



Ask the Ellis Whittam Experts

# COMPETENT PERSON

**Nick Wilson, Director of Health & Safety Services at Ellis Whittam, takes a closer look at the much misunderstood role of the Competent Person**



## What is a Competent Person?

First, the technical bit. Regulation 7 of The Management of Health and Safety at Work Regulations 1999 states that “Every employer shall, subject to paragraphs (6) and (7), appoint one or more competent persons to assist him in undertaking the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions and by Part II of the Fire Precautions (Workplace) Regulations 1997.”

## ...That’s a bit vague!

Yes, unfortunately it is, and it gets worse. The legislation goes on to say that a person shall be regarded as ‘competent’ if they have sufficient training, experience or knowledge and ‘other qualities’. Which still leaves a lot of questions unanswered for worried employers.

## Who does this apply to?

The requirement to have a Competent Person to support your organisation applies to every single employer. It doesn’t matter if you employ one person or one hundred thousand, or whether you’re an accountancy practice or a zoo. There are no exceptions.

## What does the Competent Person actually do?

As an employer you are required to comply with all relevant health and safety legislation, a legal responsibility which cannot be delegated or passed on to anyone else. The purpose of the Competent Person is to use their knowledge, understanding and expertise to assist you with complying with those rules and regulations.

## Can we be prosecuted if we don’t have one?

Yes. Failure to appoint a Competent Person can lead to a prosecution for breaching the Management of Health and Safety at Work Regulations and a breach can lead to intervention by your regulatory authority, fines or (in cases with the most severe consequences) even imprisonment.

## Who can be the Competent Person?

Ask the following questions:

- Has the identified individual had training? Perhaps an IOSH accredited course.
- Does that person have practical knowledge? In other words, just attending a theory course is not enough.
- Do they have the appropriate skills? They need the technical ability to develop solutions to problems.
- Do they have practical experience? You won't get away with appointing a school leaver on their first day.
- Are they familiar with the business? If work is being performed on scaffolding, they must be knowledgeable about scaffolding hazards.
- Do they have good awareness? They need to be alert enough to recognise hazards.
- Have they been given authority? They need to be able to immediately correct any hazards, or be able to influence someone who can.



*Jeannette, Health & Safety Consultant*

## *I don't have anyone suitable. Is it OK to appoint someone who doesn't work here?*

The HSE offers good advice here: if you are not confident of your ability to manage all health and safety in-house, or if you are a higher-risk business, you may need some external help or advice.

If you really want to make sure you've got this covered, you need to tick all the boxes for training, experience and knowledge, which amounts to having a Health & Safety professional on hand. The fact that Ellis Whittam has sufficient confidence to act as a client's Competent Person is one of the top reasons so many employers choose us.

### *Not to be confused with...*

Please do not confuse this with the competent person registration scheme that applies to installers to certify that their building work complies with the Building Regulations for England. That's something entirely different.

*"The essence of competence is relevance to the workplace. What matters is that there is a proper focus on both the risks that occur most often and those with serious consequences. Competence is the ability for every director, manager and worker to recognise the risks in operational activities and then apply the right measures to control and manage those risks."*

**Judith Hackitt, HSE Chair**

### *Did you know...*

We have so much confidence in the quality of our Health & Safety service that Ellis Whittam can act as your Competent Person.

