

Competent advice

Guidance

Competent Advice

Youth work organisations, as 'employers' are required by law to appoint a 'competent' person, or people, to help them meet their legal health and safety responsibilities.

Further information regarding competence can be found on the HSE website

<https://www.hse.gov.uk/managing/competence.htm>

Competent persons

Competent person(s) must have the requisite skills, knowledge and experience to be able to recognise health and safety concerns and to implement effective controls to safeguard workers, young people and others such as members of the public who may be directly affected by programme delivery.

Competent person(s) should be appointed from within a youth work organisation where possible as workers are usually best placed to understand the needs of the organisation and risks associated with their work. However, where the requisite competence is not available in-house, such as for specific activities, settings or scenarios, youth work organisations should seek external help and advice.

It should be noted however that the legal duty for the management of health and safety remains with the 'employer' i.e. the youth work organisation, even when receiving external advice.

External advice may be sought for all aspects of the organisation's health and safety requirements, or for specific activities, events, settings or individual needs where specialist knowledge and expertise is required. For example, adventurous activities, working at height, a pandemic, or supporting complex behavioural, medical, emotional or educational needs.

A competent person does not necessarily need to have formal qualifications or training, however this can be helpful, and may be advisable for certain areas of delivery where the activity is covered by a governing framework of qualifications and awards from a professional body, such as with adventurous activities.

The level of competence which is required will vary depending on a variety of factors influencing the complexity of the situation, the level of risk involved and the nature of the support needed. Factors for youth work organisations may include; familiarity with the nature of delivery, the activity, setting or participant group; the age of participants; any complex needs (behavioural, medical, emotional or educational); the type of activity involved; the experience, skills and knowledge of workers; the ratio of workers to young people.

How to gain external advice

External advice may be sought from a variety of sources that may include sector associations, insurers, local councils, equipment suppliers and specialist consultants. Before seeking external advice, youth work organisations should understand exactly what help they require and the level of competence, skills and knowledge that may already exist within the organisation. If there is not already an individual who is health and safety trained 'in-house', consideration should be given to doing so as part of longer term organisational planning. Example external qualifications that could be considered include the following:

- Off-Site Safety Management: A two-day course covering aspects of planning, managing and evaluating the safety of 'off-site trips' in a variety of contexts. Relevant for all youth workers, especially those with responsibilities for managing or leading programmes or events delivered off-site.
- IOSH Managing Safely: A Level 3 four-day course aimed at line managers responsible for health and safety in the workplace. Relevant to all sectors.
- NEBOSH General Certificate: Level 6 certification in occupational workplace health & safety, aimed at managers and supervisors who 'need to have a sound understanding of their health and safety responsibilities'
- NEBOSH National Diploma: A university degree level qualification for health and safety practitioners.

When engaging external advisors, assurance should be sought of their skills and knowledge, and importantly the practical application of working with young people and the types of activities or youth services being delivered. External advisors must be adequately and appropriately insured for the advice they provide. The Occupational Safety and Health Consultants Register (OSHCR) can be used to search for higher level registered consultants of general occupational health and safety advice.

Workplace vs domestic health and safety

Youth work organisations should be aware of the difference between health and safety at home compared to in the workplace: clearly, the Health and Safety at Work Act does not apply in one's own home conducting DIY for example! Whilst the use of a stepladder, gardening tools or an electric drill may be commonplace and considered relatively low risk in a domestic setting, it should be recognised that an Employer's legal duty of care would apply in a work environment or if they were being used within a youth work programme. There are potentially significant benefits of young people being trained in how to use work equipment but this should be a part of a planned programme accompanied by suitable risk assessments and with competent supervision and other safety management processes.

If such hazards are identified in a risk assessment, organisations should ensure that someone who has professional competence of such activity in a workplace setting and a sound understanding of the associated regulations is able to assess the risk and manage the activity. This would include documenting the findings of the risk assessment and providing relevant information, instruction, training and supervision of the work. Furthermore, when using such items in a workplace, the safety of the items used should be inspected prior to use according to manufacturer's instructions and this should be included as part of the risk assessment.

Should an accident happen and a young person be injured through the use of such work equipment or whilst working at height (N.B. use of a simple step ladder or other equipment where the users feet are off the ground may be considered 'work at height) and in the event of legal action, the youth work organisation may be required to evidence its risk assessment for this activity.