ENERGY & UTILITY SKILLS

ENERGY & UTILITY SKILLS COMPETENCE MANAGEMENT SYSTEM (FOR ENVIRONMENTAL PERMITTING)

Frequently Asked Questions (Updated August 2021)

Q) What can Energy & Utility Skills Competence Management System (CMS) be used for?

Either to meet a specific condition in an environmental permit for an operator to comply with the requirements of an approved competence scheme or to meet the requirements of

England and Wales:

The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 (SI 2008:1227) relating to Technical Competence.

Scotland:

The Environmental Protection Act 1990 ("the 1990 Act"), Section 74(3)(b) of the 1990 Act deals with technical competence.

The CMS would need to be certified by an accredited Certification Body which Energy and Utility Skills has recognised as approved for the purposes of the scheme. The Standard specifies requirements for a competence management system to enable an organisation to demonstrate compliance in relation to technical competence of permitted sites. As such, the CMS can be used to develop process and policies covering any permitted activity or could be used as a base for demonstrating any competence requirements identified.

Q) Which Regulator(s) recognises Competence Management System (CMS) for complying with the requirements of an approved competence scheme in environmental permits or waste management licences?

The Department for Environment, Food & Rural Affairs (DEFRA) for England and the Welsh Government have approved the Energy and Utility Skills Competence Management System Private Standard to be used as a method for demonstrating technical competence to the regulator in England (Environment Agency), Wales (National Resources Wales) and also now in Scotland (Scottish Environment Protection Agency).

Q) Can CMS be used in Northern Ireland to satisfy technical competence?

Any organisation that wants to assure its technical competence can have the CMS Private Standard externally certified. However, the Northern Ireland government does not currently recognise the Scheme for complying with the technical competence requirements of a waste management licence.

Q) Where can I get a copy of the Competence Management System Private Standard?

Copies can be obtained from Energy & Utility Skills website – www.euskills.co.uk/about/our-industries/waste-management/competence-management-system/

Q) Does the certification body have to be approved/accredited?

Yes - the certification body is required to have achieved UKAS accreditation to ISO17021-1 (2015) specifically for the Competence Management System Private Standard and will then be recognised as Energy & Utility Skills approved for the purposes of the Scheme.

Q) Can an Operator use an EMS (ISO14001) to cover the requirements of the CMS?

No - whilst they complement each other and can be audited by the same Certification Body the requirements are different for each standard and so must be certificated separately.

Q) How long does certification from a certification body last for?

Certificates issued by approved certification bodies are valid for three years, surveillance visits are required every 12 months.

Q) Is there a named technically competent manager per site?

No, however, a management representative should be available to deal with any issues that may have an impact on compliance with the conditions of a licence.

Q) Is there a requirement to log site attendance time?

No, as it is a holistic approach, it does not rely on an individual spending a mandatory amount of time at site.

Q) Are there specific training courses or qualifications that should be undertaken?

No, this is for each Operator to determine. It is recommended that training courses align to National Occupational Standards (NOS) or Industry standards, where available.

Q) How can I check if an Operator's Certificate is valid and current?

Each Certification Body has a process to enable the validity and scope of an Operator's Certificate.

Q) How long will the certification assessment take?

The certification body will have documented procedures for determining auditing time. Audit time will be organisation-specific based on number of sites, number of permits, size of organisation and complexity of operation or environmental permit activities.

The initial certification audit will be conducted in two stages, normally separated by approximately 3 months.

Q) What happens if I fail the stage 2 audit, do not achieve certification or have the certification to CMS removed?

The operator is required to satisfy the technical competence condition of the environmental permit or the requirements of

England and Wales - The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 (SI 2008:1227).

Scotland – The Environmental Protection Act 1990 ("the 1990 Act"), Section 74(3)(b) of the 1990 Act deals with technical competence.

Thus if the operator is unable to comply with a condition of their environmental permit, advice should be sought from the regulator.

Q) What should the operator do when they receive their certificate from the certification body?

The certification body certificate should be provided to the regulator of the site (Environment Agency (England), National Resources Wales (Wales) and Scottish Environment Protection Agency (Scotland). The operator should also add the certificate number to the Technical Competence tab as required on National Waste Returns.