

Obtaining competent health and safety assistance

Forum members are invited to discuss the following two issues:

Issue 1 - are SMEs satisfied with the help they get from external providers of health and safety assistance?

People running businesses sometimes need help to meet their responsibility for ensuring health and safety is dealt with properly - perhaps because they haven't themselves got sufficient time to deal in detail with such matters or they haven't got sufficient knowledge (e.g. to deal with complex technical issues).

People providing this help to businesses need to be competent, i.e. sufficiently trained, experienced and knowledgeable, and the help they give needs to be fit for purpose. Such help is often sourced in-house, otherwise external consultants are used. A search on the Web suggests business owners in the UK are spoilt for choice when looking for help from outside.

However, HSE's inspectors regularly encounter situations where businesses have not been well-served by their external help providers; inspectors report that they see examples of **bad** advice (i.e. just plain wrong and/or given by someone with inadequate knowledge/experience) and **poor** advice (not fit for purpose, e.g. dealing with trivial risks; excessive paperwork; not tailored to provide practical advice on managing risk in that particular workplace). Sometimes, firms would have done better to have used their own resources rather than look outside.

All this is not to deny that much (most?) of the external help provided may well be adequate, i.e. fit for purpose and from a competent source. Nevertheless, the HSE believes there is a problem that needs attention; it is likely to affect SMEs in particular since they are less likely to have the resources in-house to fall back on.

However, as a first step HSE needs to check with businesses whether they too see this as a problem and, if so, how it might be addressed. To that end, Forum members' views are invited. As a prompt to (but not a restriction on) discussion, members might like to consider the following:

- Is there a problem; is it one met frequently by SMEs; are there sectors where the problem is marked; is it the providers of certain kinds of advice (e.g. risk assessment, managing health and safety, noise specialists, occupational health etc. etc.) in particular; is the problem mainly that the advice is 'bad' or 'poor' (as described above), or both?
- If there is a problem, what should be done about it? Is better advice and guidance needed on obtaining external help (advice to whom - SMEs, the help providers? From whom - HSE, the help providers, their representative bodies?); does the advice given by the external providers need to be assured in some way (By whom - HSE, professional bodies, some other organisation?); what else might be done?

Issue 2 - would publication of a statement on competent help (annexed to this paper) be of use to SMEs?

The statement has been produced by HSE in conjunction with the Institution of Occupational Safety and Health (IOSH), whose members are occupational health and safety consultants, and who are also concerned about the quality of health and safety

assistance. Aimed primarily at SMEs, the statement sets out to explain what HSE/IOSH mean when they talk about 'fit for purpose' advice from a 'competent' source.

Members are invited to comment on the statement:

- In principle, is publication of such a statement likely to prove useful (as a stand-alone, as part of a wider suite of guidance; as part of a larger initiative)? Are the messages clear; is the language and style appropriate? How should it be disseminated (via the Web, trade assocs.)?

Please pass on your comments at the October 18th Forum meeting or if you are unable to attend please email comments to the SBTAF secretariat account at SBTAF.Secretariat@hse.gsi.gov.uk

Joint HSC(E)/IOSH statement on competent help

PRINCIPLES

1. Workers and the public have a right to be properly protected against risks to their health and safety at work.
2. Employers have a duty to protect workers and the public by **sensible risk management**, so that the risks are properly controlled. Workers have a duty to protect their and others' health and safety.
3. Managing risks sensibly involves employers ensuring that management systems are **fit for purpose**, and doing what is reasonably practicable with a focus on **controlling real risks** – both those which arise more often and those with serious consequences. Managing risks sensibly is **not** about over-responding to trivial risks or producing excessive paperwork for its own sake but about balancing benefits and risks.
4. **Competent** help is fundamental to managing risks sensibly. It is not an optional extra - the Management of Health and Safety at Work Regulations require employers to appoint '*...one or more competent persons...*' to assist them in meeting their duty of controlling risks.
5. Competent help does not have to be expensive. Many employers can get or develop this help **in-house**; others may decide to source it **externally** from, for example, trade associations or professional consultants - it depends on the nature of the risk and internal expertise available.

SOURCES OF COMPETENT HELP

(a) In-house

6. **Employers themselves** and managers are in the best position to know and understand the health and safety issues in their business. Coupled with the knowledge of their employees and employees' safety representatives, contractors etc., this is often enough to for them to ensure risks are properly controlled.
7. This is especially true in small and medium-sized businesses where the hazards are those commonly encountered at work, or generic to the sector in which the business is located, and how to control risk is already established good practice. However, if the risks are complex or large numbers of employees are involved, then a higher level of competence may be needed.
8. Employers can rely on **one or more of their employees** to give them competent help, provided the employees have been given enough time, training and access to information. The employer could either train or develop the necessary skills in an existing employee, as is often the case in small and medium-sized businesses, or recruit someone with the necessary skills as larger organisations tend to do.

(b) External sources

9. Guidance and information on health and safety matters is provided by HSE, Local Authorities, trade associations and trade unions.
10. In-depth consultancy services can be obtained from professional specialists. A range of specialisms are on offer from external sources including: occupational health and safety practitioners; engineers; occupational hygienists; occupational health professionals (doctors and nurses); ergonomists; ionising and non-ionising radiation protection advisors;

physiotherapists; microbiologists etc. For more on the help consultants can provide, see HSE Guidance leaflet INDG322 '[Need help on health and safety?](#)'.

Judging competence

11. Whatever the source of help, the person must be competent, which involves having:
 - relevant knowledge, skills and experience;
 - the ability to apply these appropriately, recognising the limits of their competence.
12. Sometimes this simply means that the person providing help can recognise a health and safety issue in the workplace and understand the current, established good practice for dealing with it. Applying this knowledge is very often a matter of commonsense informed by such things as published guidance material, past experience and sometimes formal training. It means concentrating on practical actions to control real risks, not pursuing paperwork as an end in itself.
13. The employer must be able to recognise when the person providing help has reached their limit of competence. The level of competence just described would probably cover the help needed by employers dealing with routine health and safety issues. With more complex situations, a higher level of competence, involving a greater depth of understanding of the issues and an ability to judge and solve problems from first principles, may be required.
14. Obtaining help does not relieve employers of their duties to ensure health and safety. When appointing competent persons, employers must make **reasonable enquiries** to gauge the knowledge (e.g. a nationally recognised qualification), skills and experience of anyone they propose to engage. Each of the specialisms referred to in para. 10 above has a professional body, which can give advice on selection and appropriate qualifications. Several professional bodies keep registers of competent practitioners.
15. The professional bodies usually set key standards and criteria to establish a framework of competence for their members, including:
 - appropriate professional qualifications and experience;
 - continuing professional development, requiring members to keep up-to-date;
 - codes of professional conduct, setting standards and facilitating investigation of complaints and disciplining of members if appropriate, in order to maintain standards.
16. Listed below is contact information for a number of professional bodies where more detailed advice on competence can be obtained.
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