

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

SCHEME RULES





Contents

Foreword

Introduction

1. CMS Model & Approach
2. Energy & Utility Skills Approval Bodies
3. Regulators
 - a. Demonstration of Technical Competence
 - b. New Environmental Permit Applications and Periods of Grace
 - c. National Operator Waste Returns
4. Implementation
 - a. Getting Started
 - b. Whole Company Approach
5. External Certification Approach
 - a. Stage 1
 - b. Stage 2
 - c. Ongoing Surveillance
 - d. Certificate Renewal
 - e. Removal of Certification

Introduction

Foreword

This document has been prepared by Energy & Utility Skills in relation to the Energy & Utility Skills Private Standard (herein referred to as 'the Standard') for Competence Management System (CMS) for Environmental Permits. The document defines the rules associated with the scheme.

Introduction

The Standard specifies the requirements of a Competence Management System that will enable an organisation to demonstrate competence required to satisfy regulatory requirements of holding an environmental permit. Where an environmental permit includes a condition or a regulation¹ that imposes a condition that the operator shall manage and operate activities using sufficient technically competent persons and resources, this can be demonstrated by gaining certification from an accredited Certification Body which Energy and Utility Skills has recognised as approved for the purposes of the scheme.

The scheme is approved by Defra, Welsh Government and the Scottish Environment Protection Agency as a scheme that enables operators of permitted activities to demonstrate technically competent management.

1. CMS Model and Approach

The overall aim of the Standard is to comply with the requirements contained within the environmental permit and to support environmental protection. It can be developed as an independent management system or it can be included in an Integrated Management System as it is consistent with the approach for ISO14001, ISO9001 etc. and is applicable to any size of organisation.

The Standard specifies requirements of a CMS which must be satisfied in full and requires an organisation to:

- a) establish an appropriate technical competence policy
- b) identify the conditions and limits of activities of the environmental permit and how they interact with the existing operation
- c) identify the competences required to ensure compliance with the environmental permit
- d) identify applicable legal and other requirements to which an organisation subscribes
- e) identify priorities and set appropriate competence objectives and targets
- f) facilitate the design and planning, control, monitoring, preventative and corrective actions, auditing and review activities to ensure that both the policy is complied with and the competence management system remains appropriate.

The Standard is applicable to any organisation that chooses to:

- Establish, implement, maintain and continually improve a CMS across a defined scope of activities
- Assure itself of its conformity with its technical competence policy and meeting applicable legal requirements captured in environmental permits and waste management licences
- Demonstrate competence for those activities defined in an environmental permit or waste management licence as requiring an approved competence scheme.

¹ The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 SI 2018 No.1227

In relation to a specific condition in an environmental permit or waste management licence for an operator to comply with the requirements of an approved competence scheme or to meet the requirements of The Environmental Protection (Miscellaneous Amendments) (England and Wales) Regulations 2018 (SI 2008:1227) relating to Technical Competence, the CMS would need to be certified by an Energy & Utility Skills' recognised Certification Body.

2. Energy & Utility Skills' recognised Certification Bodies

Only Certification Bodies accredited by UKAS to ISO/IEC 17021-1: 2015 for the Competence Management Standard are recognised by Energy & Utility Skills as approved for the purposes of the scheme.

For Certification Bodies wishing to become recognised as approved for this scheme, please contact UKAS.

<https://www.ukas.com/>

Energy & Utility Skills recognised Certification Bodies will be listed on the Energy & Utility Skills' website.

<https://www.euskills.co.uk/about/our-industries/waste-management/competence-management-system/>

3. Regulators: United Kingdom

3a Demonstration of Technical Competence

The scheme is approved for use in demonstrating technical competence by the Department for Environment, Food & Rural Affairs (DEFRA) for England, the Welsh Government and the Scottish Environment Protection Agency.

Discussions are ongoing with the Department for Environment Agricultural and Rural Affairs (DEARA), Northern Ireland, however CMS is not currently approved to demonstrate compliance with a condition of an environmental permit and / or waste management licence technical competence in Northern Ireland.

The following regulators are permitted to accept CMS as a demonstration of technical competence compliance for environmental permits:

- England – Environment Agency
- Wales – National Resources Wales
- Scotland – Scottish Environment Protection Agency

3b New Environmental Permit Applications and Periods of Grace

When submitting an application for a new environmental permit, there is a requirement for the operator to confirm how technical competence is going to be satisfied. This scheme is an option that new operators can choose.

A 12-month period of grace is provided for operators who are unable, at the time of application for a new permit, to demonstrate technical competence. This does not apply to applications for landfill permits or to any permit variation or transfers.

For operators who are using CMS as the method of demonstrating competence, the following process shall be demonstrated to the regulator:

1. Operator shall identify the EU Skills CMS scheme as their choice of scheme at the point of application.
2. Operator shall select and contract with an Approval Body.
3. Operator has an agreed schedule for the audit and certification process (within 4 weeks of the permit being issued).
4. Operator has had the Stage 1 audit completed by the Approval Body within 6 months of the permit being issued.
5. Operator achieves formal certification of their Competence Management System within 12 months of the permit being issued.

If an applicant relies on a period of grace, the regulator should record this in the decision document and this will be adequate for the purpose of the operator competence assessment.

3c National Operator Waste Returns

Operators with an environmental permit authorising a waste activity must complete waste returns to tell the regulator about the waste they have received or removed from their site and also to confirm details of the method they have used to satisfy technical competence requirements at their site.

When completing the waste returns, the Technical Competence tab should be filled in with the certificate number. If at the time of completing the waste return, the operator is relying on the period of grace under the Energy & Utility Skills scheme, the contract number issued by the Certification Body should be specified. As the operator has provided details of the certificate to the regulator, the regulator will be able to check that the certificate covers the environmental permit number to which the waste returns relate.

4. Implementation

4a Getting started

The first step in the implementation process is to read the Standard from Energy & Utility Skills which includes an informative guidance section in Annex A:

<https://www.euskills.co.uk/about/our-industries/waste-management/competence-management-system/>

It is important to review the structure of the Standard and the individual requirements, assessing how each could be satisfied within the organisational context. The steps that need to be taken to meet each requirement of the Standard are unique to your permitted operation and, therefore, the design of the system can be tailored to any size of company or operation.

4b Whole company approach

Implementing the Competence Management System is a whole company approach and will require a company to review how a permitted facility impacts on different parts of the business and how all parties working for, or on behalf of the organisation, (including visitors, contractors or interested parties) may impact on compliance of the environmental permit during any activities or role that they perform.

If a company has multiple permits or permitted sites, the company can decide to include or exclude each permitted facility or environmental permit from the scope of the CMS and any future certification as the certificate from the certification body will detail the individual locations and permitted activities.

It is important to recognise that the CMS model is non-prescriptive in design. The CMS requirements provide companies with the opportunity to address specific issues in the most appropriate way for that company or operation in relation to the requirements of the permit. The emphasis, therefore, is not on complying with the requirements in a specific, pre-determined approach, but, rather, is on the company's own developed approach to compliance with the requirements and its own maintenance of that compliance over time.

As this is a standard relating to competence, it is important to focus on training and competence and, in particular, training relating to environmental permit compliance. Training and awareness of operational requirements should also extend to contractors, visitors and other interested parties and addressing how they may impact the compliance of the environmental permit in scope. The assessment of correct and appropriate training levels is an ongoing requirement.

5 External audit process

The recognised Certification Body will conduct the initial certification of the system in two stages: Stage 1 and Stage 2.

5a Stage 1 audit process

The objectives of stage 1 include

- Review of key system documents and processes
- Site tour(s) to evaluate site specific conditions
- Develops a plan for Stage 2 and makes a determination on the readiness of the CMS for Stage 2
- Obtaining of sufficient information to develop multi-site sampling & scoping to develop a plan for Stage 2
- Evaluating internal audits, objectives and management review
- Determining if the CMS, as defined, meets the requirements in the Standard

5b Stage 2 audit process

The purpose of the Stage 2 assessment is to evaluate implementation including effectiveness of the CMS and will (as a minimum)

- Follow the plan developed at Stage 1
- Concentrates on how the CMS has been put into practice and its demonstrable ability to deliver performance against the requirements in the permit
- Review internal auditing, management review and top management commitment
- Make a recommendation (or not) for certification which will be subject to an independent Technical Review within the Certification Body.

5c After certification:

- The recognised Certification Body will issue the certificate(s) – detailing scope, locations, details of the permitted activities and validity
- The operator will communicate with the regulator (EA, NRW) by submitting copy of certificate
- Annual surveillance
- Re-certification after three years
- Potential for integration with other standards

5d Ongoing audit process (Surveillance)

The CMS is designed to enable a company to manage competence on a continually sustainable basis and to continually monitor compliance of the environmental permit.

The assessment of the correct and appropriate training levels is continual. Any internal audit, non-conformance or complaint should review whether a deficiency in training, awareness or competence was contributory to the non-conformance. If it is identified that it may have been a contributory factor, then training would need to be reviewed and possibly re-training would have to be delivered. The main focus should always be compliance of the environmental permit.

Once a CMS certificate has been awarded, it shall be valid for a period of three years and subject to interim, annual surveillance by the external accredited certification body. The process for Certificate renewal may be initiated any time after two years from the date of issue. This is to allow enough time for audit scheduling etc., and if renewal is approved prior to the original expiry date, the new Certificate shall be effective from the original expiry date.

5e Removal of certification

Should the Certificate be removed by the Certification Body during the 3-year certification period or re-certification not achieved at the end of the three-year certification period, then the operator must notify the regulator immediately and meet technical competence through other routes as approved by the regulator, until such time as certification is re-instated.

Copyright

All rights reserved. No part of this publication may be reproduced, stored in a retrievable system, or transmitted in any form or by any means whatsoever without prior written permission from the copyright holder.



Energy & Utility Skills Limited
Friars Gate,
1011 Stratford Road,
Shirley, Solihull B90 4BN
0121 745 1310

Registered no: 3812163

communications@euskills.co.uk



© Energy & Utility Skills Limited 2020