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## **HEALTH AND SAFETY EXECUTIVE**

### **The HSE Board**

#### **Specification of HSE's Front Line Regulators**

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### **Issue**

1. To define the core competences that HSE's front line regulators will need to fulfil their roles in line with HSE's developing strategy. Also, to inform the review on early years training so that training programmes can be designed to deliver those competences.

### **Definitions and Scope**

2. For the purposes of this paper front line regulators (referred to as regulators in the rest of the paper) are; any person involved in front line work influencing compliance by duty holders. The term includes regulatory inspectors, discipline and technical specialists, WCOs, WTOs, and equivalents in HID and RI, plus other administrative staff with front line contact roles.
3. Competence is a combination of skills, knowledge and experience. The concept of the "competent regulator" and how the specification relates to that definition is discussed later. In this first phase of the Early Years Review we have concentrated on reaching agreement across Operations Group on the functions we will expect regulators to be able to perform. Within the specification they are expressed mainly in terms of skills but some items of knowledge are included.
4. The total amount of knowledge required by each regulator will depend on the individual's role and the directorate within which he/she works. This will be identified in the next phase of the project by defining regulator profiles. However, it is envisaged that there will need to be a core of knowledge common to all, for example:
  - a. A knowledge of HSE's organisation and how it works,

- b. Knowledge of core health and safety law that applies to all directorates,
- c. An understanding of common, health & safety related technical issues, and
- d. An understanding of personal safety issues.

Regulators across HSE will need to be trained to common standards in these matters, with directorate-specific knowledge and skills overlaid on this foundation thereafter.

5. The specification covers the elements needed to be a regulator in any directorate. All of these elements will not be required by every regulator, but those for each type of regulator, whether an inspector in NSD or a WCO in FOD, will be a subset of the complete specification.

## **Timing**

6. Agreement needs to be reached by the end of December 2003 to allow adequate time for the completion of the analysis of current training, development of the training model required to provide the knowledge and skills to deliver the specification, and allow preparations for negotiation of contracts with external training providers.

## **Recommendation**

7. The Board is asked to:
  - Comment on the specification as presented by this paper and suggest amendments if appropriate.
  - Endorse the specification for regulators to allow the project to progress to the next stage of developing a common training syllabus/ programme across OG.
  - Endorse profiling the skills and knowledge that each type of regulator will need against the specification.

## **Background**

8. The purpose of the early years review is to establish the most effective means of training HSE's future regulators. Ultimately, the aim is to develop a programme of recruit training that is streamlined, linked closely to HSE business needs and engenders common purpose and process so that similar regulatory challenges are dealt with consistently in all directorates.
9. There are three streams of work in progress;
  - Clarify, so far as possible, what HSE regulators will be doing in 5 to 10 years and specify the skills and knowledge they will require to be effective;
  - Analyse both the skills and knowledge training provided at present for content, timeliness and relevance;

- Identify opportunities for common delivery of training across OG and develop a flexible training programme for all regulators.

The Terms of Reference is attached at Annex 1

10. This specification has been derived from extensive consultation and discussions across ODs. The views of trainers, line managers and representatives of regulators across OG were sought using a questionnaire. The results were analysed and confirmed by discussion with representatives of the relevant constituencies. Since the aim of the review is to deliver regulators trained for the challenges they will meet in the medium term, further information, views and direction on future trends were obtained by interviews with senior managers. The final document was constructed by the cross directorate-working group described in the ToR and it has the support of all ODs.
11. The managers of the CSR support the findings and direction of this review. We have confirmed that the review is in accord with the developing workforce strategy. Employee representatives have been kept informed of progress.
12. The process described above resulted in a significant consensus that some regulators will need to continue to carry out the functions of inspection, investigation and enforcement in order to deliver HSE core business needs. Other skills and knowledge related to the changing world of work and ways of working in HSE have been identified.
13. The complete specification for regulators thus derived is attached as Annex 2. In summary it comprises;

## **REGULATORY COMPETENCES**

- a. The ability to plan and prioritise.**
- b. Inspect duty holders, worksites and activities.**
- c. Investigate work-related accidents, incidents, ill-health reports and complaints.**
- d. Gather evidence.**
- e. Enforce statutory provisions, brief a prosecutor / procurator fiscal and participate in other legal processes including Fatal Accident Inquiries / Inquests, Employment Tribunals and other civil proceedings as required.**
- f. Enforce statutory provisions and present guilty pleas in Magistrates' Courts. (Not applicable to Scotland).**
- g. Draft and serve notices or other statutory enforceable documents.**
- h. Influence health and safety duty holders and others to comply.**
- i. Improve work related health and safety through promotional activities, and**

## **OTHER COMPETENCES**

- a. Understanding of the UK's health & safety regulatory system.**
- b. Understanding of business.**
- c. Influencing and facilitating.**
- d. Communication, presentational & media skills.**
- e. Team working.**

- f. Research skills.**
- g. Personal safety.**

## **DISCUSSION**

14. The specification describes what regulators will be required to do. Not all regulators will require all the elements listed in Annex 2. It is envisaged that a profile of skills and knowledge will be selected from this “menu” for each regulatory role. Training programmes will then be developed based on these profiles taking into account the depth of knowledge needed for each role. The timing of delivery of specific training elements will need to match the stage of development of each regulator.
15. The analysis of current training for bands 4 and 3 inspectors over their first 5 years is well under way. This will enable decisions to be taken regarding the construction of an integrated training syllabus, particularly in relation to methods of delivery and timing. It is the view of the project team that the common skills identified can be used across OG and should lead to better consistency in the way ODs deal with duty holders and communicate internally.
16. Further emerging thoughts from the analysis of current training will be shared with the Board at the 3 December meeting.
17. As stated in paragraph 3, the specification is a compilation of headline descriptors, mainly in terms of skills but including some items of knowledge. Delivering to this specification will necessitate not only providing the skills and knowledge listed, but also a substantial range of underpinning legal, technical and process knowledge. There must also be sufficient opportunity for trainees to gain experience and consolidate their learning.
18. Initial training will provide only the skills and knowledge to enable regulators to carry out their duties at a basic level or within a limited range of circumstances. Further underpinning knowledge and higher development of skills will be needed as they undertake a wider range of duties and deal with more complex issues and organisations. All regulators require continuing training and development activity as their roles develop and change. This will vary from updating within their role. e.g. to take account of legal and technical advances, to more significant training to facilitate changes of role. Accordingly HSE will need to place greater emphasis on continuous professional development (CPD). Early years training will deliver regulators to the starting line for CPD, the delivery of which will vary depending on the individual needs of OD’s.
19. As the early years training programme is developed it should allow identification of the level of competence required at various stages of development to ensure regulators become effective earlier.
20. As the project develops and considers methods of delivery, we will need to confront difficult issues regarding recruitment and selection criteria to ensure the effectiveness of the infrastructure for training delivery. We will need to ensure that training programmes are not overloaded or under utilised if they are to be effective. We will

also need to ensure that potential recruits have an adequate educational base to be able to tackle the full range of training they will encounter and the subsequent technical demands of their daily work.

21. The Board is asked to accept the recommendations at paragraph 7.

## ANNEX 1

### Review of Early Years Training for Regulatory staff in Operational Directorates

#### Terms of Reference

**Issue:** To characterise the competences that will be required of the front line regulatory staff of ODDs in the medium-term. Thereafter, design an appropriate strategy for their competence assessment and required training.

**Timing:** The initial stages (milestones 1-5 below) need to be completed over the second six months of 2003. This will allow decisions to be made before the end of the contract for the Heriot-Watt Graduate Diploma in Health & Safety. Thereafter the design and implementation stages will take one or two years, particularly in light of the need to include specialist and admin grades.

**Scope:** The greatest business risk is from deficiencies in the competence of regulatory inspectors. Accordingly the first phase of the review will concentrate on regulatory B4 training. This will be delivered by a B3 attachee to HRU2. Subsequently it is envisaged that front-line regulatory staff from all ODDs, both inspector and admin grades will be included. There will be a need to co-ordinate with a parallel review by COSAS of specialist training and with the delivery of the agreed Admin. Training Strategy. The outcomes of this work will need to link with the wider review of training provision across HSE that will be led by PD.

**Mechanism & Players:** Extensive consultation will be needed. It is envisaged that the project will go ahead under the auspices of the OMF via a FOD led working group composed of: FOD DTM, B3 attachee to HRU2, DDM (x2), DDO, HID, PD & Specialist Insp. There will be a need to consult the following constituencies and include them in discussions as appropriate:

ODD's Management Boards,  
DTMs of ODDs,  
OMF,

ODD's Sectors or equivalents,  
COSAS,  
Personnel Directorate,  
Employee representatives.

Representative consultation groups will be established so that key documents can be circulated at appropriate points.

Reports and/or proposals reflecting the views of the Management Boards, or equivalent, of ODDs will be produced for acceptance by OMF and HSE Board at appropriate milestones, as indicated below.

## Milestones:

	<b>Milestone</b>	<b>Product/timescales</b>
1	Agreement of TOR with ODD MBs & OMF.	Proposals circ'd to ODD DTMs & OMF via FOD DFO by end May '03.
2	Establishing working group and relationships with ODDs et.al.	By end June '03
3	Specification of requirements for regulatory inspectors – What will be expected of individuals at e.g. 2 and 5 years in post. Includes confirmation of whether common training in years 1& 2 suits the needs of all ODDs.	By September '03 – in time for reporting on progress report to ODD MBs & HSE Board.
4	Investigation of commonality of regulatory competences between staff in ODDs	By September '03 – in time for reporting on progress report to ODD MBs & HSE Board.
5	Analysis of current training (events) for: <ul style="list-style-type: none"> <li>a) Content,</li> <li>b) Overlap with other methods, (e.g. duplication, relative complexity),</li> <li>c) Timing (in relation to trainees experience/time in post),</li> <li>d) Practicality (best method of delivery, i.e. reading, interactive, electronic),</li> <li>e) Volume (avoidance of overload &amp; allowing consolidation of learning),</li> </ul>	By September '03 – in time for reporting on progress report to ODD MBs & HSE Board.
6	Exploration of alternative methods of delivery.	By November '03 - in time for updating of ODD MBs & HSE Board.
7	Proposal of integrated training system to deliver the specifications of 3) allowing time for developing skills & knowledge via practical on-the-job experience.	By end '03 -in time for further updating of ODD MBs - Views of MBs to go forward to OMF.
8	Development of the identified training packages/modules, accommodating, as far as possible, commonalities across ODDs (incl. if necessary, re-negotiation of the content and delivery of the Heriot-Watt Diploma course).	Early '04 onwards – depending of outcome(s) of earlier milestones.
9	Implementation.	'04 onwards.

10	Evaluation & review.	

## ANNEX 2

### HEALTH AND SAFETY EXECUTIVE

### SPECIFICATION OF REGULATORS

#### **REGULATORY COMPETENCIES**

1. This section lists inspectorial competencies based on the level 5 NVQ but not including all the assessment criteria in the full NVQ. It describes the qualities needed to prepare for, carry out and carry through to a satisfactory conclusion regulatory / front line work. The extensive consultation gave a strong consensus of the continuing need for such skills for inspectors and the potential for using selected parts of the same framework to define the skills required by other regulators

#### **a. The ability to plan and prioritise.**

- Identify the objectives, priorities and plans of operational teams and understand how they link to those of the HSE.
- Plan, prioritise and agree activities to contribute to the above.
- Draw up short, medium and long term plans, and implement them.
- Adapt and adjust plans to react to unforeseen events, e.g. emergencies and contingencies.
- Manage time effectively.
- Apply judgement and address new priorities by appropriate adjustment of plans.
- Meet deadlines.

#### **b. Inspect duty holders, worksites and activities.**

- Use appropriate databases and other information sources to identify duty holders or worksites for inspection or other contacts.
- Plan a logical series of inspections or contacts, individual inspections or contacts consistent with operational plans and priorities (and topic areas).
- Gain access to worksites and identify and secure co-operation of duty holders, employee/safety representatives and others (preserving personal safety).
- Manage the inspections or contacts flexibly to deal with unplanned issues.
- Use observation, questioning, listening, and process knowledge as appropriate.
- Apply principles of risk control to ensure or advise on compliance, using judgement, discretion and discussion.
- Identify remedial action, including (in the case of inspectors) formal enforcement.
- Draft clear, concise inspection/contact reports.
- Evaluate the effectiveness of the inspection/contact.

- Identify and arrange any further action.
- Communicate findings to colleagues when appropriate.

**c. Investigate work-related accidents, incidents, ill-health reports and complaints.**

- Consider the severity of the incident or potential risk etc. to determine timing of response.
- Identify relevant legal requirements, standards, guidance and policy to establish benchmarks.
- Identify what information exists to aid the investigation.
- Establish the aims and objectives for the investigations.
- Organise resources, equipment and people.
- Liaise with any emergency services/other regulators and establish the HSE's role.
- Secure co-operation of the duty holder.
- Promptly identify any continuing risks to health and safety and take immediate action as necessary.
- Call on expert help where necessary.
- Use questioning and listening skills to obtain information.
- Identify immediate and underlying causes of the incident/complaint.
- Investigate all reasonable lines of enquiry.
- Analyse and review evidence.
- Communicate with duty holder, etc. during the investigation.
- Manage and conclude the investigation effectively.
- Prepare an investigation report.
- Communicate clearly and effectively with interested parties the outcome of the investigation and any further action.
- Secure commitment from duty holders for improvements to an appropriate timetable.

**d. Gather evidence.**

- Identify likely sources of evidence and assess its relevance.
- Identify the need for any immediate action to obtain and preserve evidence.
- Take the rules of evidence into account to ensure that evidence gathered would be reliable, admissible and has continuity.
- Analyse and review evidence and identify potential defences, weaknesses and mitigating circumstances and collect further evidence where appropriate.
- Collect and manage evidence by:
  - Using necessary expert help.
  - Maintain the integrity of the evidence throughout.
  - Take voluntary statements and statements using statutory powers.
  - Take statements under caution.
  - Use questioning and listening skills to obtain information.
  - Tell relevant people what action is being taken and why.

**e. Enforce statutory provisions, brief a prosecutor / procurator fiscal and participate in other legal processes including Fatal Accident Inquiries / Inquests, Employment Tribunals and other civil proceedings as required.**

- Demonstrate that there is a case to answer, that it is in the public interest and is worthwhile.
- Assemble evidence and information to support the opinion that there is an offence.
- Weigh the relevant factors in determining which charge(s) are appropriate.
- Identify and evaluate possible defences.
- Ensure that the case papers are developed and prepared in an appropriate way as to enable the arguments to be clearly followed and facilitates the preparation of relevant court documents.
- Prepare, draft and serve court documents where required.
- Record statutory data and other information.
- Where relevant present written information to legal professionals to enable them to evaluate the content and value of the potential case.
- Where relevant brief legal professionals about the case and HSE's perspective.
- Report on the conduct and outcomes of proceedings in accordance with directorate / divisional instructions.
- Act as a witness, expert witness or provide other support at legal proceedings.

**f. Enforce statutory provisions and present guilty pleas in Magistrates' Courts. (Not applicable to Scotland).**

**As (e) above and**

- Prepare documents that meet legislative requirements.
- Arrange for laying of information and service of summons.
- Provide advance information to defendant and agree any documents, exhibits or photographs to be used to assist the court.
- Conduct themselves in court in accordance with the rules of procedure and HSE's policy.
- Present the case for the prosecution precisely and clearly.
- Respond to questions posed by magistrates and court officials.
- Assist the court in their consideration of compensation to any victim of the offence.
- Make application for costs.
- Report on the conduct and outcomes of proceedings in line with HSE's requirements.

**g. Draft and serve notices or other statutory enforceable documents.**

- Identify the duty holder and their legal title.
- Identify the reason(s) for issuing the notice.

- Decide upon the type, content, expiry date and any conditions (schedule) of the notice to be issued.
- Ensure that the detail of the notice is accurate and will ensure compliance with legislation and/or control the risk.
- Ensure that the notice is correctly served and practical to enforce in the event of non-compliance.
- Ensure that the recipient is informed of the appeals procedure and process, and receives the necessary appeal documentation.
- Follow up notices served to establish compliance.

**h. Influence health and safety duty holders and others to comply.**

- Manage contacts in a way that ensures both control of the interventions and addresses HSE's priorities.
- Identify the appropriate people with which to communicate (and secure co-operation).
- Provide information and professional opinion without compromising future action.
- Deal sensitively with people who are injured, upset or shocked, ensure accurate and clear information is obtained.
- Identify the best way of influencing appropriate individuals within an organisation.
- Identify obstacles to change and seek ways to overcome them.
- Communicate (effectively and) persuasively at the right level with the right people to gain support for change and improvement.
- Negotiate and agree action plans and priorities.
- Agree timetables for introducing and monitoring changes and improvements.
- Decide on the most appropriate method of communication. Make sure the content of the communication is technically correct.
- Respond promptly to requests for written information, advice and disclosure of information.
- Identify and share information with colleagues.

**i. Improve work related health and safety through promotional activities.**

- Use information gained during regulatory contacts to identify opportunities to promote awareness of health and safety issues to groups of duty holders and others.
- Contribute to initiatives, projects or events in accordance with the initiative, project or event plan.
- Initiate and run local projects that promote positive health and safety change (and assess the impact).
- Prepare and deliver lectures, seminars or workshops using an appropriate range of audio-visual techniques.
- Seek opportunities to discuss and promote health and safety awareness and initiate positive change.
- Use the publicity opportunities gained from legal proceedings to promote awareness of health and safety issues to groups of duty holders and others.

- Distribute relevant leaflets and other information to people in support of discussions.

## **OTHER COMPETENCES**

2. Other competences and knowledge have been identified that are common to the regulatory function. While this lists some skills specific to, and currently used by regulators, they will need to be further developed and others introduced to meet the demands of the changing nature of HSE's work in the next 5 to 10 years. These other competencies include:

### **a. Understanding of the UK's health & safety regulatory system.**

- Ability to identify the structure of HSC, HSE and the responsibilities of their component parts.
- Knowledge of health and safety law.
- Understand how health & safety is regulated by different bodies across the UK and HSE's central role.

### **b. Understanding of business.**

- Ability to identify the legal entity they are dealing with (individual, partnership, limited liability partnership, limited company, subsidiary or holding company etc.).
- Identify the various officers and their function / responsibilities (directors, company secretary, partner etc.).
- Identify and effectively use what motivates change within businesses.
- Have an appreciation of financial constraints and production pressures etc.
- Identify corporate management structures.

### **c. Influencing and facilitating.**

- Identify relevant people to engage with in organisations and associations.
- Gain access to or arrange meetings with industry representatives, associations, intermediaries, 3<sup>rd</sup> parties etc.
- Manage information to ensure the correct message gets across.
- Be able to apply methods of sponsoring compliance without resort to enforcement.

### **d. Communication, Presentational and Media skills.**

- Communicate effectively using variety of techniques including verbal, written and telephone skills.
- Participate in promotional activities that get the message across to diverse audiences using a variety of techniques.
- Sell ideas and concepts to duty holders and stakeholders in terms that they relate to so that the benefits are carried forward.
- Effectively use IT systems to support regulatory work.

**e. Team working.**

- Operate effectively in teams made up of various types of regulator who have different roles and responsibilities within their respective teams and to include external organisations.
- Engage in an increasing proportion of programme and project working in line with HSE change programme.
- Apply project management and working skills.
- Display a willingness and flexibility to work across DD boundaries to promote HSE's overall aims.
- Promote and work in partnership with stakeholders.

**f. Research skills.**

- Appreciate sources of relevant information.
- Have the ability to access relevant sources of information.
- Have the ability to assimilate and make effective use of information.

**g. Personal safety**

- While section 1b. above refers to preserving personal safety, not all regulators will be involved in inspection. It is therefore important to ensure that all staff that could find themselves at risk are competent to primarily, avoid such risk and where necessary extricate themselves safely from threatening situations.