

Responsible person/s training for Premises Statutory Compliance

Compliance Check 2

This document provides you with examples of the type of training you will need to meet the L. A's Compliance Check 2 assessment. It's all about ensuring that nominated staff, managers and anyone responsible for H&S have adequate knowledge to fulfil their role. By way of an example, it's not much good nominating someone to be responsible for the management of asbestos if they have no suitable training or a clear understanding of the statutory requirement and their responsibilities.

LEGAL REQUIREMENT

The general duties imposed by the HSWA are supported by more detailed provisions in **Managements of Health and Safety at Work Regulations (MHSWR)**. Under the MHSWR (regulation 7) employers need to appoint one or more competent persons to assist in undertaking the measures necessary for compliance with the requirements and prohibitions imposed by legislation.

Under the MHSWR a person is deemed to be "**competent**" if they have an adequate combination of training and experience or knowledge. Regulation 7 (8) requires employers to consider appointing a competent person who is in their employment. This is in preference to one who is not.

There are three main areas in terms of what constitutes a competent person:

1. **Core knowledge of the subject**
2. **Experience to apply that knowledge correctly**
3. **Personal qualities needed to undertake functions effectively**

Once a person is deemed to be competent, arrangements must be put in place to ensure that this level of competence is retained e.g. through regular training. In order to ensure that the health and safety arrangements within an organisation are effective then there must be systems in place to ensure that the risks which arise from the organisation's activities are identified and controlled.

The MHSWR requires employers to manage health and safety by assessing risk.

The exert above also forms part of the Compliance Check 2 document on the Education HUB website.

The L. A's Duty of Care

Waltham Forests Early Years, Childcare and Business Development Service have a duty to access all new (and existing providers where necessary), to assist you and at the same time ensure that you can evidence clearly that you are meeting your statutory duties to manage premises H&S compliance and ultimately keep children safe. This is to ensure as far as is reasonably practical that the premises you operate childcare from are safe and

compliant in terms of all relevant H&S regulations and statutory property compliance. However, equally, if not more important is that the people you nominate as responsible for H&S roles in your provision are suitably qualified and competent to undertake the role that, they are responsible for.

To do this, new providers all go through a set of compliance checks as part of the [process to be funded to offer FEEE places](#). You need to submit a Compliance Check 2 (CC2) to allow us to access and establish the competence/knowledge of your organisation and person/s responsible for H&S. We undertake a desktop evaluation of your CC2 submission and a final site visit by our Place Development & Premises Manager, who, as part of that site visit, will interview your responsible people/managers/owners. It is only once we have approved your CC2 submission and successfully interviewed your key staff that you will be approved for this part of our quality assurance process.

So, in terms of example training and /or qualifications you would need, we have provided this guidance document.

By way of example, a caretaker/premises manager at a school/nursery or an estate agent responsible for letting property would require appropriate training so that they are fully informed about the statutory compliance duties related to the property and have a sound understanding of each compliance requirement. This is to enable that person/s to monitor each element, commission surveys or risk assessments as necessary and follow any resultant actions through to completion. When you look at this as one thing it can appear daunting, but each element is straightforward on its own. The idea is to keep your H&S and property compliance as simple as possible.

The training that they would take (and there will often be more than one course) should cover all statutory property compliance. The training must include the basics of the key statutory elements which are:

Key Statutory Elements of Property Compliance (This list is not exhaustive and there will be other statutory duties that your organisation may be responsible for such as COSHH, ventilation etc)

- **Fire safety**, which includes fire risk assessments, fire alarm maintenance (heat and smoke detection), extinguisher maintenance, emergency lighting maintenance and monitoring, fire safety policies, fire drills and evacuation procedures etc
- **Water safety: legionella awareness**, which includes writing your water safety policy, commissioning a suitably qualified company to undertake a written Water Risk Assessment and fully understanding that document including taking appropriate actions that may be a result of that WRA.
- **Asbestos awareness**: Asbestos surveys, policies, procedures etc to minimise risk of accidental exposure.
- **Electricity safety**, which includes including something about this in your H&S policy, regular electrical installation inspections/remedial works and PAT testing.
- **Gas safety**, which includes including something about this in your H&S policy, annual gas safe inspections and any resultant remedial repairs, monitoring through regular maintenance and CO2 sensors in key locations.

Please Note: From our experience, some high-speed online training courses will not provide you with the detail of information that you will need to assist you in completing your Compliance Check 2 submission. This is because many short online courses will not provide you with an adequate knowledge or skills required. Some courses are also not accredited. That is not to say that all online courses are poor. Some online courses may not benefit providers as they are short courses that purely give you a quick way of obtaining a certificate. H&S, in particular nominating responsible person/s should not be taken lightly. The person, owner or organisation have ultimate legal responsibility for H&S and your nominated staff are representing you. We advise you to consider this as your responsible person/s will be asked questions when it comes to our final site visit regarding compliance. We do not expect you to have as much knowledge as a property professional or surveyor, just a good sound understanding of the basic requirements and what you need to do to manage any risk.

Example of the training your key responsible person/s will need

We are aware that many new providers mainly take a training course called “**Level 2 H&S in the workplace**” which is absolutely fine but tends to concentrate on occupation H&S subjects (such as ICT use, use of ladders, lifting etc). However, from experience, as mentioned throughout this document, **this course alone is unlikely to cover all the Key Statutory Elements of Property Compliance described in this guidance.**

If a Level 2 H&S in the workplace is taken, you will most likely need your responsible person/s to take additional training specific to asbestos, water safety(legionella) and fire safety.

It is important that you check the content of each courses as they often differ. For example, a **Level 3 H&S in the workplace** course would most likely cover Fire Safety in addition to the Level 2 course and is advisable if you are looking to offer free early years places in this L.A combined but as above, you will most likely need your responsible person/s to take additional training specific for asbestos awareness, and water safety(legionella).

Additional minimum training that we would expect your nominated persons to hold certification for.

Asbestos awareness: The person/s responsible for managing asbestos within your provision will need a minimum of a suitable Asbestos awareness course. If you are responsible for all repairs & maintenance with a property and your property is found to have high risk asbestos within it, you should consider higher level training.

Water safety (Legionella) Awareness: As above the person/s responsible for managing water safety within your provision will need a minimum of a suitable Water Safety (Legionella) awareness course. If, however you are responsible for all repairs & maintenance within a property and your property is found to have a complex hot and cold-water system covering a large complex site, you should consider higher level training.

In Summary

In line with [The Management of Health and Safety at Work Regulations \(MHSWR\)](#), you will need to evidence to the L.A that you meet with the MHSWR's description of what they consider a "Competent" person/organisation".

You can do this several ways. The most obvious way to do this is for you to complete your Compliance Check 2 submission to a high standard and ensure that you have read/understood and provided all the necessary evidence and responses to questions.

It also is imperative that you provide suitable training to your responsible person/s to empower them to undertake their H&S role with a clear understanding of their responsibilities. They will still be interviewed as part of the L.A process but it stands to reason that an accurate and complete quality submission will generally inform us that you do understand and most likely meet your statutory duties.

Failure to follow our advice will delay your application to be funded for FEEE places so as already advised through our introductory letter, you need to begin this process as early as possible.