

OBTAINING COMPETENT HEALTH AND SAFETY ASSISTANCE

Paper SBTAF/07/03

Forum members will recall discussing at the October 2006 meeting, a proposed statement addressed to SMEs, intended to help them to get suitable external health and safety assistance. The statement explained HSE's view (in conjunction with the Institution of Occupational Safety and Health, IOSH) of what constituted 'fit for purpose' advice from a 'competent' source.

In discussion, Forum members considered that the proposed statement was unlikely to prove very useful to SMEs, and suggested it would be better to provide SMEs with a shorter, sharper document in the form a series of questions they should ask themselves when considering obtaining external help. Furthermore, providers of help, themselves, should be addressed directly regarding what is involved in making their service 'fit for purpose' for SMEs.

As a result, HSE has drafted in conjunction with IOSH, the attached pieces of guidance:

1. 'Getting help with health and safety?', the question set for SMEs.

Forum members are invited to comment on whether this will prove useful to SMEs, if the messages are clear and the language appropriate;

and

2. HSE statement to the external providers of health and safety assistance

Forum members are invited to comment whether the messages are those it would wish to see addressed to the providers.

Comments can be sent to:

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Background

Members may be interested to know that the provision of health and safety assistance to SMEs is an issue which has received recently, raised prominence in Europe.

- The Germany EU Presidency organised a conference in Dortmund, in March 2007, on the approaches Member States took to implementing Article 7 (Preventive and Protective Services) of the Framework Directive, particularly in relation to SMEs.
- The recent communication from the European Commission on a Community strategy 2007-12 for health and safety at work raised the issue of the provision of health and safety assistance to SMEs.

1. Getting help with health and safety?

Ask yourself these questions:

What is it, exactly, that I need help with?

Unless you are clear at this stage, you probably won't get the help you really need.

Am I able to deal with it myself? Should I be?

You probably already deal with most issues yourself, with the help of your staff, and develop the necessary expertise in-house - why treat health and safety differently? Managing it is good for your business.

If I call on outside help what, exactly, do I need it to do for me?

Some things you won't be able to do for yourself. Again, clarity is essential for both you and the outside help, to get it to give you what you really need.

Does the outside help I intend to use have the knowledge and experience needed to solve my particular problem?

Is there evidence of relevant training/knowledge, such as formal qualifications? Does the outside help have practical experience of your industry/activities? Can they explain to you why they are competent to advise you on this particular problem?

Have I made it clear to the outside help exactly what it is I want from them?

And do you think they understand?

Have I shopped around to find the right help at the right price?

If you were buying new computers you wouldn't just accept the first offer you saw, so why do it with health and safety advice?

Have I ended up with the help I needed?

Do you have a practical, reasonable solution to your problem? Or have you ended up with something completely 'over the top', or a mountain of useless paperwork?

Have you received good follow-up support from the outside help?

Have they made sure you've understood their recommendations; dealt with any questions you had about implementing them?

2. HSE statement to the external providers of health and safety assistance

1. The Management of Health and Safety at Work Regulations require employers to appoint '*...one or more competent persons...*' to help them in meeting their duty to control risks at work.
2. Many employers can get or develop this help **in-house**; and employers are required to make use of in-house competent help when it is available. However, as **external providers**, you deliver an essential service to employers where their own resources are insufficient.
3. Typically, employers will seek help from such specialist providers as occupational health and safety practitioners; engineers; occupational hygienists; occupational health professionals (doctors and nurses); ergonomists; ionising and non-ionising radiation protection advisors; noise and vibration specialists; microbiologists etc.
4. Employers will look to you to help them manage risk **sensibly**, i.e. focussing on reducing real risks - both those which arise more often and those with serious consequences.
5. As the provider, to give a good quality service, you must be **competent** and deliver help that is **fit for purpose**.

'Competent'

6. **Competent** help is fundamental to managing risks sensibly. It is not an optional extra - the Management of Health and Safety at Work Regulations require it. In general, being competent involves you having:
 - relevant **knowledge, skills** and **experience**;
 - the ability to **apply** these appropriately, whilst recognising the **limits** of your competence; and

you taking the necessary **training** to help you acquire all this.

7. The Regulations do not set down how you are to achieve competence, requiring you to have a particular set of skills or qualifications. Rather, it is set as a **goal** for you to achieve. What you actually need to make you competent will depend on the particular help you are proposing to provide.
8. Employers are likely to deal with simple health and safety issues **in-house**; this is, generally, just a matter of applying **commonsense** and making use of information from published guidance (e.g. as found on the HSE website), past experience and, sometimes, formal training.
9. Employers are more likely to turn to you, as **external providers**, to deal with more complex situations, where 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 is required.
10. How you achieve competence is up to you. But you will have to be able to **satisfy the employer** you are proposing to help, that you have a sufficiently high level of competence for the job in hand. Membership (at the appropriate level) of professional institutions covering the specialist areas, with their prescribed levels of qualification and schemes of continuing professional development, is one way of helping you to do this.

'Fit for purpose'

11. As a provider of health and safety assistance, you must ensure that your advice is:

- **right**, i.e.
 - based on a correct assessment of the risk;
 - taking account of any established standards (e.g. exposure limits) and good practice (e.g. as found in HSE guidance);
- **tailored**, i.e.
 - directed at the actual circumstances found in the workplace under consideration;
 - based on your knowledge and experience of the particular industry, process etc. about which the employer is seeking help;
 - tapping the knowledge and experience of both the management and workers at the particular workplace;
- **sensible**, i.e.
 - concentrating on practical action to control significant risks;
 - not over-responding to trivial risks;
 - not pursuing paperwork as an end in itself;
 - looking to control measures that are reasonably practicable, not 'gold-plating'.

Remember, competence and value for money are demonstrated by quality and clarity of practical advice, not by volume of paperwork.

Finally...

12. Follow up! Having given your advice, you need to see whether it has been understood, that any problems with implementation are overcome and the impact you intended has been achieved. This will help you deliver a good quality service to the employer concerned and enhance your own competence by adding to your experience.