



The manufacturers' organisation

EEF Response to Learning and Skills Council Consultation Paper on 'The Safe Learner Concept'

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**Consultation
Response**

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ABOUT US

EEF, the manufacturers' organisation, has a membership of 6,000 manufacturing, engineering and technology-based businesses and represents the interests of manufacturing at all levels of government. Comprising 11 regional Associations, the Engineering Construction Industries Association (ECIA) and UK Steel, EEF is one of the UK's leading providers of business services in health, safety and environment, employment relations and employment law, manufacturing performance, education, training and skills.

EXECUTIVE SUMMARY

EEF is broadly supportive of the proposals set out in consultation document on the 'Safe Learner Concept'. We welcome moves to standardise and formalise the health and safety training delivered to young people during vocational training programmes, and do agree that in the long term this does have the potential to enhance workplace health and safety management and to improve employee involvement in health and safety. We also welcome moves to reduce the burden of inspection on employers who participate in work based learning programmes.

We are disappointed to see that employers have not been invited to participate in this consultation, and indeed are not represented on the policy committee which has produced the document. We feel that an initiative of this sort can only move forward successfully when all stakeholders are actively involved on an equal partnership basis, and would recommend that key employers' representatives are engaged in this project as a matter of urgency.

We have some concerns around the accident data which is presented in Annex C. The document is an inadequate justification for the proposals being made. This may be attributable to the way in which the data has been presented, or to the amount of data available, in either case we would recommend that this section of the document be re-drafted to present the data in a more robust and meaningful format in order to support the recommendations.

The procurement standard set out in Annex D is an extremely wide ranging document. We agree that it should lead to a comprehensive assessment of health and safety management within an organisation offering training placements; however we are concerned that it will be difficult to identify individuals competent to make an assessment covering all areas of the standard.

We have some significant concerns about the requirements for competency of assessors, as set out in Annex G. It is not reasonably practicable to expect an assessor to be competent in health and safety, the occupational area being assessed and training, whilst also having a good knowledge of business. We feel that the most effective solution would be to ensure that an assessor is competent in health and safety and has experience covering a wide range of occupational areas. This individual should then be well placed to work with potential employers to complete the assessment, identifying relevant issues and drawing out all of the necessary information. Any gap in the assessor's understanding of training could easily be addressed by the Learning and Skills Council.

EEF feel that this is a useful document, but recommend some further definition and development are required before we would consider the 'Safe Learner Concept' to be robust enough for a large scale pilot.

DETAILED RESPONSE

The following detailed comments related directly to the numbered paragraphs within the consultation paper.

At paragraph 15, we are disappointed to note that employers are not represented on the committee. We feel that this should be addressed as the 'Safe Learner Concept' cannot succeed unless all of the stakeholders are actively engaged in the development process.

At paragraph 20, the introduction of competency based safety passports and records of achievement is a commendable aim, however it can only succeed if employers are properly informed about it and engaged in the process. This further underlines the need to engage with employers before the concept is developed any further.

At paragraph 23 – 25, it is misleading to base conclusions and recommendations on pure figures which are not shown in full context. Please see the detailed comments on Annex C (below).

At paragraph 26, the concept of a procurement standard for health and safety is good, however the detail set out in annex D is very wide ranging. Please see detailed comments on Annex D (below).

At paragraph 28, the concept of insurance benefits from successful assessment against the procurement standard would be attractive to employers. However these are unlikely to be forthcoming. Our evidence indicates that implementation of effective health and safety management systems, even those accredited against European and International Standards, does not confer any benefit to employers in terms of reduced insurance premiums. If this is to be used as a selling point for the system, then it would be necessary to secure a statement from the insurance industry setting out their commitment to such an initiative.

At paragraph 32, there is a reference to a requirement for assessors to be competent in health and safety and have skills in communication and learning together with an understanding of businesses, particularly SMEs. However, in Annex C the requirements become more onerous, including a requirement for competence in the occupational area too. This is inconsistent and could cause confusion. It will be necessary to harmonise these requirements.

Paragraph 46 introduces the concept of a helpline for young people who feel that they are being placed at risk. Establishing such a service would be fraught with difficulty. It would be necessary to have :-

- operators who were competent to assess the information being provided by the caller and respond with appropriate advice
- an 'investigation force' ready to respond instantly to situation of serious or imminent danger anywhere in the UK
- a process and competent personnel, to follow up on all calls (with key stakeholders) to investigate the issues and establish solutions
- a procedure to address potential misuse (the system would be very open to this)

There is no established need for this service. The law requires that no employee is placed at serious risk during the course of their employment and allows for complaints to be made to the regulatory authorities, where they can't be resolved in the workplace, prompting follow up by those best equipped to address any problems formally.

At paragraph 50 the responsibility for delivering stage 1 of the training is directed towards schools and colleges. Delivery of this section of the training will require a training provider who is competent in health and safety. It is unlikely that a suitable person will exist in a school environment, and some colleges may struggle here too.

In paragraph 51 at the 6th bullet point, there is a reference to identification of the factors which cause 'most harm' in the workplace. This is very ambiguous. Does it relate to severity of harm, or frequency of harm, or both? What occupational sector does it relate to? It would be far too hard to answer these questions adequately without being specific. Consequently this point should be moved into stage 2 of the training, where there is a specific working environment to be referenced.

In paragraph 51 at the 9th bullet point there is a reference to providing instruction on the 'main' types of health and safety sign. Again this is ambiguous as there are literally hundreds of signs, each relevant to a very specific situation which may or may not exist in each individual workplace. This section should concentrate only on providing information about the types of signs in use at work, the colour coding system and how to interpret them. The explanation of specific signs should come in stage 2 of the training when there is a specific workplace to reference.

The following comments relate directly to the annexes contained within the consultation paper.

Annex C

Arguably even one fatality is too many, but it is important to ensure that any response is proportionate, appropriate, targeted and realistic.

This appendix presents an over-simplified view of accident causation and consequently does not adequately support the recommendations contained within the document. The use of pure figures to illustrate the level of accident occurrence is misleading, as it does not take account of the wider context of the situation, for example fluctuations in the number of trainees overall, of each gender, at each stage of training and in each occupational sector. It would be far more useful here to show these statistics as percentages of the affected population or as accident frequency rates (where the level of occurrence would be quoted per 100,000 hours worked by trainees). Either of these methodologies would allow for direct comparison of figures for different time periods, whilst effectively taking account of the full context of the situation, and would also facilitate comparison with the occupational statistics regularly gathered by employers, the enforcing authorities and government.

This appendix draws some very specific conclusions about the causation of the accidents mentioned, but does not reference any data or evidence to support these. Further referencing and explanation would be required to properly justify these significant recommendations. If such data is not available, then the discussion should focus on general trends and not attempt to address specific areas, particularly bearing in mind that the information is based on a comparatively small number of incidents.

There is little doubt that the underlying causes of every accident can be tracked back to a failure in the health and safety management system. However the role of immediate causatory factors should not be overlooked. These may include the acts and omissions of the people involved, including the victim.

These are not covered in this appendix, and consequently the remedial action suggested may be incomplete or ineffective.

It is important to remember that however competent an assessor may be, and however thorough his assessment, it can only ever represent a 'snap-shot' in time. Working situations change constantly and thus the system which is put into place to ensure that health and safety of trainees must be robust enough to take account of change, and of the actions of individuals which cannot always be predicted. It would be dangerous to rely solely on a 'snap-shot' assessment as it forms only part of the whole management system set out in this document and will not over-ride the statutory duties on employers, employees and others as set out in Legislation.

In respect of paragraphs 7 and 8, it is important to note that the provision of information and training does not confer competence. Knowledge, skills and experience are required as well, which is why supervision is so important during the training process. Human error is also a significant factor in accident causation and attaining a level of competence does not prevent someone from making a mistake or executing a wilful act. Supervision and monitoring are always essential.

Annex D

This is a very wide ranging specification and it will not be easy to find individuals who are competent to assess against the whole spectrum of criteria.

Annex G

These are tough criteria. It will be difficult to identify individuals who are competent in the occupational sector as well as health and safety, and have an adequate knowledge of the training process.

At paragraph 6, the statement 'has a reasonable level of understanding given the circumstances' is far too ambiguous to be used in the definition of competence for a safety critical role. This should be further defined or exemplified.

In paragraph 7 the 5th bullet point relates to consideration of the attributes and needs of an individual learner. This does not sit with the concept of single inspection around which the document is constructed. This point therefore requires further explanation.

CONCLUSIONS

- EEF is broadly supportive of the 'Safe Learner Concept', however we feel that further work is required before the framework will be robust enough for a large scale trial.
- Employers representatives must be involved in the project now in order to represent the interests of these key stakeholders.
- The concept of single inspection will be attractive to employers, and is in line with the recommendations set out in the initial report from the Hampton Review.
- References to the possibility of insurance benefits for employers involved in the scheme should be substantiated or removed.
- The data set out in Annex C, which forms the basis for the recommendations set out in this paper, must be reviewed to take proper account of the context of occurrence, and thus allow meaningful comparison with published statistics.
- The procurement standard and competency requirements are tough. It will not be easy to identify individuals able to meet them.
- The most effective solution to the competency requirements would be to engage only Registered Safety Practitioners to undertake the workplace assessments. These individuals all hold a minimum of a Level 4 standard qualification in health and safety, have completed at least 2 years of work as a health and safety professional and been assessed by a body of their peers to have attained competence in a wide range of skills and across a diverse set of occupational situations. They undertake continuing professional development on a 2 year cycle. This requires them to continually prove that they are operating as health and safety professionals and actively maintaining their competence across a wide skillset (including management and business areas), through training and practice. Their accreditation is awarded by the Chartered body for health and safety in the UK, The Institution of Occupational Safety and Health.

This would be a simple way of benchmarking the competence of assessors against established and accredited independent standards which are accessible to all health and safety practitioners, and would ensure a ready supply of suitable qualified individuals who could be approached by the Learning and Skills Councils to be engaged in workplace assessments.