals	2		

27. Thinking about your experience of health and safety regulations and practice, please indicate your agreement with the following statements from strongly agree to strongly disagree.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I have a good knowledge of all H&S legislation relevant to my organisation	73	267	121	31	4
I have a good understanding of H&S risks in the company I work for	127	326	32	11	0
I am able to influence the decisions of directors on H&S issues	141	274	68	10	2
I am aware of when I need to seek additional support in my role as a H&S adviser	185	274	27	7	0

H&S is given equal priority with other aspects of the business **76 213 113 83 10**

28. Are you able to influence the level at which the H&S budget is set? Yes **284**
 No **93**
 No H&S budget **116**

29. Do you consider yourself to be competent to provide health and safety advice, and why do you think this?

30. Do you use external consultants for health and safety advice? Yes **359** *Please answer question 31*
 No **133** *Please go to question 36*

31. For how many days have you used (an) external consultant(s) in the past 12 months?

1-5 days **185** 21-50 days **26** A consultant is permanently based on site **3**
 6-20 days **101** 50+ days **8** Not used in past 12 months, but used previously **40**

32. What type of work have external consultants been used for? (please tick all that apply)

Audits	167	Legal advice	133	Technical advice	135
Designing and installing specialist equipment	40	Monitoring / occupational hygiene	123	Testing equipment	98
H&S adviser role	152	Management systems	66	Training staff	201
Health surveillance	143	Risk assessment	146	Other (<i>please specify</i>)	17

33. Thinking about your external health and safety advisers, please indicate how strongly you agree or disagree with the following statements.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
They are a cost effective way of getting H&S support	58	174	106	27	2
They have a good understanding of H&S issues in my company	59	176	103	25	4
They make understandable recommendations that can be acted upon	59	230	70	8	1
Sometimes their advice is inappropriate	9	84	130	128	16

Please now go to question 36.

If you do not have access to safety advice please complete questions 34 & 35 and return this form as outlined below.

34. If you do not have access to health and safety (H&S) advice, why is this so? (*please tick all that apply*)
 Do not need H&S advice **1** Unaware of legal requirement for safety advice **1**
 Lack of time **4** Other (*please specify*) **2**
 Financial Pressure **2**

35. Do you intend to obtain access to H&S advice in the near future? Yes **10** No **1** Don't know **3**

36. *Thank you for taking the time to complete this questionnaire. The information received will be analysed and presented in combination with responses from many other companies. Your replies will be treated in the strictest confidence and your company will not be identifiable in the results.*

Would you like to receive summary of the findings of the survey? Yes **401** *Please enter your contact details below*

Please complete your contact details or attach a business card to enable us to follow up any queries relating to your responses

Name of person filling out survey (*please print*) _____

Job title _____ Telephone number _____

If you have any queries, please phone Information & Research Unit on 01256 763969

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