

# **Level 5 NVQ in Health and Safety Regulation (3645)**

***Candidate logbook***

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## **Introduction**

This pack contains information and guidance to help you to achieve your National Vocational Qualification (NVQ). NVQs are widely recognised by the employers as the most important vocational qualifications.

Unlike other qualifications, NVQs require you to take an active part in your assessment. This Guide and Logbook will help you to plan, collect and organise the evidence you need to gain an NVQ.

Good luck!

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## What's it all about?

You are about to start a programme of workplace training and assessment leading to a National Vocational Qualification. This candidate guide has been written in order to provide you with information and support as you work through achieving your qualification.

As you make progress you will be able to demonstrate that you have the necessary practical skills and the knowledge to do your work effectively and efficiently.

## What is a National Vocational Qualification?

National Vocational Qualifications (NVQs) aim to increase the skills of people, just like you, working in a wide range of industries. Developing the skills of each individual, wherever they work and whatever they do, fulfils a basic individual need for personal growth. Developing your individual skills also fulfils the needs of your employer in the drive to be competitive and to succeed. It is a vital component for any business wishing for success, competing in domestic and world markets.

NVQs have been, and will continue to be, developed for all industries, and are supported by government. They have been designed to provide valid and relevant vocational qualifications for people at work. They are about being competent in your work – being able to do something and understanding why it is done that way. They are written by industry and are known as 'national occupational standards'.

Each NVQ is made up of a number of different **units of competence**. Each **unit** describes the standards of a broad area of work that a competent person should be able to perform. There may be a unit summary which describes what the unit is about and clarifies key words and phrases.

Each **unit** is broken down into a number of **elements**. Taken together the elements show what needs to be done to achieve the whole unit.

The elements will include information about

- the standards of performance expected
- the types of evidence which you will need to produce
- the depth and breadth of the evidence you are required to produce (shown in range statements)
- the knowledge required.

There are two types of unit in this award:

Mandatory – you will have to achieve these in order to achieve the qualification overall

Optional – you may be able to choose from a range of optional units depending on where you work in the industry.

To gain your NVQ certificate you will be expected to show competence in the mandatory units and, when you have successfully completed the relevant units, you will be able to claim your NVQ. The certificate will be awarded by City & Guilds. Even if you only complete some of the units, you will still be able to claim unit certification.

Details about the structure of the qualifications(s), the units etc are provided on page 7.

## The Level 5 NVQ in Health and Safety Regulation

The Level 5 NVQ in Health and Safety Regulation is a work-based qualification, designed for candidates who are employed as enforcement officers under the Health and Safety at Work etc Act 1974. Principally these will be Health and Safety Executive inspectors and those with a health and safety enforcement role within Local Authorities.

The units are the responsibility of the Employment NTO - the National Training Organisation for this sector.

There is a section entitled 'About this unit' with each unit which explains what is covered by that unit.

Following this, each **unit** has been broken down into elements.

The **elements** contain:

the **performance criteria** (i.e. 'You must be able to...' references 1, 2, 3 etc)

the related **knowledge and understanding** (references a), b), c) etc)

and the **evidence requirements** (i.e. the evidence you will need to produce to demonstrate your competence).

There is also a **Notes** section in each unit which offers clarification of what is expected in terms of evidence or defining terms used in the unit.

### Recommended entry to qualification

No specific prior qualifications, learning or experience are required for candidates undertaking the qualification. However, the nature of the learning required for the qualification is such that candidates will need basic literacy and numeracy skills. Candidates will also need to be able to organise written information clearly and coherently.

## Health and Safety Regulation Standards - Structure of the NVQ

The Level 5 NVQ in Health and Safety Regulation is a **nine unit** qualification. You must achieve all of the mandatory units (501-508) plus 1 unit from the option group.

<b>Unit no</b>	<b>Unit title</b>	<b>City &amp; Guilds Unit no</b>
<b>Mandatory units</b>		
<b>G3</b>	<b>Evaluate and develop own practice</b>	<b>501</b>
G3.1	Evaluate own practice	501.1
G3.2	Identify self-development needs	501.2
<b>R1</b>	<b>Identify the plans and priorities of the regulatory authority for work-related health and safety, and contribute to them effectively</b>	<b>502</b>
R1.1	Identify the objectives, plans and priorities of the regulatory authority for work-related health and safety, and personally contribute to them effectively	502.1
R1.2	Manage time effectively to ensure the efficient use of resources	502.2
<b>R2</b>	<b>Inspect duty holders, worksites and activities for the purposes of work-related health and safety regulation</b>	<b>503</b>
R2.1	Prepare for inspections of workplace health and safety for the purposes of regulation	503.1
R2.2	Conduct inspections of workplace health and safety for the purposes of regulation	503.2
R2.3	Report on the conduct and findings from inspections of workplace health and safety for the purposes of regulation	503.3
<b>R3</b>	<b>Investigate accidents, incidents, ill-health reports and complaints for the purposes of health and safety regulation</b>	<b>504</b>
R3.1	Prepare for investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes	504.1
R3.2	Determine immediate action needed to ensure effective investigation and manage any continuing risk	504.2
R3.3	Carry out investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes	504.3
R3.4	Evaluate the extent of intervention and enforcement needed for regulatory purposes	504.4
R3.5	Manage and conclude investigations	504.5
<b>R4</b>	<b>Plan and gather evidence for the purposes of work-related health and safety regulation</b>	<b>505</b>
R4.1	Plan the taking of evidence for the purposes of work-related health and safety regulation	505.1
R4.2	Gather and preserve evidence for the purpose of work-related health and safety regulation	505.2
<b>R7</b>	<b>Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation</b>	<b>506</b>
R7.1	Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation	506.1

<b>Unit no Standards</b>	<b>Unit title</b>	<b>City &amp; Guilds Unit no</b>
<b>R8</b>	<b>Influence health and safety duty holders and others for the purposes of work-related health and safety regulation</b>	<b>507</b>
R8.1	Work with duty holders and others to establish work-related health, safety and welfare standards, procedures and management arrangements in force in the organisation	507.1
R8.2	Influence duty holders and others to improve work-related health, safety and welfare standards, procedures and policies	507.2
R8.3	Communicate externally with duty holders, employee representatives and others	507.3
R8.4	Communicate internally with colleagues	507.4
<b>R9</b>	<b>Promote work-related health and safety through regulatory and promotional activity</b>	<b>508</b>
R9.1	Plan and contribute to local projects and initiatives to promote work-related health and safety	508.1
R9.2	Promote work-related health and safety awareness through dissemination of appropriate information	508.2
<b>Optional units</b>		
<b>Candidates must complete ONE of the following units</b>		
<b>R5</b>	<b>Enforce statutory provisions and brief a prosecutor for the purposes of work-related health and safety regulation</b>	<b>509</b>
R5.1	Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation	509.1
R5.2	Initiate and report on prosecution proceedings	509.2
<b>R6</b>	<b>Enforce statutory provisions and present guilty pleas in Magistrates' Courts for the purposes of work-related health and safety regulation</b>	<b>510</b>
R6.1	Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation	510.1
R6.2	Initiate legal proceedings for alleged breaches of work-related health and safety legislation and presenting the case in a Magistrates' Court when a guilty plea is entered by the defendant	510.2

## Who will be involved in my NVQ?

Assessment for your NVQ is carried out at your centre which has been approved by City & Guilds. Your centre may be your place of work, a college, training agency or a combination of these.

The people involved in your assessment are as follows:

### The candidate

That's you! You are the most important person of all because without you, NVQs would not exist. Your responsibilities as a candidate are to:

- negotiate and agree an assessment programme with your assessor
- negotiate and develop a personal action plan with dates for review and assessment
- collect the evidence which proves your competence in your job
- organise and reference the evidence in a portfolio
- judge the evidence against the standards of competence to see whether it is adequate to present for assessment
- present the evidence for assessment; this may include:
  - attending an assessment interview
  - being available to discuss your evidence with the internal and /or external verifier if requested

Later in this guide we will explain how you can identify and collect evidence.

We will also explain what is meant by assessment and how you can prepare for being assessed in your daily work.

### The assessor

- will have experience in your area of work, must be occupationally competent and is most likely to be your immediate supervisor or manager
- will themselves have achieved or be working towards an NVQ qualification to allow them to act as an assessor
- will help you plan and organise your evidence
- is responsible for making the decision about your evidence and judging when you are competent

### The internal verifier

- is responsible for maintaining the quality of assessment within the centre by checking and validating assessment decisions made by assessors
- will have experience in your area of work and must be technically competent
- will themselves have achieved or be working towards an NVQ qualification to allow them to act as an internal verifier. In some circumstances the internal verifier might also be an assessor.

### The external verifier

- is appointed by City & Guilds to ensure that all assessments undertaken in your centre are fair, valid, consistent and that your centre meets the required national standard
- will make regular visits to your centre to observe assessments and examine portfolios of evidence
- makes regular reports to City & Guilds confirming what happens with assessment practice in your centre.

## The expert witness

Wherever possible, the evidence which you produce should be witnessed. For example your assessor, line manager or colleagues may witness an activity or authenticate a document as being your own work.

## Witness status

Witnesses fall into three main categories of experience:

1. Occupational expert and A1 and A2 / V1 and V2 assessor who is familiar with the standards
2. A1 and A2 / V1 and V2 assessor without occupational competence
3. Occupational expert who is familiar with the standards.

In some circumstances it may be possible to accept witness testimony from a non-occupational expert, e.g. for evidence for a non-vocationally specific skill such as dealing with clients, validating a competition result. In these cases, the following two categories of witness may be valid:

4. Occupational expert who is not familiar with the standards
5. Non-expert not familiar with the standards

## Why do you need witnesses?

It is important to demonstrate that the evidence was produced by you under the circumstances described. The witness is therefore able to observe and report on your performance on tasks which produce evidence towards the NVQ. **Only the approved assessor is qualified to judge your evidence.** The job of the expert witness is to report to the assessor their observations of your performance.

## How do you involve a witness?

The key to this is planning. In many cases someone, for example a colleague, may naturally be involved with your work and so be able to witness and authenticate evidence. However, if the work is usually unobserved, you might arrange for someone to be present (where practical) to observe your performance. Alternatively where you are working directly with or for a customer, you might ask the customer to act as a witness.

## What do they have to do?

After observing you work, the witness will need to write a short statement describing what you actually did. The witness should be aware of performance criteria for the activity and the evidence requirements which are explained in the standards.

One person may witness many pieces of evidence and on each occasion, the witness must sign and date the Witness Statement Form. You must ensure that each witness is recorded, with a signature in the Witness Status List.

A Witness Statement Form and a Witness Status List have been included for you to photocopy and use in the section of this guide *Documents provided for inclusion in your portfolio*.

**Only the approved assessor is qualified to judge the candidate's evidence.** The job of the expert witness is to report to the assessor their observations of the candidate's performance.

## How will my competence be assessed?

Occupational competence can be described as the consistent demonstration of skill, knowledge and understanding, to the standard specified by the performance criteria for each unit of the NVQ. Each unit relates to competence in a different area of activity within a job.

Assessment of your competence will be based upon realistic work place situations, performing purposeful and recognisable tasks which will require a combination of skills and

related knowledge. For each unit of the NVQ, the evidence requirements are clearly stated and support the performance criteria.

Achieving your NVQ requires you to provide sufficient evidence which shows that you can work to the National Occupational Standards contained within the qualification.

Most assessment for your NVQ will be carried out by your assessor observing you at work and by questioning you about what you are doing. The basic sources of evidence include the following:

### **Performance at work**

Observation in the workplace is an essential source of evidence. Your assessor will watch you working and assess your performance against the National Occupational Standards. Assessment guidance and examples of evidence have been provided for each element in the standards. Evidence may also be provided by witness statements, work records, job sheets, or a diary of your work. Although evidence can be provided by witnesses, no unit of your NVQ can be signed off as complete without the involvement of a qualified assessor.

### **Performance of specially set tasks**

You may be asked to undertake a particular activity, e.g. a project or case study, often in a college or other training environment.

### **Questioning**

Questioning may be oral or written, usually occurring as a result of an observed assessment. Your assessor will ask you questions to make sure you have the necessary knowledge and understanding to carry out your job activities to the national standard. Answers to questions will be recorded in your portfolio.

### **Historical evidence**

You may have done things in the past which are applicable to your NVQ. These may be used as evidence, provided that they are sufficiently current and relevant to the NVQ standard, e.g. a relevant qualification. This is sometimes known as Accreditation of Prior Experiential Learning (APEL).

## What is evidence?

Evidence is what you will need to provide in order to prove your competence, your ability to do the job and so meet the standards. You can draw on past experience to provide such evidence as well as collecting evidence from your current job. Your evidence will need to be filed and indexed in a portfolio - guidance on this follows. First we need to concentrate on what the potential sources are and what is acceptable as evidence.

### Background evidence

A copy of your CV, a copy of your previous or current job description and any previous certificates which relate to this award.

You can also include performance evidence from previous experiences and achievement

- CV
- Job descriptions
- Certificates
- Records of achievement
- Accounts of experience
- Case studies or projects from previous work
- Licences
- Records of courses attended
- Staff appraisals
- Products
- Endorsements
- Employer references

If you wish to bring forward a large amount of evidence from past experience, please discuss this with your assessor to help you plan the presentation of this evidence.

### Observed performance and products of performance

Work is a natural source of evidence and if your work includes the activities described in the elements for any of the units of the NVQ, then your assessor can readily observe you to judge your competence, particularly if the assessor is your supervisor or line manager. If the activity covered by a unit is rare and is not likely to occur during the assessment period, then your assessor may advise you to use an alternative source of evidence.

Often there are products from the assessed activity which should be retained as a valuable source of evidence, for example:

- Letters relating to work
- Completed Forms
- Job Sheets
- Plans
- Diaries
- Completed projects, case studies or assignments that are part of your work
- Finished or end products
- Witness statements about your work
- Contact with clients
- Memos
- Reports
- Logbooks
- Checklists
- Tape recordings
- Visual aids/photographs/videos
- Authenticated reports from appropriate personnel, e.g. line managers
- Staff appraisals
- References received
- Witness Statements from clients



## **Supplementary evidence**

Where it is not possible to gain sufficient performance evidence through direct observation of your work activities or products of this work, it will be necessary for your assessor to seek supplementary evidence.

This may be done by asking you to:

- provide answers to oral or written questions
- attend an interview
- complete written tests
- provide a written personal account of competence to support other evidence.

## **Simulation**

Performance of real work activities in the real working environment is the primary source of evidence but certain performance criteria in the standards will require simulation as they deal with contingencies which may not arise naturally.

These relate specifically to:

- Taking statements, including statements under caution. For some regulators this will not occur frequently enough during normal evidence gathering activities, in which case observation by an assessor or competent witness or an audio/video tape of the statement taking process based on a real case study and with subsequent questioning to confirm knowledge and understanding will be allowed. [Element 505.2 (6, and 7)]
- Conducting guilty pleas in a Magistrates' Court. For some regulators this will not occur frequently enough during normal evidence gathering activities, in which case a mock trial will be allowed conducted during a formal legal proceedings training course observed by a legally qualified course tutor or conducted in a simulation using a qualified court clerk, magistrate and occupationally trained tutor, assessor or verifier. [510.2 (5, 6, 7, 8 and 9)]
- Drafting a statutory notice for service on a duty holder. For some regulators this will not occur frequently enough during normal evidence gathering activities, in which case drafting of a notice which is not to be served on a duty holder, based on a real case study and linked to assessor questioning, will be allowed. [506.1 (1 to 6 inclusive)]
- Briefing a prosecutor. For some regulators this will not occur frequently enough during normal evidence gathering activities, in which case a simulation of such briefing, based on a real case study, using a legally training professional will be allowed. [509.2 (2 and 3)]

## What is a portfolio?

Most candidates working to achieve an NVQ find that the simplest way to collect their evidence is in a loose-leaf lever arch file or binder.

This is called a **Portfolio of Evidence**.

A portfolio can be any shape or size, depending on the type of evidence you want to put forward for assessment. However, it is usual to use an A4 ring binder or lever arch folder.

Your portfolio will need to be a well organised, structured collection of all the evidence you have collected, gathered together and referenced to the National Occupational Standards. In order to achieve this, it is recommended that dividers are used between each unit and the evidence you have collected, so that the portfolio is easy to work through.

You are required to present your evidence quite simply to show - what you can do, and - what you know. It should be presented to demonstrate how it matches the performance criteria, the evidence and the underpinning knowledge requirements. You will discover that one piece of work might provide evidence for more than one element or unit. It must be correctly cross referenced using the evidence summary forms provided at the end of each unit.

Types of evidence to be filed in your portfolio will include:

- assessment action plans
- records of assessment
- assessor reports
- witness statements
- a record of products from your work
- reports from your manager or supervisor
- details of questions you have been asked
- historical evidence (APEL)

Your assessor will regularly inspect your portfolio, providing support and guidance as appropriate. As you begin to collect evidence you must index it using the evidence summary, with cross references to the National Occupational Standards. Your assessor will show you how to do this because it will identify what you must do to complete the unit.

At the beginning of the section *Documents provided for inclusion in your portfolio* is a list of the order of all the information to be filed in your portfolio. The list also makes reference to the documents we have produced for you to photocopy for use in your portfolio. You will find copies of the documents in the section.

You must produce your portfolio when requested for inspection by the internal verifier, and the external verifier will also need to inspect your portfolio during a visit. Only assessors and internal verifiers can confirm that you have completed a unit and complete your record of achievement.

## **Supporting Information**

The following categories of information are not regarded as Performance Evidence, nor will they meet your requirements to demonstrate your Knowledge and Understanding. They will however, provide valuable supporting information for you, which should be kept in a separate information file.

The following information should not be included as part of the Portfolio of Evidence:

- leaflets or booklets supporting legislative requirements
- the session plans or overall content of training programmes
- any notes or information handouts from training courses
- booklets explaining company operating policy or work procedures
- handbooks describing e.g. how the company computer system works
- technical information about specific products supplied by manufacturers
- product catalogues.

## The Assessment Process

### Planning

*Step 1* Your assessor will discuss with you which units you are going to start first. To help you decide this, in the section of the guide, entitled *Getting Started* you will find a self assessment process to work through. When you have completed the self assessment you will have an overall action plan of what you have to do to achieve the NVQ. You should file this in your portfolio along with your personal details.

*Step2* Having decided where to start, you will need to read thoroughly through the unit and the elements in question.

*Step 3* You and your assessor will discuss any historical evidence you may have.

*Step 4* Looking at the evidence requirements, you and your assessor will work out

- how much can be assessed in your workplace
- how much evidence will need to be gathered through specially set tasks
- how your knowledge will be assessed, by oral questions, etc.

This is your **assessment action plan** which you will need to file in your portfolio (Form C&G HSR7).

### Evidence

*Step 5* You will produce evidence by

- being observed performing tasks in line with the standards, a number of times
- being questioned by your assessor during and after observations
- presenting projects and assignments, answering written questions, where necessary.
- keeping documents, such as work logs, job cards, checklists, letters, etc.

### Feedback

*Step 6* After each assessment:

- if your performance has not been completely successful you will receive further training and more experience which will be recorded
- if your performance is successful it will be recorded.

An **assessment report** will be completed by your assessor identifying any further action to be taken. This will be filed in your portfolio with the records of the assessment (Form C&G HSR8).

You will be given **feedback** by your assessor which will be recorded and filed in your portfolio as you might need to take further action agreed with your assessor (Form C&G HSR9).

*Step 7* With reference to the agreed assessment and action plans, you will regularly discuss your performance and progress with your assessor.

## **Common questions and answers**

### ***Are there any entry requirements for NVQs?***

No, the level you take will depend on your skills and knowledge.

### ***Do I have to be on a training course to enter for an NVQ?***

Not necessarily. If you already have the necessary skills and knowledge you can be assessed without further training. However, you need to register with an approved City & Guilds centre where the assessment can be arranged. In practice, employers and colleges approved as centres, offering assessment for NVQs do provide training to satisfy the requirements of the underpinning knowledge and understanding.

### ***How long does an NVQ take to complete?***

There is no set time limit in which you must complete your NVQ. However, standards which make up the qualification are normally revised every five years and you should aim to complete your qualification before then. For the Level 5 in Health and Safety Regulation, it is expected that you should be able to complete your qualification within 12 to 18 months of registration.

### ***What happens if I change jobs or go to another assessment centre?***

You will be able to continue your NVQ provided you move to another approved centre.

### ***Do I have to do all of the units in the NVQ to get a certificate?***

Once you have completed all the necessary units for an NVQ, and they have been confirmed by your internal verifier, your centre will apply to City & Guilds for a certificate. You will also be issued with a Certificate of Unit Credit which will list all the units that you have achieved.

If you are not aiming for a full NVQ, your centre can apply for a Certificate of Unit Credit, listing those units which you have achieved.

Please direct any questions about your certificate to staff at your centre.

### ***What do I do if I am not happy with an assessment decision?***

If an occasion occurs when you do not agree with a decisions made by your assessor, you should follow the centre's appeals procedure. Any unresolved problems should be referred to City & Guilds.

## Getting started

We know that candidates starting an NVQ are already very busy people, because of the work they do. The advice which follows is intended to help you to achieve the award whilst carrying out your role and responsibilities at work.

One practical way to begin is to compare each unit of competence from the National Occupational Standards to your current job role. This will give you one or more units where you can begin to identify evidence and perhaps a list in which you feel you will need training or practice.

A more detailed way to start is to go through the self analysis questions which follow. They have been designed to help you to identify the units in which you are

- competent
- partially competent
- not at all competent or have not yet had the opportunity to perform.

Using the following questions, consider each unit. This activity will also help you to become familiar with the content of each unit so that you can look for economies in time when planning your evidence. Some evidence may be valid for more than one unit.

## Candidate Self Assessment

Taking each unit of competence separately, work through the following questions and make notes on your training needs and assessment opportunities. In the *Documents provided for inclusion in your portfolio section*, a form (Form C&G HSR5) is included to help you to summarise and produce an action plan.

- a)** Is this a part of your current job role and one in which you consider yourself competent?  
If your answer is **Yes** - Discuss assessment opportunities with your assessor/mentor  
If **No** - move on to question **b**
- b)** Did this ever form part of your job role, with this or any other organisation?  
If so, do you still consider yourself competent?  
If your answer is **Yes** - Discuss assessment opportunities with your assessor  
If **No** - move on to question **c**
- c)** Does this form part of your current job role, but in an area in which you are not yet competent?  
If your answer is **Yes** - Discuss training needs with appropriate person  
If **No** - move on to question **d**
- d)** Discuss training needs, assessment opportunities with your assessor and identify what action you need to take and agree a date for completion.

## Planning your progress

**A planned approach will ensure the most economical use of your time and efforts.**

### Your Personal Action Plan

Now that you have completed the self analysis exercise, you and your assessor should be in a position to agree which unit or units you will start working on. You will now be able to plan the collection of evidence for the elements which make up each unit.

As you begin to plan, do remember that evidence for one element from a unit can often be used for other elements from other units.

Each element will require more than one type of evidence. Evidence must cover all **the performance criteria**, the **evidence requirements** and **the knowledge and understanding** for each element.

### Planning will save time.

When you fill in your assessment action plan identifying what kind of evidence you could provide, ask yourself the following questions

- can my **performance** be **observed** by the assessor?
- in the absence of the assessor, can a **witness authenticate** my evidence (e.g. line manager)?
- can I bring forward any evidence or **previous achievement**?
- can I include any **records, documents**, etc.?
- are there any **requirements** where I cannot easily produce evidence?
- is reoccurring evidence work based?

Refer back to the section in this guide about the assessment process and discuss your proposals with your assessor and agree your action plan. A document has been provided for this activity reference C&G HSR7.

## Over to you!

It's up to you now because it's your qualification that you are working towards.

We hope you enjoy collecting and organising the evidence for your portfolio and that you develop your skills by having a wider experience.

Remember:

- Getting started is usually the most difficult step in the whole process
- Once you have started however, the process of evidence collection becomes easier as you become used to it
- Remember to plan carefully using evidence for more than one element wherever possible
- Keep up the momentum, don't get side tracked by other events.
- Complete work on time, don't get behind with your schedule and action plan
- Ask your assessor for support and guidance when you need it
- Finally - on the next page you will find a Quick Candidate Checklist just to keep you on the right track. Good luck - and remember to enjoy achieving your NVQ!

## Quick Candidate Checklist

- Check the content of the mandatory and optional units depending on where you work in the industry
- Complete your Self Analysis.
- Agree with your assessor where you will begin to collect evidence. Focus initially on those units for which you have readily available evidence.
- Identify the evidence you have collected and agree dates for assessment with your assessor. Agree dates for observed assessment, this is your assessment plan.
- Collect evidence and complete the evidence summary sheet.
- Submit the evidence to your assessor for initial assessment.
- Agree when you should give your portfolio to your assessor.
- The assessor will complete an assessment report for each element and return the portfolio to you.
- The assessment report will indicate
  - a) whether the evidence is sufficient in quality and quantity to meet the standard
  - b) if the performance criteria have been met
  - c) if the evidence meets the requirements for knowledge and understanding
  - d) that the requirements for performance evidence have been met
  - e) what additional evidence, if any, you need to provide
  - f) on which areas an interview to review progress will focus.
- If the evidence produced in the portfolio and at the interview clearly demonstrate your competence, then your assessor will 'sign off' the element(s) or unit(s) as complete.
- The cycle will then begin again until you have all the units completed that you intended to achieve.

Your assessor will suggest that you initially submit your portfolio when you have completed one or more elements so that you receive guidance and feedback at an early stage. After that, the pace and pattern you establish with your assessor will be negotiated to suit you both.



## Documents provided for inclusion in your portfolio

A well constructed Portfolio should include all the information required to demonstrate candidate competence, assembled and organised in the following order.

These documents have been included for you to photocopy and use in your portfolio.

**A blank Evidence Summary sheet is included in this document - you will need to copy it in order to use it to record your evidence.**

Refer to the section in this guide *What is a Portfolio?* for further guidance.

Introduction		Documents
	Candidate and Centre Details	C&G / HSR1
	Contact Details	C&G / HSR2
	Candidate Resume/CV	
	Candidate Job Description/Workplace Location/Current Duties	
	Witness Status List with Signatures	C&G / HSR3
	Summary of Achievements	C&G / HSR4
	Summary of self assessment activity and personal action plan	C&G / HSR5
<b>For All Units</b>		
	The Performance Criteria for the Elements in each Unit.	In this guide
<b>Presenting Evidence</b>		
	An Evidence Summary for you to link the evidence presented to the Performance Criteria, Evidence & Knowledge Requirements. <b>Copies of this sheet are provided at the end of each unit.</b>	C&G / HSR6
<b>Assessment Information</b>		
	Assessment Action Plans	C&G / HSR7
	Records of Assessment (Signed and Dated )	
	Assessment Report	C&G / HSR8
	Evidence of Feedback provided and further Action Plans	C&G / HSR9
<b>Performance Evidence</b>		
	Product Evidence (Retain for inspection by Assessor/IV)	
	Candidate Job Sheet (Signed and Dated with reference to product)	C&G / HSR10
	Expert Witness Statement (Signed and Dated)	C&G / HSR11
	Candidate Statement of Activity (Witnessed, Signed and Dated)	C&G / HSR12
<b>Knowledge</b>		
	Candidate Statement of Activity (Witnessed, Signed and Dated )	C&G / HSR12
	Records of Assessor questions and your answers	C&G / HSR13

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**Level 5 NVQ in Health and Safety Regulation**

**Candidate and Centre Details**

Scheme Number: ..... Level: .....

Candidate Name: .....

Candidate Number: .....

Centre Name. ....

Centre Number: .....

Centre Co-ordinator .....

Centre Address: .....  
.....  
.....

Centre Telephone Number: ..... Fax:.....

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**Level 5 NVQ in Health and Safety Regulation**

**Contact Details**

**Centre Co-ordinator**

Name .....

Centre number .....

Address .....

.....

Tel no ..... Fax no .....

Email .....

**Assessor Details**

**1. Assessors name**

Position .....

Assessing which unit/s .....

Where to contact: .....

**2. Assessors name**

Position .....

Assessing which unit/s .....

Where to contact: .....

**Internal Verifier Details**

Internal Verifiers Name .....

Position .....

Where to contact .....

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**Level 5 NVQ in Health and Safety Regulation  
Witness Status List**

**Form C&G HSR3**

**Candidate Name:** .....

**Level:** .....

<b>Name and contact address of witness</b>	<b>Witness Status</b>	<b>Professional relationship to candidate</b>	<b>Elements witnessed</b>	<b>Witness Signature</b>	<b>Date</b>

Name and contact address of witness	Witness Status	Professional relationship to candidate	Elements witnessed	Witness Signature	Date

Include all witnesses who have signed candidate evidence or written a report. Ensure that the witness signs the details as correct.

**Assessor signature:**..... **Date:**.....

**Witness Status Categories.**

1. Occupational expert and A1, A2 / V1, V2 Assessor
2. A1, A2 / V1, V2 Assessor without occupational experience
3. Occupational expert familiar with standards
4. Occupational expert not familiar with standards
5. Non expert not familiar with the standards



**Level 5 NVQ in Health and Safety Regulation  
Summary of Achievements**

**Form C&G HSR4**

Candidate Name: ..... Centre : .....

Unit	Title	Date achieved	Assessor's signature	Candidate Signature
<b>Mandatory Units</b>				
501	Evaluate and develop own practice			
502	Identify the plans and authorities of the regulatory authority for work-related health and safety, and contribute to them			
503	Inspect duty holders, worksites and activities for the purposes of work-related health and safety regulation			
504	Investigate accidents, incidents, ill-health reports and complaints for the purposes of health and safety regulation			
505	Plan and gather evidence for the purposes of work-related health and safety regulation			
506	Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and			
507	Influence health and safety duty holders and others for the purposes of work-related health and safety regulation			
508	Promote health and safety through regulatory and promotional activity			
<b>Optional units (candidates must achieve 1 of these units)</b>				
<b>Any additional unit(s) achieved</b>				

Confirmation of achievement of units for which certification is requested

Signature of internal verifier:

Date:

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**Level 5 NVQ in Health and Safety Regulation  
Summary of Self Assessment activity and Personal Action Plan**

**Form C&G HSR5**

**Candidate .....** **Date completed.....**

Unit	Competent in current job	Competent in previous job	Evidence easy to obtain √ X	Not competent training needed	Action Required	By When
<b>Mandatory units</b>						
Evaluate and develop own practice						
Identify the plans and authorities of the regulatory authority for work-related health and safety, and contribute to them effectively						
Inspect duty holders, worksites and activities for the purposes of work-related health and safety regulation						
Investigate accidents, incidents, ill-health reports and complaints for the purposes of health and safety regulation						
Plan and gather evidence for the purposes of work-related health and safety regulation						
Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation						

Unit	Competent in current job	Competent in previous job	Evidence easy to obtain √      X	Not competent training needed	Action Required	By When
Influence health and safety duty holders and others for the purposes of work-related health and safety regulation						
Promote health and safety through regulatory and promotional activity						
<b>Optional unit:</b>						
<b>Any additional unit:</b>						

**What you should do next:**

Having completed the Self Assessment, you should now have a list of units where you can start to identify and collect the evidence. You may also have a list of units where you feel you are not competent and need training and experience. This document should be included in your portfolio and discussed with your assessor.

Using the document provided in this Candidate Guide, entitled Assessment Action Plans (Form C&G HS7) you will need to make detailed plans for progress with your assessor.

**Level 5 NVQ in Health and Safety Regulation - Evidence Summary**

**Form C&G HSR6**

**LEVEL:** ..... **UNIT NO and TITLE:** .....

**ELEMENT NO and TITLE:** .....

**Candidate:** .....

Evidence description	Portfolio Reference	Performance Criteria e.g. 1 to 5	Knowledge and Understanding reference	Performance evidence reference

*You will need to copy this sheet to record your evidence for each element.*

Evidence description	Portfolio Reference	Performance Criteria e.g. 1 to 5	Knowledge and Understanding reference	Performance evidence reference

**Level 5 NVQ in Health and Safety Regulation  
Assessment Action Plan**

<b>Candidate</b>	
<b>Level</b>	
<b>Assessor</b>	
<b>Unit</b>	
<b>Element</b>	
<b>Venue</b>	
<b>Date / Time</b>	

**Evidence Assessed by:**

<b>Direct Observation</b>		<b>Projects &amp; Assignments</b>	
<b>Oral Questioning</b>		<b>Simulation</b>	
<b>Witness Testimony</b>		<b>Portfolio Evidence</b>	
<b>Candidate Statement</b>		<b>Supplementary Evidence</b>	
<b>Written Questions</b>		<b>Accredited Prior Achievement</b>	
<b>Work Products</b>			

**Action Plan/Evidence requirements**

**Feedback Arrangements**

**Assessor Name** .....

**Assessor signature** ..... **Date** .....

**Candidate signature** ..... **Date** .....

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**Level 5 NVQ in Health and Safety Regulation  
Assessment Report**

Level ..... Candidate .....

Assessor .....

UNIT: ..... ELEMENT: .....

	Yes or No	Is more performance evidence required?	Is more knowledge evidence required?	Is more portfolio evidence required?
Have all the performance criteria been met?				
Have the knowledge & understanding requirements been met?				
Is the portfolio evidence valid, sufficient, current and authentic?				
Has the evidence been properly authenticated?				

**Assessor Comments**

Assessor Questions	Candidate Answers

Outcome of the Assessment

Assessor signature .....Date .....

Candidate signature ..... Date .....

**Level 5 NVQ in Health and Safety Regulation  
Action Plan and Feedback to Candidate**

Level ..... Candidate .....

Assessor .....

Date .....

UNIT: ..... ELEMENT: .....

**Feedback to candidate:**

**Action to be taken by candidate:**

Assessor signature .....Date .....

Candidate signature ..... Date .....

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**Level 5 NVQ in Health and Safety Regulation  
Candidate Job Sheet**

Level ..... Candidate .....

Assessor/expert witness .....

Date .....

UNIT: ..... ELEMENT: .....

<b>Details of the Task</b>
----------------------------

<b>Materials involved</b>
---------------------------

<b>Equipment used</b>
-----------------------

<b>Reference to performance criteria, knowledge and evidence requirements.</b>
<b>PC's</b>
<b>Knowledge</b>
<b>Evidence</b>

Assessor/expert witness signature ..... Date .....

Candidate signature ..... Date .....

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**Level 5 NVQ in Health and Safety Regulation  
Expert Witness Statement**

<b>Candidate</b>	
<b>Level</b>	
<b>Unit</b>	
<b>Element</b>	
<b>Venue</b>	
<b>Date and time</b>	

**Candidate Statement**

*Description of activity to be assessed by the witness*

**Witness Statement**

*Give a description of, and authenticate, the activity undertaken by the candidate and confirm the extent to which you consider the candidate to be competent.*

**Witness Statement (continued)**

*Give a description of, and authenticate, the activity undertaken by the candidate and confirm the extent to which you consider the candidate to be competent.*

**Witness Details**

**Name**

**Position/Job Title**

**Relationship to candidate**

**Contact Details**

**Candidate signature .....**      **Date .....**

**Witness signature .....**      **Date .....**



Level .....

Candidate .....

Date	Activity	Unit/ element	Performance Criteria	Knowledge and Understanding	Evidence Requirements

<b>Date</b>	<b>Activity</b>	<b>Unit/ element</b>	<b>Performance Criteria</b>	<b>Knowledge and Understanding</b>	<b>Evidence Requirements</b>

**Level 5 NVQ in Health and Safety Regulation  
Record of Assessor Questions**

**Form C&G HSR13**

**Level .....**                      **Candidate .....**

<b>Question</b>	<b>Candidate Answer</b>	<b>Unit/Element reference</b>

Question	Candidate Answer	Unit/Element reference

Assessor name .....

Assessor signature ..... Date: .....

Candidate signature ..... Date: .....

## Key skills signposting

### Level 5 NVQ in Health and Safety Regulation

Key Skills Signposting Summary Relationship Table

Unit No and Title	Communication	Application of Number	Information Technology	Working with others	Improving own learning and performance	Problem Solving
Evaluate and develop own practice	4	3	3	4	4	4
Identify the plans and priorities of the regulatory authority for work related health and safety, and contribute to them effectively	4	3	3	4	3	4
Inspect duty holders, worksites and activities	4	3	3	4	4	4
Investigate accidents, incidents, ill-health reports and complaints	4	4	3	4	4	4
Plan and gather evidence	4	3	3	4	4	4
Draft and serve notices and similar documents	4	3	2	4	3	4
Influence duty holders and others	4	3	3	4	4	4
Promote health and safety through regulatory and promotional activity	4	3	2	4	4	4
Enforce statutory provisions and brief a prosecutor	4	3	3	4	4	4
Enforce statutory provisions and present guilty pleas in Magistrates' Courts	4	3	3	4	4	3

## **Appeals and equal opportunities**

If an occasion should arise when a candidate is not satisfied with the assessor's judgement of his/her competence during the assessment process, or a candidate feels that the opportunity for assessment is being denied, the internal verifier and centre co-ordinator should address the problem. If, however, the problem cannot be resolved, the external verifier may be approached to offer independent advice. In unresolved cases, the external verifier may refer this back to City & Guilds. All appeals must be clearly documented by the centre co-ordinator and made available to the external verifier or City & Guilds if advice is required.

Should occasions arise when centres are not satisfied with any aspect of the external verification process, they should contact City & Guilds Quality Standards department.

Access to the NVQ framework is open to all, irrespective of gender, race, creed, age or special needs and there are no formal entry requirements. The centre co-ordinator should ensure that no candidate is subjected to unfair discrimination on any grounds in relation to access to assessment and to the fairness of the assessment. QCA requires City & Guilds to monitor centres to check whether equal opportunities policies are being adhered to.

# **The National Occupational Standards**

## **Level 5 NVQ in Health and Safety Regulation**

as supplied by the Employment NTO

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## **Mandatory units**

***Candidates must complete ALL of the following mandatory units***

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## 501 Evaluate and develop own practice

501.1 Evaluate own practice

501.2 Identify self-development needs

---

### About this unit

*This unit is appropriate for those who*

- reflect on own practice
- review own practice against goals
- set and prioritise goals and targets for self-development
- adapt practice in the light of changes in professional practices.

*The activities you are likely to be involved in*

- identifying goals and targets set by self, national standards and codes of conduct, current competence, anticipated future demands, personal aspirations and organisational needs
- reviewing performance using work results, appraisals, formative assessments and the views of colleagues and clients
- developing and monitoring a personal action plan
- trying out and evaluating the results of developments to own practice
- identifying and responding to changes in professional practice, national and local systems as well as organisational policies and procedures.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 501.1**

*Evaluate own practice*

#### *Performance Criteria*

#### **You must be able to:**

1. evaluate own practice against set targets and goals
2. use a range of valid and reliable evidence to assess own work which includes an assessment of the effects of your own behaviour and values on others
3. involve others in the interpretation of evidence
4. use evidence to reflect on own practice and professional issues
5. accept criticism in a positive manner and assess its validity and importance
6. revise goals and target in the light of reviewing evidence of performance.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 501.2**

*Identify self development needs*

#### *Performance Criteria*

#### **You must be able to:**

1. set and prioritise clear and realistic goals and targets for own development
2. base goals and targets on the accurate assessment of all relevant information relating to own work and achievement, including developments in professional practice and related areas
3. devise a personal action plan and review it regularly
4. try out developments in own practice in a way which does not cause problems for others
5. evaluate developments in own practice and ensure continued self-development.

## 501 Evaluate and develop own practice

---

### Knowledge requirements

The following knowledge is required to perform the elements of competence. It will be demonstrated through the outcomes of work activities and evaluations of systems and procedures. It has been brought together in one place and consists of underpinning principles, legislation and procedures and processes.

Detailed assessment procedures are provided which ensure that all aspects of the knowledge and understanding are rigorously assessed using valid methods which reflect the work environment.

You need to know, understand and demonstrate the application of the following knowledge and understanding:

#### *The nature and role of self-evaluation in relation to the organisation*

- 1 ways of identifying job and organisational needs
- 2 organisational policy relating to professional practice and its implications for own development.

#### *Principles and concepts*

- 3 methods of self assessment
- 4 how to interpret evidence of own performance
- 5 methods of reviewing and interpreting developments in professional practice
- 6 factors which impact on the ability to identify own development needs
- 7 appropriate people to support the interpretation of evidence of own performance
- 8 how to prioritise self-development needs
- 9 methods of person action planning
- 10 methods of evaluating suggested changes in the context of one's own current work.

#### *External factors influencing learning within the organisation*

- 11 how to apply external trends and developments into own performance.

## **502 Identify the plans and priorities of the regulatory authority for work-related health and safety, and contribute to them effectively**

502.1 Identify the objectives, plans and priorities of the regulatory authority for work-related health and safety, and personally contribute to them effectively

502.2 Manage time effectively to ensure the efficient use of resources

---

### **About this unit**

*This unit is appropriate for you if your role involves*

- drawing up personal plans of work to achieve organisational goals for health and safety regulation
- adjusting and implementing personal plans of work so as to work efficiently and achieve priorities relating to work-related health and safety regulation
- influencing organisational requirements and resources relating to health and safety regulation.

*The activities you are likely to be involved in*

- deciding how you can contribute to the implementation of the plans and priorities of the regulatory authority for work-related health and safety, through a range of intervention techniques, e.g. investigation, inspection, enforcement and promotional activities
- drawing up your own plans of work to achieve your targets for health and safety regulation
- adjusting plans to make efficient use of resources
- prioritising your work
- identifying a range of activities through which to achieve your development needs and incorporating them into your plans.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 502.1**

*Identify the objectives, plans and priorities of the regulatory authority for work-related health and safety, and personally contribute to them effectively*

#### *Performance Criteria*

#### **You must be able to:**

1. identify the objectives, priorities and plans of your operational team and understand how they link to those of the regulatory authority
2. plan, prioritise and agree regulatory and developmental activities you will undertake to contribute to the above organisational and personal goals
3. draw up short, medium and long term plans, as appropriate, which will make efficient use of your own and colleagues' resources
4. implement your plans to deliver regulatory activities which meet personal and organisational goals and priorities
5. adapt and adjust your plans to react to emergencies and contingencies, including the needs of colleagues.



## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 502.2**

*Manage time effectively to ensure the efficient use of resources*

#### *Performance Criteria*

#### **You must be able to:**

1. manage your time effectively and plan so that priority issues are dealt with in a timely manner
2. apply your judgement and address new priorities as they become known to you by appropriate adjustment of your plan
3. meet any deadline for completion of work agreed to by the regulatory authority or set by your organisational unit
4. implement your plans to deliver regulatory activity in an effective manner, which makes efficient use of your own and colleague's resources, and maintains your own and the regulatory authority's integrity.

## 502 Develop and review the organisation's health and safety strategy

---

### Knowledge requirements

You need the following knowledge to perform the elements of Competence. You will show this through the outcome of your work activities and through evaluations of your systems and procedures.

You need to be able to show that you have general knowledge and understanding of the following:

#### *The nature and role of health and safety strategy within the organisation*

1. how to identify the objectives, priorities and plans of the regulatory organisation and your operational unit
2. how these objectives, priorities and plans can be met through regulatory activities
3. how to interpret organisational plans, priorities and goals into personal objectives and plans.

#### *Principles and concepts*

4. how to make use of an appropriate range of intervention techniques
5. the effectiveness of different intervention techniques
6. how to identify and make use of a variety of sources of information and help
7. how to identify your training needs and secure access to appropriate development and training to meet those needs
8. how to estimate resource implications of activities
9. how to plan work
10. how to draw up your own plans which take forward those of the regulatory authority, your operational unit and your training and development needs
11. how to make optimum use of the resources you have available (your own and others)
12. how to prioritise your workload so that the most important issues are dealt with
13. how to use databases and other information sources.

#### *External factors influencing improvements in health and safety practice*

14. how to identify and apply relevant statutory requirements and industry best practice.

## **503 Inspect duty holders, worksites and activities for the purposes of work related health and safety regulation**

- 503.1 Prepare for inspections of workplace health and safety for the purposes of regulation
  - 503.2 Conduct inspections of workplace health and safety for the purposes of regulation
  - 503.3 Report on the conduct and findings from inspections of workplace health and safety for the purposes of regulation
- 

### **About this unit**

*This unit is appropriate for you if your role involves*

- planning and conducting inspections of workplace health and safety for the purposes of regulation
- identifying potential breaches of work-related health and safety legislation for the purposes of regulation
- deciding the action you and duty holders need to take, which may include formal enforcement of work-related health and safety legislation
- identifying deficiencies in health and safety policies, management arrangements and resources within organisations, for the purposes of risk reduction and control
- providing guidance on risk reduction measures for the purposes of work-related health and safety regulation
- preparing effective inspection reports for the purposes of work-related health and safety regulation
- communicating work-related health and safety deficiencies to others for the purposes of regulation

*The activities you are likely to be involved in*

- planning and conducting inspections of duty holders' premises and installations
- determining unsafe systems of work and breaches of legislation
- assessing how senior managers set up and use health and safety management structures and systems and associated resource allocation
- evaluating health and safety policies and procedures within organisations
- identifying what extra precautions are necessary to ensure the health and safety of you, the duty holder, and those affected by the duty holder's activities
- analysing past regulatory performance by duty holders
- advising on appropriate methods to achieve safe systems of work
- providing clear and unambiguous findings of the results of inspections to duty holders, employees, safety representatives, members of the public and colleagues
- securing compliance and a commitment to comply with relevant legislation.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 503.1**

*Prepare for inspections or workplace health and safety for the purposes of legislation*

#### *Performance Criteria*

#### **You must be able to:**

1. use appropriate databases and other information sources to identify duty holders and worksites for inspection, in line with the priorities of the regulatory authority
2. plan a logical series of inspections consistent with the regulatory authority's plans and priorities
3. plan individual inspections, taking into account priorities of regulator, duty holder and those affected by their activities, availability of resources and research required into process carried out by duty holder
4. use information you have gathered to identify appropriate benchmarks and likely priorities for consideration during any contact with a duty holder or visit to a worksite
5. select relevant topic areas for inspection with reference to organisational priorities
6. identify who the relevant duty holders are for each worksite to be inspected.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 503.2**

*Conduct inspections of workplace health and safety for the purposes of regulation*

#### *Performance Criteria*

#### **You must be able to:**

1. gain access to worksites, explain regulatory activity and identify and secure co-operation of duty holders, employee/safety representatives and others
2. conduct inspections in a way which preserves your own personal safety and which gives a good example of health and safety awareness and practice
3. manage the pace of the inspection, implement the inspection plan and have the flexibility to deal appropriately with issues outside the scope of the plan
4. identify practices, procedures, management systems and risk controls in use and react to what is happening systematically, using observation, questioning, listening, process knowledge and the duty holder's risk assessment as appropriate
5. compare your findings with existing standards and against the principles of risk assessment and control to identify the risk gaps which exist
6. where risks are inadequately controlled, apply principles of risk control to identify and select acceptable options to close the risk gap and ensure compliance without compromising the regulatory authority, using judgement, discretion and discussion with the duty holder and employee representatives
7. identify the action you intend and the duty holder needs to take, which may include formal enforcement, and assess the likely impact on the duty holder, their business, employees and others.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 503.3**

*Report on the conduct and findings from inspections of workplace health and safety for the purposes of regulation*

#### *Performance Criteria*

#### **You must be able to:**

1. draft clear concise inspection reports, in the appropriate format
2. draft inspection reports which will inform the next visit plan and identify who you met, the purpose of the inspection, any limitations, salient findings and action taken by yourself and the duty holder
3. evaluate how effective the inspection was against objectives in the plan
4. identify and arrange any further action required by the regulatory authority
5. communicate your findings to colleagues when appropriate and update regulatory authority records on the duty holder.

## 503 Inspect duty holders, worksites and activities for the purposes of work-related health and safety regulation

---

### Knowledge requirements

You need the following knowledge to perform the elements of competence. You will show this through the outcome of your work activities and through evaluations of your systems and procedures.

You need to be able to show that you have general knowledge and understanding of the following:

#### *The nature and role of regulatory authority's plans and priorities*

1. how to identify and apply the aims, objectives and priorities of the regulatory authority
2. how to follow the regulatory organisation's policies, instructions or procedures for conducting inspections
3. how to apply the regulatory organisation's enforcement policy and priorities
4. how to identify the resources available to you, what you need to carry out an effective inspection, and how you will address any shortfall
5. when and how to make links with other regulators where their activities impinge on yours
6. how to manage the interfaces with other enforcing authorities
7. how to use databases and other information sources

#### *Principles and concepts*

8. how to identify types of safety and employee representatives and their roles
9. how to follow your organisation's health and safety policy and ensure your own health and safety
10. how to apply the principles of hazard identification, risk assessment and risk control
11. how to interpret accident and incident data
12. how to identify accident and ill-health causation, including human factors
13. how to evaluate information gathered against legal requirements, achieving consistency, transparency, proportionality and targeting in inspection and enforcement decisions
14. ways of assessing the impact of your decisions on the duty holder, employees, the industry concerned and others, and any broader health and safety implications
15. how to communicate effectively in a range of situations and at all levels to gather information and provide direction
16. how to prepare inspection objectives and determine methods to achieve them
17. how to work with colleagues to support their work and to obtain their support and assistance necessary for you to carry out your work
18. how to identify the duty holder, those responsible for the management of health and safety, and those responsible for health and safety in the work activities being undertaken, including supply, design and manufacture

## **503 Inspect duty holders, worksites and activities for the purposes of work-related health and safety regulation**

---

### *Principles and concepts (cont)*

19. how to determine priorities for regulatory activity in a workplace, taking account of risk and external pressures, as well as the regulatory authority's priorities
20. how to obtain and apply an appropriate level of knowledge about the process being inspected so that hazards and risks associated with the work activities being undertaken can be identified
21. how to make appropriate use of past compliance records of the duty holder
22. how to apply internal procedures, policies and arrangements relating to duty holder contacts
23. how to identify when formal enforcement is appropriate
24. how to examine operations, processes, activities and management systems to identify breaches of legislation and risks to health and safety
25. how to encourage development of company health and safety policies, plans and procedures to influence appropriate risk management standards
26. how to provide advice and information tactfully and firmly
27. how to gain duty holders' commitment to implement changes
28. how to decide on appropriate time scales
29. how to apply principles of risk assessment and control and other sources of information to identify and select suitable options to reduce risk to an appropriate level and achieve compliance
30. how to present inspection reports using your organisation's format
31. how to assess the implications of your findings and when to communicate your findings to colleagues within your organisation and appropriate personnel outside your organisation
32. how to encourage the regulated organisation to communicate hazard information

### *External factors influencing the regulatory authority's plans and priorities*

33. how to identify and apply the appropriate legislation and approved codes of practice
34. how to identify and apply relevant health and safety standards, guidance and benchmarks
35. how to identify and apply the statutory powers of the enforcing authority and inspectors.



## **504 Investigate work-related accidents, ill-health reports and complaints for the purposes of health and safety regulation**

- 504.1 Prepare for investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes
- 504.2 Determine immediate action needed to ensure effective investigation and managing any continuing risk
- 504.3 Carry out investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes
- 504.4 Evaluate the extent of intervention and enforcement needed for regulatory purposes
- 504.5 Manage and conclude investigations

---

### **About this unit**

*This unit is appropriate for you if your role involves*

- conducting investigations of work-related accidents, cases of ill-health, incidents and complaints about health, safety or welfare provisions for regulatory purposes
- gathering and evaluating evidence in external organisations to determine ill-health / accident / incident / complaint causation
- identifying deficiencies in health and safety policies, management arrangements, resources and provision, and determining appropriate enforcement and other action needed by the regulatory authority or duty holders
- informing duty holders, employee/safety representatives and others, of the outcome of the investigation and actions proposed or required
- securing appropriate reductions in risk in work activities and compliance with health and safety legislation in external organisations
- producing effective investigation reports

*The activities you are likely to be involved in*

- conducting investigations of work-related accidents, cases of ill-health and incidents for regulatory purposes
- conducting investigations of work-related health, safety or welfare complaints for regulatory purposes, often without revealing that a complaint has been made
- identifying the immediate and underlying causes of accidents, incidents, cases of ill-health and complaints
- assessing how senior managers set up and use health and safety management structures and systems and associated resource allocation
- evaluating health and safety policies and procedures within organisations
- using evidence gathered to decide on the action you and the duty holder need to take, which may include formal enforcement
- ensuring agreed action is taken by the duty holder(s)
- preparing reports, letters and other documentation about investigations, in line with the regulatory authority's requirements.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 504.1**

*Prepare for investigations of work related accidents, incidents, cases of ill health or complaints for regulatory purposes*

#### *Performance Criteria*

#### **You must be able to:**

1. consider the severity of the incident or potential risk of matters complained of, to determine timing of response in line with the regulatory authority's instructions
2. identify relevant legal requirements, standards, guidance and policy to establish benchmarks
3. identify what information exists to aid the investigation e.g. records or previous advice, inspection reports, accident/incident/ill health/complaint reports
4. decide on the appropriate level of research in order to decide what is relevant and important
5. establish the aims and objectives for the investigations
6. draw up an investigation plan appropriate to the complexity of the incident/complaint, which maintains anonymity, if necessary, divides the investigation into stages, identifies activities within each stage and the equipment, people and other resources likely to be needed
7. organise resources, equipment and people.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 504.2**

*Determine immediate action needed to ensure effective investigation and manage any continuing risk*

#### *Performance Criteria*

#### **You must be able to:**

1. gain access to the site, liaise with any emergency services/other regulators and establish the health and safety regulator's role
2. identify persons in control of the site, duty holders and employee representatives, outline the purpose and scope of the investigation and the procedures to be followed and secure their co-operation, but maintain complainant anonymity where necessary
3. identify immediate action necessary for the preservation of evidence and instigate where possible
4. identify promptly any continuing risks to health and safety and take immediate action as necessary, accounting for any impact it may have on the investigation, and taking account of the regulatory authority's safety policy
5. call on expert help to advise where necessary
6. inform duty holder and others to the immediate action taken and why.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 504.3**

*Carry out investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes*

#### *Performance Criteria*

#### **You must be able to:**

1. make best use of the resources available to you and organise any additional resources and expert help that you require
2. examine the scene of the incident or complaint without compromising potential evidence
3. decide who to interview, in what order, and use questioning and listening skills to obtain information
4. decide what evidence to gather, gather it in accordance with rules of evidence, ensure continuity and admissibility and keep necessary records
5. identify possible immediate and underlying causes of the incident/complaint and investigate all reasonable lines of enquiry
6. review decisions on causation as investigation proceeds.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 504.4**

*Evaluate the extent of intervention and enforcement needed for regulatory purposes*

#### *Performance Criteria*

#### **You must be able to:**

1. analyse and review evidence against potential breaches of legislation
2. review initial and interim enforcement decisions as investigation proceeds
3. identify when disproportionate effort would be required to continue an investigation and when it needs to, or can, be stopped, and evaluate the consequences
4. identify options for intervention and enforcement which are appropriate to any breach
5. assess the effect that any intervention and enforcement will have, and establish action in line with the enforcement policy of the regulatory authority
6. communicate with duty holder, employee representatives and others during the investigation
7. assess action taken by duty holder following the event/accident before investigation is complete.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 504.5**

*Manage and conclude investigations*

#### *Performance Criteria*

#### **You must be able to:**

1. manage and conclude the investigation by appropriate direction of your own and other resources where required
2. evaluate information to conclude what the immediate and underlying causes of the incident/complaint were, taking into account supporting and contradictory evidence
3. prepare an investigation report, and any other necessary record, which clearly and concisely identifies the circumstances of the incident, immediate and underlying causes, relevant standards, previous advice, action taken by and attitude of duty holder, applicable legislation and its interpretation, reliability of evidence, recommended action (e.g. prosecution, other formal enforcement notices, licence revocation) and likely consequences of action
4. communicate clearly and effectively with colleagues, duty holders, employee/safety representatives and other interested parties about the outcome of the investigation and any further action to be taken by the regulatory authority or duty holder
5. secure commitment from duty holders for improvements in compliance with legislation to an appropriate timetable.

## **504 Investigate work-related accidents, incidents, ill-health reports and complaints for the purposes of health and safety regulation**

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### **Knowledge requirements**

You need the following knowledge to perform this Unit. You will show this through the outcome of your work activities and through evaluations of your systems and procedures.

You need to be able to show that you have general knowledge and understanding of the following:

#### *The nature and role of investigations*

1. how to identify and work within the aims, objectives and priorities of the regulatory authority
2. how to work with other authorities involved in investigation of work-related deaths including Police, Crown Prosecution Service and Coroner
3. how to identify and apply the regulatory organisation's policies and arrangements for selecting and conducting investigations
4. how to apply the regulatory organisation's health and safety policy and procedures and ensure your own health and safety
5. how to identify and apply the regulatory authority's enforcement policies and priorities
6. how to select and use relevant health and safety standards, guidance and benchmarks
7. how to identify the technical information and standards on the processes being investigated
8. how to select and use appropriate sources of further information
9. what resources are potentially available to you and how to make use of them
10. any organisational tools provided to assist in the decision making process following evidence collection
11. what reports and records are needed and their formats e.g. formal written, verbal, factual, process papers and computer records
12. the extent to which information can be given to the various interested parties and the forms of communication which are appropriate to each.

#### *Principles and concepts*

13. how to identify types of duty holder and their responsibilities
14. how to identify and make use of the statutory powers of the enforcing authority and inspectors
15. how to manage the interfaces with other enforcing authorities
16. how to identify the types of employee or safety representatives and their roles
17. how to identify accident and ill-health causation, including human factors
18. how to analyse accident and incident data
19. how to apply the principles of hazard identification, risk assessment and risk control

## **504 Investigate work-related accidents, incidents, ill-health reports and complaints for the purposes of health and safety regulation**

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### **Knowledge requirements**

#### *Principles and concepts (cont)*

20. ways of evaluating information gathered against legal requirements, achieving consistency, transparency, proportionality and targeting in decisions
21. how to assess the impact of your decisions on the duty holder, employees, the industry concerned, and the broader health and safety implications
22. how to communicate effectively with a broad range of people, including duty holders, witnesses, employee/safety representatives, injured persons, relatives of injured/deceased, other distressed or traumatised people, members of the public, pressure groups, the media and other enforcing bodies
23. how to use databases and other information sources
24. what the purpose of investigation may be, e.g. to identify breaches, gather information, inform future actions, remedy deficiencies
25. how to plan investigations
26. when and why other professionals may need to be involved
27. what equipment and other resources may be needed to conduct investigations and how to obtain them
28. the role of the regulator in the investigation
29. how to take possession of articles
30. how to impose the requirement to leave undisturbed
31. which people need to be involved and how – colleagues, duty holder, employees and their representatives, other enforcement authorities
32. investigation techniques
33. questioning, listening and interviewing skills
34. how to deal with distressed, anxious and unreliable people
35. how to evaluate information, including that which is apparently contradictory, and identify and test causation options.

#### *External factors influencing investigation*

36. how to identify and apply appropriate legislation and approved codes of practice
37. the rules of evidence, what constitutes evidence and proof and how different sorts of evidence should be collected and preserved
38. what intervention and enforcement options are available and the implications of each.



## **505 Plan and gather evidence for the purposes of work-related health and safety regulation**

505.1 Plan the taking of evidence for the purposes of work-related health and safety regulation

505.2 Gather and preserve evidence for the purposes of work-related health and safety regulation

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### **About this unit**

*This unit is appropriate for you if your role involves*

- enforcing statutory provisions, in your role as health and safety regulator, within an enforcing authority

*The activities you are likely to be involved in*

- inspecting workplaces and investigating work-related incidents which lead to enforcement of health and safety legislation
- gathering and preserving evidence, both physical and from witnesses, the taking of samples, statements and photographs etc, for the purposes of work-related health and safety regulation.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 505.1**

*Plan the taking of evidence for the purposes of work-related health and safety regulation*

#### *Performance Criteria*

#### **You must be able to:**

1. identify likely sources of evidence and assess their relevance to the potential enforcement action being considered
2. assess whether the evidence or environment is permanent or likely to change and establish any other difficulties in obtaining or holding evidence needed for enforcement
3. identify the need for any immediate action to obtain and preserve evidence
4. tell relevant people what action is being taken and why
5. evaluate and understand the health, safety and business impact of any immediate action
6. call in any back-up or expert help needed to take the immediate action
7. evaluate evidence, taking account of supporting and contradictory information, to review decisions about evidence needed
8. take their rules of evidence into account to ensure that evidence gathered is reliable, admissible and has continuity.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 505.2**

*Gather and preserve evidence for the purposes of work-related health and safety regulation*

#### *Performance Criteria*

#### **You must be able to:**

1. analyse and review evidence against potential breaches of legislation
2. identify weaknesses and mitigating circumstances and collect further evidence where appropriate
3. decide what potential evidence to gather, how much to gather, and gather it in accordance with rules of evidence to ensure continuity and admissibility, (including statements, statements under caution, photographs, documentation, exhibits, samples), and keep necessary records
4. use any necessary expert help in collecting testing and analysing evidence
5. maintain the integrity of the evidence throughout and for use in proceedings
6. take voluntary statements and statements using statutory powers
7. take statements under caution
8. use questioning and listening skills to obtain information
9. tell relevant people what action is being taken and why.

## 505 Plan and gather evidence for the purposes of work-related health and safety regulation

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### Knowledge requirements

You need the following knowledge to perform this Unit. You will show this through the outcome of your work activities and through evaluations of your systems and procedures.

You need to be able to show that you have general knowledge and understanding of the following:

#### *The nature and role of evidence gathering*

1. how to apply resource control processes as part of ongoing investigation and evidence collection
2. how to establish and work within the aims and objectives of the regulatory authority
3. how to identify appropriate mandatory and discretionary enforcement action, including giving advice, issuing notices, instituting proceedings

#### *The activities you are likely to be involved in*

4. how to ensure your own health and safety at work
5. how to communicate with a wide variety of people and make effective use of techniques of persuasion and negotiation
6. how to apply the rules of evidence in terms of sufficiency, reliability, admissibility and continuity in both general and in regulatory authority-specific contexts
7. how to identify and evaluate different sources of evidence, including the environment and activities under consideration, physical evidence from machinery and substances, documentary evidence, photographic evidence, laboratory testing of items and substances, and evidence from witnesses
8. what constitutes 'best' evidence, in legal terms, in the circumstances under consideration and how to collect and maintain the integrity of that evidence to ensure its admissibility in court
9. how to identify what immediate action is possible and necessary to secure potential evidence, including isolation or seizure of machinery and components, stopping any further activity, and issuing notices
10. how to identify which relevant parties need to be told of what action is being taken and why, including duty holders, employee representatives, other regulatory staff and authorities, manufacturers and suppliers
11. how to deal with difficult and distressed people, often in traumatised circumstances

#### *External factors influencing evidence gathering*

12. how to identify and apply relevant health, safety and welfare legislation, and the relationship between the principal statutory provisions
13. how to identify and apply procedural legislation which must be followed to bring a case to court, e.g. currently Police and Criminal Evidence Act, Criminal Procedure and Investigations Act

## **505 Plan and gather evidence for the purposes of work-related health and safety regulation**

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### **Knowledge requirements**

#### *External factors influencing evidence gathering (cont)*

14. how to apply the principles of the UK legal system, and the functions of civil and criminal law in respect to health and safety
15. how to interpret the legal significance of approved and other codes of practice, standards and guidance, of relevant EC legislation, and of the standards produced by authoritative internal bodies.

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## **506 Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation**

506.1 Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation

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### **About this unit**

*This unit is appropriate for you if your role involves:*

- enforcing statutory provisions in your role as a health and safety regulator within the enforcing authority.

*The activities you are likely to be involved in:*

- drafting enforcement notices and similar documents for the purposes of health and safety regulation
- serving enforcement notices and similar documents
- checking compliance with enforcement notices, approvals and licences for the purposes of health and safety regulation.

For the purposes of this Unit 'Notice' includes all types of enforceable statutory document which may be drafted and served on a duty holder, such as improvement, prohibition and deferred prohibition notices, notices of taking into possession or to leave undisturbed, notices under the Food and Environment Protection Act and the Control of Major Accidents Hazards Regulations, as well as approvals and licences, and associated notices of withdrawal, amendment or extension.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 506.1**

*Drafting and serving notices or other statutory enforceable documents for the purposes of work-related health and safety regulation*

#### *Performance Criteria*

#### **You must be able to:**

1. identify the duty holder and their legal title
2. identify the reason(s) for issuing the notice\*
3. decide upon the type, content, expiry date and any conditions (schedule) of the notice\* to be issued
4. ensure that the detail of the notice\* is accurate in all respects
5. ensure that the action required by the notice\* will ensure compliance with legislation and/or control the risk
6. ensure that the notice\* is practical to enforce in the event of non-compliance
7. ensure the notice\* is correctly served in accordance with legislative requirements
8. ensure that the recipient is informed of the appeals procedure and process, and receives the necessary appeal documentation
9. follow up on duty holders, premises and activities for which notices\* have been served to find out whether they have complied within any time limits contained in the notice and take appropriate action.

\* 'Notice' includes all types of enforceable statutory document which may be drafted and served on a duty holder, such as improvement, prohibition and deferred prohibition notices, notices of taking into possession or to leave undisturbed, notices under the Food and Environment Protection Act and the Control of Major Accidents Hazards Regulations, as well as approvals and licences, and associated notices of withdrawal, amendment or extension.



## **506 Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation**

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### **Knowledge requirements**

You need the following knowledge to perform this Unit. You will show this through the outcome of your work activities and through evaluations of your systems and processes.

You need to be able to show that you have general knowledge and understanding of the following:

#### *The nature and role of statutory notices and other documents*

1. how to establish and work within the aims and objectives of the regulatory authority
2. how to identify and appropriate mandatory and discretionary enforcement action, including giving advice, issuing notices, instituting proceedings
3. how to apply the regulatory authority's enforcement policy and priorities.

#### *Principles and concepts*

4. how notices should be drafted to ensure that they are accurate, clear and legally enforceable
5. how to apply regulatory authority policy on the process of issuing notices and the circumstances in which they can, should and must be issued, referring to any internal procedure, policy or arrangements
6. ways in which notices must be served to meet legal requirements
7. who to withdraw, amend or extend notices
8. how to use databases and other information sources

#### *External factors influencing statutory notices and other documents*

9. how to identify and apply health, safety and welfare legislation and the relationship between the principal statutory provisions
10. how to apply rules of evidence
11. how the various types of statutory notices, licences and approvals may be used by regulators to achieve desired outcomes, including improvement, prohibition and deferred prohibition notices, notices of taking into possession or to leave undisturbed, notices under the Food and Environment Protection Act and Control of Major Accident Hazard Regulations, as well as approvals and licences, and associated notices of withdrawal and extension
12. how to apply the principles of the UK legal system, and the functions of civil and criminal law in respect to health and safety
13. how to interpret the legal significance of approved and other codes of practice, standards and guidance, or relevant EC legislation, and of the standards produced by authoritative international bodies.

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## **507 Influence health and safety duty holders and others for the purposes of work-related health and safety regulation**

- 507.1 Work with duty holders and others to establish work-related health, safety and welfare standards, procedures and management arrangements in force in the organisation
  - 507.2 Influence duty holders and others to improve work-related health, safety and welfare standards, procedures and policies
  - 507.3 Communicate externally with duty holders, employee representatives and others
  - 507.4 Communicate internally with colleagues
- 

### **About this unit**

This unit is about managing your organisation's finance at a strategic level. It covers examining the way your organisation generates and allocates financial resources, evaluating proposals from others on expenditure, and obtaining the financial resources which your organisation needs.

*This unit is appropriate for you if your role involves*

- identifying and maintaining effective contact and communication with duty holders and employee or safety representatives for the purposes of health and safety regulation
- questioning, persuading, negotiating with and gaining the commitment of duty holders for the purposes of health and safety regulation
- exercising a strategic influence on the health and safety policies and resources of organisations for the purposes of better regulation.

*The activities you are likely to be involved in:*

- influencing how senior managers set up and use health and safety management structures and systems and associated resource allocation
- influencing health and safety policies and procedures within organisations
- identifying and establishing contact with the right people at the right time and in the right way, including directors, managers, employee representatives, employees or contractors
- gaining access to or negotiating with employers who are uncooperative, aggressive, bullying or actively seeking to avoid contact with the regulator
- seeking out and obtaining information from witnesses, employee or safety representatives, directors, managers, employees and others to identify the circumstances of incidents or complaints, the nature of risk control measures, how effective those measures are and improvements that are needed
- persuading those in control and others of the need to make changes to improve health and safety performance
- negotiating action plans and timetables for improved health and safety performance and gaining commitment to the plans and timetables from directors and senior managers
- communicating unwelcome messages
- interviewing injured, distressed or traumatised witnesses and discussing incidents and enforcement proposals with the bereaved.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 507.1**

*Work with duty holders and others to establish work-related health, safety and welfare standards, procedures and management arrangements in force in the organisation*

#### *Performance Criteria*

#### **You must be able to:**

1. manage contact with the organisation's representatives in a way that ensures the regulator is in control of the intervention and that it runs according to plan
2. identify which people you need to communicate with and the information you need to obtain or deliver
3. gain entry to the relevant worksite or activities and make contact with appropriate organisation representatives
4. make the purpose of activity clear to organisational representatives in a manner likely to gain their co-operation
5. provide information and professional opinion without compromising the future action of the regulatory authority
6. communicate in a way which ensures you know that people understand what is required of them
7. listen to what people say and ask further questions for clarification as required
8. take effective action in accordance with the regulatory authority's safety policy in the event of non-cooperation and consider alternative courses of action
9. deal sensitively with people who are injured, upset or shocked, whilst ensuring that you get accurate and clear information from them.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 507.2**

*Influence duty holders and others to improve work-related health, safety and welfare standards, procedures and policies*

#### *Performance Criteria*

#### **You must be able to:**

1. identify the best way of influencing appropriate individuals within an organisation to take action to change and improve
2. identify positive aspects of performance on which further change and development can be built
3. recognise and use people who are receptive to change
4. identify obstacles to change and seek ways to overcome them
5. explain clearly to both duty holders and safety or employee representatives why changes in health, safety or welfare standards, procedures, policies or management arrangements are necessary and what changes are needed
6. communicate persuasively at the right level with the right people to gain support within the organisation for change and improvement
7. negotiate and agree action plans and priorities
8. agree timetables for introducing and monitoring changes and improvements.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 507.3**

*Communicate externally with duty holders, employee representatives and others*

#### *Performance Criteria*

#### **You must be able to:**

1. identify when it is appropriate to communicate in writing with duty holders, employee representatives, safety representatives and others
2. decide on the most appropriate method of communication without compromising any future action by the regulatory authority
3. prepare any written communications promptly following regulatory intervention and explain to duty holders what formal enforcement action you have taken
4. respond promptly to requests for written information, advice and disclosure of information in accordance with the applicable legislation and regulatory authority's policies and procedures
5. obtain internal authority for both the type of communication and its content, where necessary
6. use words and phrases which can be understood by the recipient, and explain any with which they are not likely to be familiar
7. consider the needs of third parties for personal or commercial confidentiality
8. make sure the content of the communication is technically correct
9. explain to people, as necessary, their rights and responsibilities
10. explain to aggrieved people what action is proposed and, if necessary, why you have decided not to take action that they were seeking from you.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 507.4**

*Communicate internally with colleagues*

#### *Performance Criteria*

#### **You must be able to:**

1. report on activities to colleagues using the appropriate method and house style
2. identify and share information informally with colleagues in respect of health and safety matters which may be of interest to them
3. identify areas for action by the regulatory authority and communicate these using relevant channels to inform policy and practice
4. prepare formal reports which include all relevant data and analysis to support recommendations and conclusions
5. record accurately and sufficiently what has been said and done
6. record activities correctly on the regulator's database within an appropriate timescale.

## 507 Influence health and safety duty holders and others for the purposes of work-related health and safety regulation

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### Knowledge requirements

You need the following knowledge to perform this Unit. You will show this through the outcome of your work activities and through evaluations of your systems and procedures.

You need to be able to show that you have general knowledge and understanding of the following:

#### *The nature and role of influencing duty holders*

1. how to conduct inspections, investigations and other regulatory activities
2. how to operate within the roles and responsibilities of others in the organisation
3. how to identify the regulatory authority's current policies and procedures and how to influence them.

#### *Principles and concepts*

4. how to ensure your own health and safety at work
5. ways of applying knowledge of hazards, risks, options for improved health and safety performance and the likely impact of these on the duty holder, their employees, complainants, the injured, the bereaved or others
6. how to make best use of benchmarks from other similar establishments
7. how to apply the regulatory authority's enforcement policies and priorities
8. how to identify and make use of sources of further information or support
9. ways of identifying, gathering and assessing sufficient, valid and reliable information
10. how to make use of an appropriate range of persuasion techniques
11. how to apply a range of negotiating techniques
12. ways of gaining commitment
13. how different types of organisations work and how to influence them
14. how to communicate effectively with, and influence, a wide range of people and maintain authoritative but amicable relationships
15. how to recognise and defuse conflict before it arises
16. how to manage aggressive or obstructive people and apply the regulatory authority's policy on dealing with aggression
17. how you could provide information or opinions in a way which could compromise the future action of the regulatory authority and how correspondence could compromise the regulatory authority
18. how to identify the types of employee representative and safety representative, their roles, and the information that must be given to them
19. how to apply house style and the content required in formal and informal communication and reports
20. the regulatory authority's performance and service standards for the timeliness, content and quality of correspondence
21. how to identify the technical issues relevant to the correspondence
22. how to follow the regulatory authority's instructions on handling correspondence with elected members and other similar official correspondence, e.g. drafting replies to Parliamentary Questions.



## **507 Influence health and safety duty holders and others for the purposes of work-related health and safety regulation**

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### **Knowledge requirements**

#### *External factors influencing working with duty holders*

23. how to identify types of duty holder and their responsibilities, including owners, users of the premises/activities/site, directors, managers, employees, contractors, manufacturers and suppliers of equipment or substances for use at work
24. how to identify and use the statutory powers of regulators
25. how to establish and apply relevant health, safety and welfare legislation
26. how to apply rules of evidence
27. how to select and apply the legislation applicable to, and rules on, disclosure of information and open government.

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## **508 Improve work-related health and safety through promotional activities**

- 508.1 Plan and contribute to local projects and initiatives to promote work-related health and safety
  - 508.2 Promote work-related health and safety awareness through dissemination of appropriate information
- 

### **About this unit**

*This unit is appropriate for you if your role involves*

- promoting awareness of work-related health, safety and welfare issues
- contributing to the delivery of initiatives and projects which will raise awareness of health, safety and welfare issues
- exercising a strategic influence on the health and safety policies and resources of organisations for the purposes of better regulation.

*The activities you are likely to be involved in:*

- influencing how senior managers set up and use health and safety management structures and systems and associated resource allocation
- influencing health and safety policies and procedures within organisations
- deciding how you can contribute to the implementation of the regulatory authority's plans and priorities through promotional activities
- discussing health, safety and welfare issues with duty holders, employee or safety representatives and others
- taking part in seminars, workshops and publicity events
- distributing relevant leaflets and other material in support of discussions
- providing accurate and relevant information on other sources of professional help
- participating in projects and initiatives and their evaluation
- participating in exhibitions, conferences, workshops, lectures and other similar events.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 508.1**

*Plan and contribute to local projects and initiatives to promote work-related health and safety*

#### *Performance Criteria*

#### **You must be able to:**

1. use information gained during regulatory contacts to identify opportunities to promote awareness of health and safety issues to groups of duty holders and others
2. contribute to initiatives, projects or events in accordance with the initiative, project or event plan
3. initiate and run local projects which promote positive health and safety change
4. prepare and deliver lectures, seminars or workshops using an appropriate range of audio-visual techniques
5. assess the impact of the promotional activity.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 508.2**

*Promote work-related health and safety awareness through dissemination of appropriate information*

#### *Performance Criteria*

#### **You must be able to:**

1. seek opportunities to discuss and promote health and safety awareness and initiate positive change
2. use the publicity opportunities gained from legal proceedings to promote awareness of health and safety issues to groups of duty holders and others
3. identify, through research, leaflets, publications and other promotional material relevant to promoting health and safety in your work with duty holders and others
4. distribute relevant leaflets and other information to people in support of discussions.

## 508 Improve work-related health and safety through promotional activities

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### Knowledge requirements

You need the following knowledge to perform this Unit. You will show this through the outcome of your work activities and through evaluations of your systems and procedures.

You need to be able to show that you have general knowledge and understanding of the following:

#### *The nature and role of improving health and safety through promotional activity*

1. how to identify and apply the aims, objectives, priorities and plans of the regulatory authority and your operational unit and plan your activities to meet these
2. how these aims, objectives, priorities and plans can be met through promotional activities
3. how to identify the scope and plan for the promotional initiative or project in which you have a role, and your role in it
4. how to estimate resource implications of promotional activities.

#### *Principles and concepts*

5. how to communicate with a wide range of people
6. techniques of persuasion and negotiation used to sell health and safety
7. sources of further support and information
8. how to plan and run promotional events or your contribution to them
9. how to identify an audience's needs and address them
10. how to deliver lectures, seminars or workshops effectively
11. how to validate and evaluate promotional activities
12. where and how to obtain promotional material.

#### *External factors influencing evidence gathering*

13. how to identify and apply health, safety and welfare legislation and standards
14. how health and safety can be promoted by the effective use of the media.

## **Optional units**

***Candidates must complete ONE of the following units***

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## **509 Enforce statutory provisions and brief a prosecutor for the purposes of work-related health and safety regulation**

509.1 Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation

509.2 Initiate and report on prosecution proceedings

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### **About this unit**

*This unit is appropriate for you if your role involves:*

- enforcing statutory provisions in your role as a he regulator within the enforcing authority
- briefing a prosecutor who presents the case in court.

*The activities you are likely to be involved in:*

- preparing reports recommending prosecution for alleged breaches of work-related health and safety legislation
- presenting case papers to, and conducting associated briefing of, a prosecutor e.g. solicitor, barrister or Procurator Fiscal.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 509.1**

*Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation*

#### *Performance Criteria*

#### **You must be able to:**

1. demonstrate that there is a case to answer, that it is in the public interest and is worthwhile for the regulatory authority to proceed to prepare a case for prosecution
2. assemble sufficient evidence and information to support the opinion that there is an offence
3. evaluate the nature of the offences(s) and the potential complexity of each in terms of securing a conviction
4. weigh the relevant factors in determining which charge(s) should be pursued
5. identify and evaluate possible defences against any proposed action
6. ensure that the case is developed and presented in a way which enable the arguments to be clearly followed and facilitates the preparation of court documents
7. draft and prepare court documents as required
8. record statutory data and other information in accordance with regulatory authority requirements and duties.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 509.2**

*Initiate and report on prosecution proceedings*

#### *Performance Criteria*

#### **You must be able to:**

1. serve court documents as required
2. present written information to legal professionals to enable them to evaluate the content and value of the potential case
3. brief legal professionals about the case and the regulatory authority's perspective
4. maintain contact with internal and external experts to clarify facts and evidence and to confirm the strengths and weaknesses of the case
5. report on the conduct and outcomes of proceedings in line with regulatory authority requirements.

## 509 Enforce statutory provisions and brief a prosecutor for the purposes of work-related health and safety regulation

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### Knowledge requirements

You need the following knowledge to perform this Unit. You will show this through the outcome of your work activities and through evaluations of your systems and procedures.

You need to be able to show that you have general knowledge and understanding of the following:

#### *The nature and role of statutory provisions*

1. how to make effective use of presentation skills
2. how to establish and work within the aims and objectives of the regulatory authority
3. how to identify appropriate mandatory and discretionary enforcement action, including giving advice, issuing notices, instituting proceedings
4. how to apply the regulatory authority's enforcement policy and priorities.

#### *Principles and concepts*

5. how to communicate with a wide variety of people and make effective use of techniques of persuasion and negotiation
6. how to deal with distressed people often in traumatised circumstances
7. how to evaluate information against legal requirements to achieve consistency, targeting, transparency and proportionality in enforcement decisions
8. how to apply the rules of evidence
9. how to use databases and other information sources

#### *External factors influencing statutory provisions*

10. how to identify and apply health, safety and welfare legislation and the relationship between the principal statutory provisions
11. how to interpret and apply relevant procedural legislation, e.g. currently the Police and Criminal Evidence Act and the Criminal Procedure and Investigations Act
12. how to apply the principles of the UK legal system, and the functions of civil and criminal law in respect to health and safety
13. how to interpret the legal significance of approved and other codes of practice, standards and guidance, or relevant EC legislation, and of the standards produced by authoritative international bodies
14. how the Judiciary has interpreted statutory provisions, by reference to decided cases
15. what the likely impact of the case will be on law and precedent, and on improving health and safety
16. how to identify the factors to be taken into account in deciding which charge(s) to bring – public interest in the case; political, social and economic factors; the views of injured and bereaved parties; the profile and severity of the breach

## **509 Enforce statutory provisions and brief a prosecutor for the purposes of work-related health and safety regulation**

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### **Knowledge requirements**

#### *External factors influencing statutory provisions (cont)*

17. how to apply regulatory authority's and external guidance on enforcement e.g. Code of Practice for Crown Prosecutors
18. how to follow the authority's procedures for briefing legal professionals and the format and content of any briefing documents required
19. how enforcement statistics and records affect the public profile of regulatory authorities
20. how health and safety can be promoted by the publicity generated by a successful prosecution and the effective use of the media.

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## **510 Enforce statutory provisions and present guilty pleas in Magistrates' Courts for the purposes of work-related health and safety regulation**

- 510.1 Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation
- 510.2 Initiate legal proceedings for alleged breaches of work-related health and safety legislation and presenting the case in a Magistrates' Court, when a guilty plea is entered by the defendant
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### **About this unit**

*This unit is appropriate for you if your role involves:*

- enforcing statutory provisions in your role as a health and safety regulator within the enforcing authority
- presenting the prosecution case in a Magistrates' Court, when a guilty plea is entered by the defendant.

*The activities you are likely to be involved in:*

- preparing reports recommending prosecution for alleged breaches of work-related health and safety legislation
- initiating legal proceedings for alleged breaches of work-related health and safety legislation
- presenting the prosecution case in a Magistrates' Court, when a guilty plea is entered by the defendant.





## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 510.1**

*Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation*

#### *Performance Criteria*

#### **You must be able to:**

1. demonstrate that there is a case to answer, that it is in the public interest and is worthwhile for the regulatory authority to proceed to prepare a case for prosecution
2. assemble sufficient evidence and information to support the opinion that there is an offence
3. evaluate the nature of the offence(s) and the potential complexity of each in terms of securing a conviction
4. weigh the relevant factors in determining which charge(s) should be pursued
5. identify and evaluate possible defences against any proposed action
6. ensure that the case is developed and presented in a way which enables the arguments to be clearly followed and facilitates the preparation of court documents
7. prepare and draft court documents as required
8. record statutory data and other information in accordance with regulatory authority requirements and duties.

## THE NATIONAL OCCUPATIONAL STANDARD

### **Element 510.2**

*Initiate legal proceedings for alleged breaches of work-related health and safety legislation and presenting the prosecution case in a Magistrates' Court, when a guilty plea is entered by the defendant*

#### *Performance Criteria*

#### **You must be able to:**

1. prepare documents which meet legislative requirements for form and content
2. arrange for laying of information and service of summons in accordance with required procedures
3. provide advance information to defendant in accordance with legislative and procedural requirements and agree any documents, exhibits or photographs you will use to assist the court
4. collate documentation needed for court
5. conduct yourself in court in accordance with the rules of procedure and with regulatory authority policy
6. present the case for the prosecution precisely and clearly, and explain the seriousness of the offence, using evidence and photographs effectively in a manner understandable to the bench, and explain technical issues in non-technical terms
7. respond clearly and politely to questions posed by magistrates and court officials
8. assist the court in their consideration of compensation to any victim of the offence
9. make application for costs
10. report on the conduct and outcomes of proceeding in line with regulatory authority requirements.

## **510 Enforce statutory provisions and present guilty pleas in Magistrates' Courts for the purposes of work-related health and safety regulation**

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### **Knowledge requirements**

You need the following knowledge to perform this Unit. You will show this through the outcome of your work activities and through evaluations of your systems and processes.

You need to be able to show that you have general knowledge and understanding of the following:

#### *The nature and role of statutory provisions*

- 1 how to make effective use of presentation and advocacy skills
- 2 how to establish and work within the aims and objectives of the regulatory authority
- 3 how to identify and appropriate mandatory and discretionary enforcement action, including giving advice, issuing notices, instituting proceedings
- 4 how to apply the regulatory authority's enforcement policy and priorities.

#### *Principles and concepts*

- 5 how to communicate with a wide variety of people and make effective use of techniques of persuasion and negotiation
- 6 how to deal with distressed people often in traumatised circumstances
- 7 how to evaluate information against legal requirements to achieve consistency, targeting, transparency and proportionality in enforcement decisions
- 8 what notices and documents are required by legislation or court procedure and how to prepare them, including e.g. summonses, advance information, previous convictions
- 9 how to follow the protocols and the format of proceedings in Magistrates' Courts
- 10 how to present evidence in court, argue the case, and explain issues in non-technical terms
- 11 how to use databases and other information sources.

#### *External factors influencing human resource development*

12. how to identify and apply health, safety and welfare legislation and the relationship between the principal statutory provisions
13. how to interpret and apply relevant procedural legislation, e.g. currently the Police and Criminal Evidence Act and the Criminal Procedure and Investigations Act
14. how to apply rules of evidence
15. how to apply the principles of the UK legal system, and the functions of civil and criminal law in respect to health and safety
16. how to interpret the legal significance of approved and other codes of practice, standards and guidance, or relevant EC legislation, and of the standards produced by authoritative international bodies
17. how the Judiciary has interpreted statutory provisions, by reference to decided cases
18. what the likely impact of the case will be on law and precedent, and on improving health and safety
19. how the court goes about considering the question of financial compensation to any victim of a criminal offence to be paid by the defendant

## **510 Enforce statutory provisions and present guilty pleas in Magistrates' Courts for the purposes of work-related health and safety regulation**

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### **Knowledge requirements**

#### *External factors influencing statutory provisions (cont)*

20. how to identify the factors to be taken into account in deciding which charge(s) to bring – public interest in the case; political, social and economic factors; the views of injured and bereaved parties; the profile and severity of the breach
21. how to apply regulatory authority's and external guidance on enforcement e.g. Code of Practice for Crown Prosecutors
22. how enforcement statistics and records affect the public profile of regulatory authorities
23. how health and safety can be promoted by the publicity generated by a successful prosecution and the effective use of the media.

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## Glossary

**Approved centre** - an organisation inspected by the awarding body and deemed to have the trained staff and resources to make assessment arrangements for particular NVQs.

**APEL** - the Assessment of Experiential Prior Learning. The facility for an individual to receive credit for previously acquired (and still current) competence. Also known as APA (Assessment of Prior Achievement).

**Assessor** - person accountable to the external verifier (through the internal verifier) who is both experienced and qualified / or working towards qualifications in assessing candidates. Assessor skills include observation, evaluation, making judgements about individual performance.

Assessors may be based in the workplace, in an approved centre such as a college, or be peripatetic, visiting candidates in a variety of situations.

**Awarding body** - an organisation recognised by the Qualifications and Curriculum Authority (QCA) for the purpose of awarding National Vocational Qualifications (NVQs) e.g. City & Guilds.

**Candidate** - employee or student/trainee, registered with City & Guilds, who wishes to be assessed in order to gain a qualification.

**Certificate of unit credit** - document issued by the awarding body to show that a candidate has successfully met the required standard for part of a qualification.

**Competence** - an assessment based on the candidate's ability to perform a task to a defined standard specified in the National Occupational Standards.

**Evidence** - the means by which an external verifier can be satisfied that an individual has been properly assessed, usually a combination of completed/endorsed witness statements, and assessments by a qualified assessor with additional documentation collected in a portfolio of evidence.

**External verifier** - person accountable to the awarding body who effects quality assurance by monitoring and advising internal verifiers and assessors.

**Internal verifier** - person accountable to the external verifier and awarding body who is based in the approved centre and who co-ordinates assessment arrangements and monitors assessor standards.

**Portfolio** - a structured collection of evidence from several sources, gathered together and referenced to the National Occupational Standards, in which a candidate's achievements are recorded.

**National Vocational Qualification** - a qualification recognised by the Qualifications and Curriculum Authority (QCA) as being relevant to the need of industry.

**Realistic work environment (RWE)** - a model environment, having an acceptable level of appropriate equipment and operating continually to professional standards. It should provide the opportunity for candidate assessment under conditions approximating as closely as possible to the workplace, under the control of a qualified assessor.

**Work-based assessment** - assessment of candidates' performance on realistic tasks such as would be carried out in the workplace. May take place in the workplace or under conditions which approximate as far as can be practically arranged to the workplace (see RWE).

**Workplace assessment** - assessment of candidates' performance on real work activities in a real work situation. Assessment may be completed by either a qualified workplace assessor (the candidate's manager or supervisor) or a qualified visiting assessor (an assessor employed by an approved centre).

