

## COSHH: 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/her to assess the risks arising from work activities involving substances hazardous to health. 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 limitations and should know when they need to call on specialist expert advice from inside or outside the organisation.

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

COSHH is about workplace health and it is up to the management to decide who is competent to carry out a COSHH assessment in the particular organisation or workplace. There is no specific training course that you can follow and then call yourself a "competent person" under COSHH for all situations. However there are courses that give a grounding in the principles of assessment. As a minimum knowledge requirement, a competent person should have a suitable understanding of the operations and materials being assessed as well as access to, and working knowledge of, both the Regulations and the HSE Approved Code of Practice. The latter gives much useful information on complying 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
- the primary aim of COSHH is to prevent workers and others from being exposed to hazardous materials.

The Royal Society of Chemistry and the Institution of Chemical Engineers publish a joint Register of their members who have been recognised as Health and Safety Specialists/Professionals, respectively, and who are currently practising at the highest level. Registrants will cover a wide range of specialisms within the fields of chemistry and chemical engineering and some will have expertise in COSHH

***This Note was produced by a Working Party of the Environment, Health and Safety Committee [EHSC] of the Royal Society of Chemistry***

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The EHSC welcomes comments on this Note. Please send them to the committee secretary:

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EHSC Notes are also available on the Society's web site at:  
[www.rsc.org/lap/rsccom/ehsc/ehscnotes.htm](http://www.rsc.org/lap/rsccom/ehsc/ehscnotes.htm)

You may also wish to visit the chemistry societies' network at  
[www.chemsoc.org](http://www.chemsoc.org)

assessments. They may be able to undertake assessments themselves on behalf of organisations or provide advice, guidance and training on how assessments should be undertaken.

### **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 [eg if they had deliberately ignored the health and safety of fellow employees].

If the delegated person feels he/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:

- 'A step by step guide to COSHH assessment', HSG97, HSE 1993.
- 'COSHH Essentials – easy steps to control chemicals', HSG193, HSE 1999.
- 'COSHH General ACOP, Carcinogens ACOP, Biological Agents ACOP – Control of Substances Hazardous to Health Regulation 1999. Approved Codes of Practice' L5, HSC 1999.
- 'COSHH in Laboratories', 2<sup>nd</sup> Edition, RSC 1996.
  
- HSE Information Centre  
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- HSE BOOKS  
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- Trades Union Congress  
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**The Environment, Health and Safety Committee welcomes comments on this Note. They should be sent to the Committee Secretary:**

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