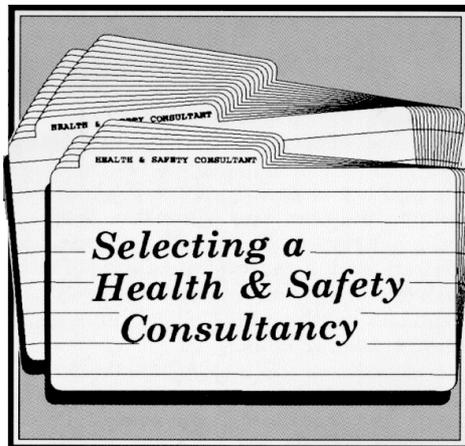


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SELECTING A HEALTH AND SAFETY CONSULTANCY

This booklet will help you select and use a consultancy that is competent to advise you about health and safety. It should also help you to get value for money from the consultancy.

As an employer you are already likely to deal with legally or technically complex matters. You will make careful judgements about financial management. Sometimes you may need to turn to external advisers such as accountants and solicitors for help and occasionally a management or engineering consultant. Consultants who can help you tackle health and safety needs should be seen in a similar light.

Health and safety at work legislation is a major body of law. There are many consultancies that can advise on what you need to do to comply with it. This booklet gives advice on:

- when to use a consultancy;
- what a consultancy can do;
- how to choose the right consultancy;
- how to judge the performance of the consultancy.

Consultancies vary in size and ability and in the services they provide. For example some are large practices owned by insurance companies, some are independent businesses, some are university departments and some are sole traders working from home.

This booklet is primarily about using a consultancy to help with identified needs. They can also help businesses by undertaking audits of the health and safety system. This booklet could help you choose a consultancy for this work.

WHY HEALTH AND SAFETY ARE IMPORTANT TO BUSINESSES

No-one wants to suffer injury or ill health, or be responsible for causing it. As an employer you have to comply with the law and there are also sound business reasons for paying thorough attention to workplace health and safety, and for making sure that you have the appropriate expertise.

Workplace injury and ill health are expensive:

- employees, your most valuable resource, are incapacitated or work below par;

- accidents damage and disrupt plant and processes;
- management time is used unproductively in investigation and remedy;
- schedules are disrupted and orders are lost;
- conviction for a criminal offence results in fines and bad publicity;
- civil liabilities can be substantial and the trend is towards larger settlements - even if they are covered by insurance premiums go up and up.

Fortunately you can avoid most of this expense by good health and safety management. There is clear evidence that companies which successfully manage health and safety are also successful businesses.

WHEN TO USE A CONSULTANCY

Health and safety management and compliance with health and safety legislation must be dealt with by employers. However unless you have at your disposal the necessary knowledge, competence and resources you may not be able to run your business safely.

Regulation 7 of the Management of Health and Safety at Work Regulations (MHSWR) requires that you appoint one or more competent persons to help you take the measures you need to comply with health and safety legislation. Frequently these appointments will be made internally (if you are self-employed or a member of a partnership, and are competent, you may appoint yourself). External services will usually be appointed in an advisory capacity only, and their activities should in any case be co-ordinated by those appointed by you to manage health and safety.

In looking at your needs you should aim to avoid:

- turning to outside help on matters which you should or could be handling yourself;
- trying to cover for a lack of essential training or of management or supervisory skills.

In deciding whether you need outside help, work systematically;

- analyse the problem as far as you can;
- if there is a pattern of accidents or ill health which you cannot explain, structure your search by asking: What? When? Where? Who? How? and Why?
- if you are not sure about the nature of a risk or the right measures to deal with it, explore the wide range of advisory material and advisory services offered by HSE and trade associations - they are powerful tools for answering many employers' questions;
- ask yourself again whether you need the knowledge and skills within your own organisation to deal with problems of this sort routinely.

There will still be times when outside help is the right approach:

- it may not be feasible to employ directly all the knowledge and skills needed to handle every health and safety question, especially when working with new or complicated technology;
- engaging a consultancy can be a good way of drawing on a larger pool of expertise, and bringing a high level of specialist skill to bear on a specific problem without adding to your pay-roll;
- a fresh pair of eyes and an independent view may be what you need;
- it may be that you do have the necessary understanding but lack the time to spend analysing the problem in detail and planning a solution.

For example:

- you may be thinking of introducing new technology or working systems and are unsure of the health and safety implications;
- you may need specialist help in assessing the risk created by your activities. Modern health and safety law (for example MHSWR, the Control of Substances Hazardous to Health Regulations (COSHH), and the Health and Safety at Work Act (HSWA) itself) is based on the principle that risk assessments are carried out to select protective measures. Generally you (or your staff) should be capable of doing this. But in particularly difficult cases - perhaps involving new or unfamiliar technology or rare but potentially catastrophic events - the specialised capabilities of a consultancy may be necessary. Or it may be that you carry out a broad assessment for yourself but use a consultancy for the finer detail of particular risks.

(Caution - Do not assume that a consultant's report will automatically satisfy your statutory duty to carry out a risk assessment. If you want to work with a consultancy on a statutory risk assessment you will need to make that clear at the beginning.)

Consultants are most effective when they are regularly involved. A consultant's measurement of an air flow rate on a particular day cannot be relied upon long afterwards. If instead the consultant teaches the client how to measure, the benefits last much longer.

It is quite likely that you will need the help of engineering specialists in devising technical measures to reduce risk. Equipment for controlling emissions of toxic substances, reducing noise levels or safeguarding dangerous machinery are typical examples. You will need to decide whether to seek the advice of a consultancy or, as is often done, engage a contractor to do the whole job. (Note that this booklet does not deal with the selection of outside specialists as 'competent persons' to carry out the engineering inspection work, for example on boilers and lifts, required by some health and safety law. Nor does it deal with statutory medical examinations for employees. But some companies provide both consultancy and statutory inspection services, and you may already have links with one or more of them.)

If your organisation is large or organisationally complex you may need the help of a management consultancy to devise the best managerial structure and arrangements for your health and safety needs. There is growing recognition that good management is the basis of good health and safety performance.

What is the problem?

Can I deal with it myself?

Should I deal with it myself?

WHAT CAN A CONSULTANCY DO?

Some consultancies are broad-based health and safety practitioners who will be able to survey your whole organisation and advise you on how to improve your organisation, procedure and practice, and technical control measures. They should be able to recognise and assess risks to health and risks of injury. They may advise on the kind of monitoring system you need to assess your own performance in future, or even carry out systematic audits for you. They should be well-versed in the law and will be able to advise you on the subtleties of the parts that apply to you.

If a broad approach is what you need then this kind of consultancy may suit you. Others specialise in narrower fields. Some of the principal ones are:

- health and safety management - which may include some of the following, as well as management arrangements themselves: policy development and planning; performance monitoring; aspects of employee involvement and employee relations; training and communications;
- occupational hygiene - a discipline concerned with the effects of work upon health. This includes assessment and control of exposures to airborne contamination and other environmental conditions; measurement of the factors which lead to ill health, and how to reduce or eliminate them, or otherwise protect employees by personal protective equipment. Occupational hygiene consultancies frequently have use of an analytical laboratory;
- engineering - the design, construction and installation of equipment to control risk, for example electronic process controls, exhaust ventilation to remove contamination and machinery guarding systems;
- noise, vibration and electromagnetic radiation - assessment and measurement of levels and advice on preventive measures;
- occupational medicine and nursing - the application of medical diagnostic and nursing skills to health care at work. It may include: preventive medicine, health surveillance, medical examinations and biological monitoring; the study of patterns of sickness absence and advice on fitness for work; emergency first aid; rehabilitation; counselling and health education;
- ergonomics - the study of how jobs and working environments can be designed to suit the anatomical and physiological characteristics of employees. It is a field of growing importance as the part played by human factors, fatigue and stress in health and safety is recognised, as well as the high level of illnesses caused by day-to-day activity. Notable examples are the back, limb and neck disorders often associated with the lifting and handling of loads or work at keyboards and VDUs.

Any given consultancy may practice in one or more of these fields. You need to think carefully about your needs and what subject areas they fall into, then seek a consultancy that works in that area. Do not be too hasty in making your choice. A problem may not be what it seems. If, for example, a group of employees complains repeatedly of headaches, the ultimate cause may be ergonomic (poor workstation design, say), bad lighting, an atmospheric contaminant, or none of these. Under these circumstances it would be a good idea to find a consultancy with a wide range of expertise.

HOW TO FIND A CONSULTANT

There are many ways of finding suitable consultants. Personal recommendation is one of the best, so a good start is to ask acquaintances in your industry. You can find advertisements in the trade journals and your Trade Association is able to give you names and addresses. Another source of information is your local Chamber of Commerce or Business Link. Several handbooks of consultants have been published, and these may be available at your local public library.

HOW TO CHOOSE THE RIGHT CONSULTANCY

Any employer examines potential suppliers carefully before buying goods and services. Choosing a health and safety consultancy is no different.

What do you want?

The first step is to write down your requirements:

- the problem, as precisely as you can, and why you cannot deal with it in-house;
- what you want the consultancy to do;
- what will count as a successful outcome.

Develop this into a written brief for the consultancy. A good brief will normally contain:

- information about your company or business;
- a clear statement of the objectives;
- a detailed description of the problem, with, possibly, your own assessment of hazards and risks and including relevant advice from the HSE or local authority inspector;
- what resources you can offer, including staff;

- budget guidelines;
- time frame;
- required method of reporting;
- any relevant special conditions;
- your criteria for success.

It is important to involve employee representatives in drawing up the brief and in helping the consultancy do the work.

What is the problem?

What needs to be done about it?

Who should I talk it over with?

Who do you ask?

Once you have drawn up your specifications there will be a choice of potential consultancies. There are several criteria you can use in choosing candidates:

- recommendation is often the best way of finding who does a good job at the right price. You might be able to get this from business contacts and trade associations. Can the consultancy provide the names of satisfied customers?
- membership of professional organisations, quality assurances ISO9001;
- possession of relevant qualifications, registered Iip - Investors in people;
- relevant experience in your industry;
- specialisms offered.

As you narrow down your short-list you will want to ask also about:

- the basis for the fees;
- whether any of the work will be subcontracted;
- confidentiality;
- possible conflict of interest.

All good consultancies will be able to discuss their ability to deal with your problem in these terms. You may also want to clarify ownership of material produced by the consultant, for example reports, method statements, risk assessments etc

Membership of professional organisations (some are listed on pages 13-14) is an indicator of relevant expertise. They usually lay down a code of professional ethics for their members which should ensure that you are given service of an acceptable standard. But you will still need to consider the capabilities and experience of individual members and whether they suit your needs.

If you are employing a specialist in a particular kind of problem it is worth making sure they know enough about occupational health and safety requirements to give the advice you need.

Some professional qualifications guarantee a level of skills. Competence-based qualifications accredited by the National Council for Vocational Qualifications and CITB CSCS (Construction Skills Certification Scheme) are being developed for most occupations including occupational health and safety practitioners, and may in future provide a further guide for employers.

Discussion with consultancies before selection is a two-way process. To get the most out of it you should make sure that the right person from the company is talking to the consultancy. In most cases this is likely to be the person who has drawn up the specification.

What makes me think this consultancy may be right?

Who will discuss with them what is needed?

Who do you pick?

Once a short-list has been drawn up, each candidate can be asked to put forward proposals to meet the project specifications.

If the specifications in your brief were unambiguous but the proposals from some candidates do not address them, you can weed those candidates out immediately.

Those who have sensible questions about the specifications may be more thorough than the ones who merely quote a price by return.

Some may ask to carry out preliminary site visits before making a final proposal. Some may do this free of charge as part of their marketing strategy, others may charge, especially for complex problems. An initial walk-through site visit can be well worthwhile and lead to a more thoroughly considered and effective proposal, as well as giving an opportunity to talk to the consultant at first hand. As the employer, you must make your own decision about which consultant is best for you. If you have thought out and set down clearly what is needed, the decision will be much easier. In many cases you get what you pay for

Who has done what we asked?

Which one knows most about us?

Who seems to have taken the most trouble?

Who will give value for money?

How much will it cost?

A good consultancy provides competent people with a great deal of knowledge and experience in their field. They will charge accordingly, just as a good accountant or solicitor would. A consultant's time is not cheap, but if you have thought out your problem and chosen carefully it will be good value. Many established consultants require a retainer for these services, this often ensures availability and reliability.

For smaller companies funding from the Department of Trade and Industry's Enterprise Initiative may be available. You can obtain more information from:

Enterprise Initiative Unit
PERA International
Melton Mowbray
Leicestershire LE13 0LX
Tel: 0166 450 1501

HOW DO YOU JUDGE PERFORMANCE?

You will have chosen a consultant precisely because he or she is expert in fields where you are not, and so it may seem difficult to judge the technical standard of the work done. But there are some commonsense indicators you can use.

First, don't forget that you set down your criteria for success in your original documentation of the problem and the brief for the consultancy. Systematically check them against what the consultant has done.

Ask yourself also:

- how did the consultancy go about the work? Was it in a businesslike manner?
 - did they ask searching questions that showed that they were getting to grips with your organisation and your risks?
 - are the recommendations feasible?
 - do you understand the recommendations? Can you act on them?
 - is it clear why those recommendations have been made?
-

Do I understand why we need to do this?

Are these recommendations relevant to this problem?

Do I have confidence in this consultancy?

Do I need to ask more questions?

AFTER THE CONSULTANT HAS GONE

You will be left with recommendations. The effort and expense that went into them will be wasted if they are not acted upon. Employers quite often fail to translate good thinking about health and safety into action, and allow breaches of law to persist as a result. By engaging a consultancy you acknowledge that compliance with health and safety legislation is a serious matter. If no action follows, or if you pick out only the easy or inexpensive recommendations, your money will have been wasted and your seriousness about health and safety will be called into question.

Have we done what was recommended?

THE LEGAL POSITION

Most duties under health and safety at work legislation rest unequivocally with you as an employer. You may delegate tasks to others but it remains your duty to make sure that they are carried out.

Under Section 36 of HSWA, where an offence by one person (for example the employer) is due to the shortcomings of another (for example the consultancy), that other person may be charged with the offence as well as the first.

Remember

Good consultants can be very effective in helping you to achieve compliance with health and safety legislation. To make the best use of them you should:

- be clear that you need a consultancy's help;
- be clear about what you need the consultancy to do.

A consultancy can only advise you or carry out your instructions. A consultancy cannot take on your primary duty to protect your employees.

APPENDIX

USEFUL ADDRESSES

British Occupational Hygiene Society
Suite 2 Georgian House
Great Northern Road
Derby DE1 1LT
0133 229 8101

Construction Health and Safety Group
John Ryder Training Centre
St Annes Rd Chertsey Surrey
01932 561871

Independent Safety Consultants' Association
21 Eldridge Close
Abingdon
Oxon OX14 1YQ
0123 552 6370

Institute of Biology
20-22 Queensberry Place
London SW1 2DZ
0171 581 8333

Institution of Chemical Engineers
Davis Building
165-189 Railway Terrace
Rugby CV21 3HQ
0178 857 8214

Royal College of Nursing
Society of Occupational Health Nursing
20 Cavendish Square
London W1M 0AB
0171 409 3333

The Association of Consulting Scientists
Westgate House
39/41 Romsey Road
Winchester
Hants SO22 5BE
0196 286 9128

The Chartered Institute of Building Englemere
Kings Ride
Ascot
Berkshire SL5 8BJ
0134 423 355

The Ergonomics Society
Devonshire House
Devonshire Square
Loughbrough
Leicester LE11 3DW
0150 923 4904

British Safety Council
70 Chancellors Road
Hammersmith
London
0181 741 1231

EEF (Engineering Employers Federation)
Broadway House
Tothill Street
London SW1H 9NQ
0171 222 7777

Institute of Acoustics
Agriculture House
5 Holywell Hill
St Albans
Herts AL1 1PZ
0172 784 8195

Institute of Occupational Medicine
8 Roxburgh Place
Edinburgh EH8 9SU
0131 667 5131

Institute of Mechanical Engineers
1 Birdcage Walk
London SW1H 9JJ
0171 222 7899

Royal Society of Chemistry
Burlington House
Piccadilly
London W1V 0BN
0171 437 8656

The Association of Noise Consultants
6 Trap Road
Guilden Morden
Nr Royston
Herts SG8 0JE
0176 385 2958

The Chartered Institute of Environmental Health
Chadwick Court
15 Hatfields
London SE1 8DJ
0171 928 6006

The Institute of Occupational Hygienists
Suite 2 Georgian House
Great Northern Road
Derby DE1 1LT
0133 229 8087

The Institution of Electrical Engineers
Savoy Place
London WC2R 0BL
0171 344 5407

The Institution of Occupational Safety and Health
The Grange
Highfield Drive
Wigston
Leicester LE18 1NN
0116 257 1399

The Royal Society for the Prevention of Accidents
Cannon House
The Priory Queensway
Birmingham B4 6BS
0121 200 2461

The Society of Occupational Medicine
6 St Andrew's Place
Regent's Park
London NW1 4LB
0171 486 2641

The Royal Environmental Health Institute of Scotland
3 Manor Place
Edinburgh EH3 7DH
0131 225 6999

The Society for Radiological Protection
SRP Administrative Office
148 Buckingham Palace Road
London SW1W 9TR
0171 823 4971

FURTHER INFORMATION

HSE priced and free publications are available by mail order from:

HSE Books, PO Box 1999, Sudbury,
Suffolk CO10 6FS
Tel: 01787 881165
Fax: 01787 313995

HSE priced publications are also available from Dillons Bookstores and all good booksellers. They can also be ordered at any branch of Ryman the Stationer.

Other enquiries should be directed to HSE's Information Centre, Broad Lane,
Sheffield S3 7HQ
Tel: 0114 289 2345
Fax: 0114 289 2333

This leaflet contains notes on good practice
which are not compulsory but which you may
find helpful in considering what you need to do.

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