

Section 18 Standard Toolkits

Make it happen...

Competent Inspectorate Toolkit

The Section 18 Standard requires every Enforcement Authority (EA) to:

- have a system to train, appoint, authorise, monitor and maintain a competent inspectorate;
- have documented policy and procedures that state:
 - the system for appointment and authorisation;
 - the standards of competence required;
 - the arrangements to attain and maintain competence;
 - these requirements apply where an EA utilises the staff of other regulators, eg flexible warrants, retail enforcement pilot, S20 duties etc.

Basic requirements

To meet the Standard every EA shall have in place:

- **systems for appointing and authorising suitably qualified inspectors under Section 19 HSWA that have:**
 - job descriptions and personnel specifications appropriate for the role;
 - a selection process designed to appoint the most competent candidates, including pre-employment checks, eg current levels of competence, aptitude, qualifications and experience;
 - a period of probation suitable to the role;
 - a system that ensures that the appointment of inspectors is delegated to the most appropriate level;
 - mechanisms to allow inspectors to be authorised in an emergency, ie a major accident;
 - written proof of appointment, eg recorded minute of meeting authorising individual, criteria of authorisation relevant to appointment and, where applicable, issue of authorisation warrant;
 - a system of induction that includes personal health and safety (H&S).
- **required standards of competence that:**
 - include the following core regulatory skills:
 - enforce H&S law;
 - inspect and investigate;
 - advise and influence – communicate effectively, verbal and written;
 - plan, organise and prioritise;
 - recognise and assess risk and risk-based approach to H&S regulation;
 - to work effectively with business;
 - to work effectively with partners and stakeholders;
 - to undertake effective assessment of dutyholders' ability to manage H&S effectively;
 - use knowledge effectively;
 - personal development, innovation and learning;
 - IT, literacy and numeracy.

- include specific elements of H&S knowledge relevant to the regulator's area of working.
- **arrangements to attain and maintain competence that:**
 - allow EAs to:
 - assess and meet the development needs of their inspectors in line with the EA's business need, eg use of the Regulators' Development Needs Analysis Tool (RDNA); (see *Figure 1*)
 - record development discussions with line management following development reviews;
 - record development needs and progress made to meet these, eg learning logs, development action plans, reflective writing;
 - regular review periods to monitor progress against development objectives and assess and prioritise new development need as and when required;
 - record qualifications obtained and, where applicable, development and training records;
 - provide structured educational/off-the-job training;
 - provide structured on-the-job training and relevant experience;
 - identify regulatory skills and competence required where temporary staff employed (LAs only).

Key points

- Development and training is a key element in maintaining competence of your staff. There are many different ways of meeting development needs.
- Competence is the ability to undertake responsibilities and perform activities to a recognised standard.
- EAs need sufficient competent staff to meet their statutory duties including a management chain competent to assess and enable development needs to be met.
- EAs should have established links with other enforcing authorities to assist in meeting development need.
- EAs should have defined development need feedback mechanisms to development managers/partnership teams.
- It is important to ensure a suitable level of supervision of trainees is in place during early years training. The level of responsibility given to inspectors is a matter for management to judge on an individual basis.

Further sources of information

Regulators' Development Needs Analysis Tool
<http://regulatorsdevelopment.hse.gov.uk/index.htm>

Guide for Regulators – Information Point (GRIP)
www.hse.gov.uk/grip

Using Learning Logs
<http://regulatorsdevelopment.hse.gov.uk/learninglog.htm>

Chartered Institute of Environmental Health (CIEH) – Continuing Professional Development
http://www.cieh.org/professional_development/CPD.html

Royal Environmental Health Institute of Scotland
<http://www.rehis.org/about/careers.html>

Institute of Occupational Safety and Health
<http://www.iosh.org/index.cfm?go=membership.main>

Figure 1 Routes to Achieving Competence

There are various routes to achieving competence. Below is a generalised HSE framework which shows how training and development could align with the RDNA tool.

	HSE	RDNA
Year 0	Recruitment and selection.	
Year 1	<p>Trainee Inspectors fully authorised. Start of five-year training programme to develop skills and knowledge of fully competent inspector. The first two years is on-the-job training tutorials and internal and external courses, based upon a staged process:</p> <ul style="list-style-type: none"> ▪ an introduction to topic areas through a mixture of on-the-job training and off-the-job tutorials, courses etc; ▪ consolidation – mainly on-the-job by means of planned and targeted joint and solo visits with the guidance of line managers and coaches; ▪ development through targeted training events and courses designed to expand knowledge and skills. <p>This enables trainee, under line manager supervision, to carry out inspections, investigations, enforcement and advisory interventions.</p>	<p>For HSE – RDNA not compulsory and priority should be given to early years training programme.</p> <p>RDNA can be used to complement training and development to ensure trainee has reached adequate standard.</p>
Year 2	Continued training, further consolidation, mainly on-the-job as above, and re-banding following review panel.	
Years 3–5	Within years 3–5, further tutorials, courses and academic learning to extend learning and development to enable individuals to undertake a full range of tasks. This equips trainees to deal with complex situations arising from involvement and interventions with complex stakeholders.	<p>For HSE – use of RDNA mandatory.</p> <p>For LAs – consider use of RDNA or similar tool to assess and meet development needs.</p>
Year 5	Consolidation year to gain further H&S experience. Inspectors fully authorised for scope of regulatory work to be undertaken.	
Year 5 onwards	Core competency requirements met. Recent and relevant experience received from on-the-job training. EA has authorised individual for scope of regulatory work to be undertaken. Managers and individual regulators use RDNA and GRIP (or equivalent for LAs) to identify and meet further development requirements.	

There are numerous regulators authorised to enforce H&S in LAs (with a wide variety of job titles, including Technical Officer, Regulatory Services Officer, Enforcement Officer etc) **either** “who work alongside those” **or** “who do not have a background” as an Environmental Health Officer/Environmental Health Practitioner. For the LA setting, if the four-year Environmental Health Practitioner Sandwich Degree course is chosen by way of comparison with the above, then a roughly equivalent timescale to achieve a level of competence appropriate for full authorisation is quite conceivable. With the considerable variation in qualifications, experience and training that exist in the inspectorate, it is not possible or appropriate to be more prescriptive about routes to competence here, and it is a matter for the management in each EA to ensure that appropriate assessments of competence are made in accordance with an agreed protocol or scheme. However, a suggested Anytown Council example of a procedure which illustrates many of the key points to be considered can be viewed at <http://www.hse.gov.uk/section18/toolkits/competent-inspectorate-example.doc>.

Competent Inspectorate

Are you compliant with S18's Competent Inspectorate requirements?

To answer "yes" you should be able to demonstrate that your EA:

- **has systems for appointing and authorising suitably qualified inspectors under Section 19 HSWA:**
 - Are your job descriptions and personnel specifications appropriate for the role?
 - Is your selection process designed to appoint the most competent candidates and does it include pre-employment checks, eg current levels of competence, aptitude, qualifications and experience?
 - Do you have a period of probation appropriate to the role?
 - Is your system of appointment of inspectors delegated to the most appropriate level?
 - Do you have mechanisms to allow inspectors to be authorised in an emergency, ie a major accident?
 - Do you have written proof of appointment, eg recorded minute of meeting authorising individual, criteria of authorisation relevant to appointment and, where applicable, issue of authorisation warrant?
 - Do you have a system of induction that includes personal H&S?
 - Does your EA have a robust system in place for assessing the competence of temporary enforcement staff employed by the LA?

- **has standards of required competence:**
 - Do your competence standards include the following core regulatory skills and knowledge elements:
 - enforce H&S law?
 - inspect and investigate?
 - advise and influence – communicate effectively (verbal and written)?
 - plan, organise and prioritise?
 - recognise and assess risk and risk-based approach to H&S regulation?
 - work effectively with business?
 - work effectively with partners and stakeholders?
 - undertake effective assessment of dutyholders' ability to manage H&S effectively?
 - use knowledge effectively?
 - personal development, innovation and learning?
 - IT, literacy and numeracy include specific elements of H&S knowledge relevant to the regulators area of working?

- **has arrangements to attain and maintain competence:**
 - Do you assess and meet the development needs of your inspectors in line with the EA's business need, eg use of the Regulators' Development Needs Analysis Tool (RDNA)?
 - Do you record development discussions with line management following development reviews?
 - Do you record development needs and progress made to meet these, eg learning logs, development action plans, reflective writing?
 - Do you have regular reviews to monitor progress against development objectives and assess and prioritise new development needs as and when required?
 - Do you record qualifications obtained and, where applicable, development and training records?
 - Do you provide structured educational/off-the-job training?
 - Do you provide structured on-the-job training and relevant experience?
 - Do you identify regulatory skills and competence required where temporary staff are employed (LAs only)?