

TECHNICAL COMPETENCE

IMAGE: © Bart Coenders



Technical Competence

– Potential changes in 2008

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Prior to April 2008, anyone carrying out a waste-management activity needing either a Waste Management Licence or a PPC permit was required to ensure that they had a "technically competent" person available. Demonstration of technical competence was demonstrated mostly through obtaining a Certificate of Technical Competence (CoTC). To qualify for a CoTC, you had to qualify in a relevant NVQ.

From 6 April 2008, new Regulations are coming into force in England and Wales replacing the permitting requirements of the Waste Management Licensing Regulations and the PPC Regulations. During the consultation on these new Environmental Permitting Regulations, views were sought as to whether the technical-competence requirement based on CoTCs needed to be changed. It was generally agreed that revision/update of the system was needed.

Two proposed schemes were submitted to Defra for consideration and were subject to consultation, one based on individual competence submitted by CIWM and WAMITAB and the other based on a

Competence Management System was submitted by ESA and EU Skills.

The Environmental Permitting Regulations 2007 are due to come in to force on the 6 April 2008. Whilst these regulations combine the permitting requirements for several regimes, it will still be a requirement for waste activities to demonstrate Operator Competence. The requirement will be for technical competence to be demonstrated through an approved scheme of which there may be more than one to choose from.

The CIWM/WAMITAB scheme has been updated following the consultation processes and discussions with the Defra EPP team and the scheme has been submitted to DEFRA for final approval. During the development process of the scheme, various organisations were contacted – including EIC – in order to establish their thoughts.

GREATER FLEXIBILITY AND PROPORTIONALITY

The CIWM/WAMITAB proposal still utilises the existing suite of NVQs, but also offers greater flexibility and

proportionality in relation to size of qualification and type of qualification. The various waste-related activities have been divided into three risk tiers (high, medium and low) with contaminated-land remediation considered in the medium-risk tier. For new activities coming on stream that fall in the medium-risk tier, the CIWM/WAMITAB scheme proposes competence to be demonstrated to the regulator by completion of either the six technical units of the relevant NVQ or a successful completion of a new award – a VRQ (Vocational-Related Qualification).

The VRQ is a taught course consisting of six units and an assignment. The assignment is designed to ensure the candidate demonstrates application of the knowledge learnt in relation to the facility/site on which they will be working. The sixth unit of the VRQ is designed to be specific to the activity, hence a choice will be offered. A Contaminated Land Remediation unit is in the process of being developed. EIC members have been instrumental in identifying suitable objectives and assessment criteria for this unit and it is hoped to contract an experienced EIC **cont..**

TECHNICAL COMPETENCE

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member to assist us in the process of developing the syllabus for this part of the award.

A fundamental change in the CIWM/WAMITAB proposal from the original CoTC scheme is the requirement to demonstrate that individuals have maintained and updated their knowledge. This is referred to in the proposal as Continuing Competence. EIC members are continuing to be instrumental in helping to establish the first continuing competence syllabus and the bank of questions needed that would be relevant to the Land Remediation industry.

Below are some answers to some key questions readers may be asking.

What if I am already 'competent', do I have to gain another qualification?

No. If you already have an appropriate NVQ/ CoTC then this will still be valid as an initial award. If you have been identified as being 'deemed competent' by the Environment Agency, then you will also not need to gain an initial award. If you currently fall outside of needing a CoTC and you have been assessed by the Environment Agency you will also not need to gain an initial award.

Does that mean if I don't need to gain a new award, then I don't need to do anything else?

No, everyone who wishes to remain technically competent must undertake continuing competence – how you do this is up to you. However you must demonstrate through assessment that you understand and can apply the knowledge.

What if I am new or I wish to open another site and don't have an existing appropriate award?

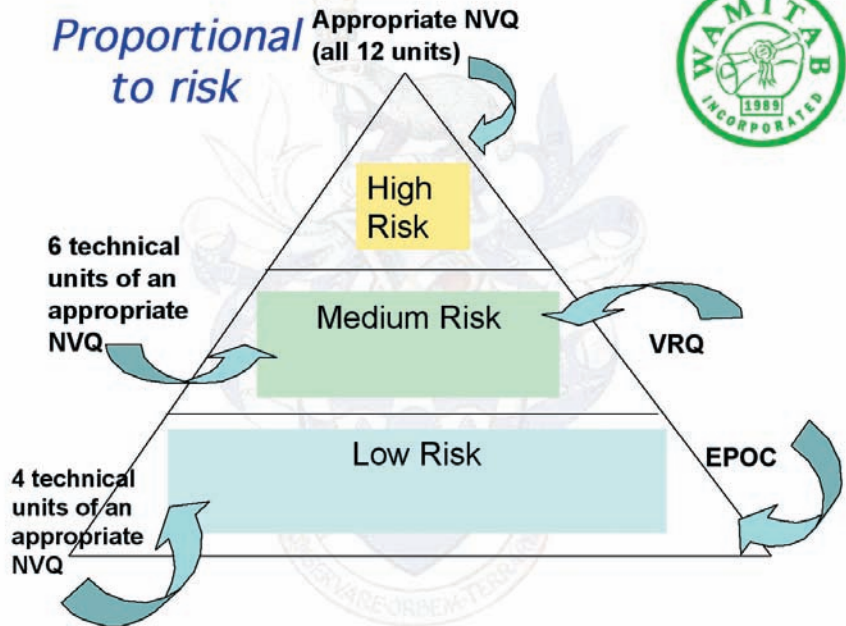
You will have to demonstrate initial competence by gaining one of the awards within the new scheme. Which award will depend on which risk tier your activity is in. The allocations of activities within the high-, medium- or low-risk tiers from the outline in the consultation is currently subject to final review and should be available shortly. The high-risk tier only allows for the full NVQ, however at medium- and low-risk tiers, a choice of award types are given in order to offer flexibility and cater for different learning styles and needs. At Low risk, the EPOC is a two-day training course with a scenario-based assessment, whilst at Medium risk the VRQ is a combination of taught modules, scenario-based assessment and an assignment based on the site/activity.

You will also need to ensure that you keep up to date by undertaking the Continuing Competence requirements.

Do I have to have the one of these awards before I can operate the site?

It depends! If the site/activity is a landfill then the answer is yes – this aspect has not changed from the current system. If the site/activity is not a landfill then

RISK TIERS



there is a 'grace' period, but it has been shortened from the current system. To make use of this grace period, you must have obtained a low-risk award within four weeks of commencement of operation of the permitted activity. For low-risk sites, this will be sufficient to demonstrate initial competence. For medium- and high-risk sites (non landfill), the appropriate qualification must then be gained within 12 months from the permitted activities commencing.

What is Continuing Competence?

Continuing Competence (CC) is a requirement to keep up dated with changes and key issues relating to a waste and secondary-resource permit activity. What needs to be covered within your continuing competence will be set at the start of the continuing competence period by an industry panel. The CC syllabus will be re set every two years and in order to maintain your technical competence status you will need to pass an assessment. The appropriate updates can be sourced from a variety of sources and by a variety of methods, (seminars, informal discussions, reading journals, in-house training, external training, briefing sessions etc), depending upon your preferences and budget. You may take the assessment at any time during the two-year period.

Does a Technically Competent person need to be on site at all times?

No, our proposal has been amended to keep the time on site in line with the current Environment Agency

guidance; this is currently dependent on OPRA scores.

Where will I get further information from?

CIWM and WAMITAB will provide further information as soon as we can, the final scheme is still required to be submitted to Defra for approval and once final details have been approved they will be made available. For details of the ESA/EU Skills scheme proposal, requiring the set up and auditing of a competence management system, please contact ESA or EU Skills.



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