**Competence – A guide for employers**

Employers have a duty to ensure that any person who carries out a task, as part of their employment, is competent. If a person is being trained, a competent person must supervise that person until they are deemed competent, i.e. can carry out their work effectively and without putting anybody at risk of harm, injury or disease.

This duty also extends to people who employ contractors. A duty holder must be able to show that their organisation has done enough to reassure itself that the contractors engaged are competent.

**Definition of Competence.**

Persons deemed competent have many attributes.

* They must be able to complete tasks safely and effectively alone or with others, and to have gained sufficient experience to enable them to do so
* They must work in a conscientious and diligent manner at all times
* They must know their limitations

In our industry (water hygiene, water treatment and water process systems) they must also have the ability to communicate well.

**Recognising Competence.**

The qualities we look for in deciding that people are competent (as defined above) include that they:

* Have undergone appropriate training
* Are sufficiently experienced to carry out the activity effectively and safely
* Have the ability to communicate verbally and in writing where required
* Have the ability to use their experience to work safely in unusual situations (eg when carrying out risk assessments)
* Have the ability to manage time (their own and perhaps other people’s time)
* Are able to meet deadlines without compromising safety

Competence is recognised in a practical way. This means that on-the-job assessment is required in order to show that the employee has the ability to work in a safe manner.

Competence cannot be assessed in the classroom. While training is part of being competent, that training does not have to be classroom training. On-the-job training can be appropriate, though classroom training will often reinforce knowledge gained on the job. There are many competent people who work effectively and safely and have no formal qualifications whatsoever. It would be most unusual, however, that consultants, risk assessors, etc., will have no formal qualifications. Many will be professional people (most commonly scientists and engineers). They may be members of professional bodies, such as The Water Management Society, or even learned associations such as The Royal Society of Chemistry. All professionals, however, will still need to be able to show they are able to work safely and effectively, as even the highest qualifications, do not confirm competence.

**Proving Competence**

In order to show competence, or that competent people or contractors are being employed, a formal strategy must be adopted. This will vary depending on whether the person is a contractor, a direct employee or self-employed.

Similarly, a contractor may need to be able to prove that their employees undertaking the work are competent, as the client should not be allowing contractors and sub-contractors to carry out work on their behalf if they believe them to be incompetent. They have a duty only to employ competent contractors.

The basic requirements will include:

* **References from customers (for contractors)**

These will be available, as other customers of the contractor will also need to be able to prove that the person is competent and a network of people reassuring you of the ability of the contractor to work effectively and safely can be generated. For direct employees, colleagues will be able to reassure the employer of a person’s ability to work safely. For the self-employed, their present customers could be used.

* **Legionella Control Association (LCA) membership**

Companies that are members of the LCA have a commitment to ensure their employees are competent and to formally test and record their employees competence at least annually.

These records should be readily available for the client to inspect.

* **Training**

Having suitable qualifications or being members of professional bodies for employees is only one aspect of competence – even the most highly qualified need sufficient experience and to be checked on-the-job for their ability to work competently.

* **On-the-job checking on a regular basis**

Service providers who are not members of the LCA should also carry out formal recorded competence checks regularly on all employees, so that they can reassure their customers of the quality of their employees.

Self-employed can arrange to have their competence checked by third parties, such as experienced consultants or others in the same business.

For direct employees, their supervisor will frequently check their work.

Records of these assessments must be retained and made available if required

**Recording Competence**

Finally, it is necessary to be able to show that every person employed is competent to do the job they have been employed to do. Even though all of the above has been done, the person may be involved in a lost time accident (an event that results in time taken off work to recover) and there may be a need to be able to prove that everything practicable was done to show the person was competent. This means records of actions and observations must be in place. Those records need to be kept up to date, so be prepared to readdress all these aspects on a regular basis.