

**Environment, Health and Safety Committee**  
**Note on:**  
**COSHH AND THE COMPETENT PERSON**

*Enquiries received by the Royal Society of Chemistry indicate there is a need for a brief outline of what is meant by a "competent person" to carry out assessments for the purposes of the Control of Substances Hazardous to Health [COSHH] Regulations. This Note is designed to answer this need. It does not pretend to be a full or definitive guide and readers are urged to obtain more detailed guidance if this is required.*

### **WHO IS A "COMPETENT PERSON" UNDER COSHH?**

A competent person under COSHH is somebody with the skill, knowledge, practical experience and training to enable him or her to assess the risks arising from work activities involving substances hazardous to health. A competent person should:

- understand hazard and risk
- know how the work can expose people to substances hazardous to health
- have the ability (and authority) to collect all the necessary information
- have the knowledge, skills and experience to make the right decisions about how to control exposure.

A competent person is usually an employee appointed from within an organisation and does not need to be an expert. However, they should be aware of their own limitations and should know when they need to call on specialist expert advice from either inside or outside the organisation. Competence may be achieved via a team approach, for example, a supervisor's experience of a process combined with the technical and legal knowledge of a health and safety professional.

### **HOW DO I BECOME A COMPETENT PERSON UNDER COSHH?**

COSHH is about workplace health and it is a management decision as to who is competent to carry out COSHH assessments in a particular organisation or workplace. There is no specific training course that can be taken in order to become a "competent person" under COSHH for all possible situations. There are a range of courses that cover the principles of risk assessment but only a limited number that focus specifically on COSHH assessments. Examples of potential courses are the British Occupational Hygiene Society modules "Health effects of hazardous substances"; 'Measurement of hazardous substances' and "Control of hazardous substances".

As a minimum knowledge requirement, a competent person should have a suitable understanding of the operations and substances being assessed as well as access to, and working knowledge of, both the Regulations and the associated Approved Code of Practice. The latter document contains some very useful information on how to comply with the requirements of the Regulations. It is important to remember that:

- COSHH applies to microbiological and certain other hazards as well as to hazardous chemical substances; and

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- the primary aim of COSHH is to prevent workers and others from being exposed to risks from work activities involving substances hazardous to health.

### **HOW DOES THE MANAGER DECIDE WHO IS "COMPETENT"?**

The manager should decide on the basis of current and past work experience, interview, training records, references and, if appropriate, by appointing the person on a trial period. The manager does not need to be competent to carry out an assessment him or herself in order to judge the competence of someone else.

### **WHO IS RESPONSIBLE FOR THE ASSESSMENT CARRIED OUT BY THE "COMPETENT PERSON"?**

The employer is responsible for the assessment and for any control measures implemented as a result of it. If legal actions were to arise from the assessment they would usually be taken against the employer and only in exceptional circumstances would the delegated "competent person" be prosecuted [e.g. if they had deliberately ignored the health and safety of fellow employees].

If the delegated person feels he or she cannot make an adequate assessment they should tell their employer. If, nonetheless, they are forced to proceed they should ensure that they fully document and record their objections.

### **WHERE CAN I GET MORE INFORMATION?**

Useful publications and other sources of information include:

- HSE COSHH Website: <http://www.hse.gov.uk/coshh/index.htm>
- A step by step guide to COSHH assessment, HSG97, HSE 2004.  
<http://www.hse.gov.uk/pubns/priced/hsg97.pdf>
- COSHH Essentials: <http://www.coshh-essentials.org.uk/>
- Control of Substances Hazardous to Health – The Control of Substances Hazardous to Health Regulations 2002. Approved Code of Practice and Guidance, L5, 4<sup>th</sup> Edition, HSE 2002 (amended 2005).  
<http://www.hse.gov.uk/pubns/priced/l5.pdf>
- **Working with substances hazardous to health:** What you need to know about COSHH, INDG136, HSE 2009 <http://www.hse.gov.uk/pubns/indg136.pdf> rev4
- EHSC Note COSHH in Laboratories', 4<sup>th</sup> Edition, RSC 2008.
- HSE InfoLine  
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e-mail: [hse.infoline@natbrit.com](mailto:hse.infoline@natbrit.com)
- HSE BOOKS  
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Sudbury,  
Suffolk CO10 6FS  
Tel. 01787 881165  
<http://www.hsebooks.co.uk/>
- Trades Union Congress  
Congress House  
Great Russell Street  
London WC1 3LS  
Tel. 0207 6364030  
<http://www.tuc.org.uk/index.cfm>

- Institution of Occupational Safety and Health  
The Grange  
Highfield Drive  
Wigston  
Leicester LE18 1NN  
Tel. 0116 2573100  
<http://www.iosh.co.uk>
- British Occupational Hygiene Society  
5/6 Melbourne Business Court,  
Millennium Way,  
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