# Response ID ANON-ETVW-JTW4-F

Submitted to **Revised guidance regarding provision and assessment of technically competent management at licensed waste management facilities**
Submitted on **2020-11-24 13:46:31**

## Introduction

**1 What is your name?**

**Name:**
Resource Management Association Scotland

**2 What is your email address?**

**Email:**
info@rmascotland.co.uk

**3 What is your interest in our consultation?**

Industry trade body

**Organisation (optional):**

## Introduction (continued)

**4 Do you agree that a technically competent person should record the hours they spend on site?**

Yes

**Share your thoughts with us in the space below:**
This would appear to be a reasonable requirement, alongside the option for reducing period of time on site for small scale civic amenity sites (those accepting less than 5,000 tonnes of waste per year) and other small facilities for which the operator can demonstrate that adequate management controls can be provided through alternative means.

SEPA need to consider how this 25% rule will apply where a company uses Competency Management Scheme (CMS) administered by Energy Utilities Skills as evidence of technical competence.

Attendance times should be related to the sites risk so that well run, low risk sites require less attendance time and high risk and/or poorly run sites require more attendance time.

## When can SEPA check for technical competence?

**5 Do you agree with the changes we are proposing to make, to when we can check for technical competence?**

Yes

**Share your thoughts with us in the space below:**
We understand the main change is that SEPA can also check where:

• A site is routinely reported by SEPA to be poorly run and there are regular non compliances with licence conditions.
• When it is brought to our attention that a technically competent person is not or is not able to be on each site for which they are responsible during at least 25 % of its weekly operating hours.

We agree that this is a reasonable change for SEPA to make.

This will help raise standards as organisations will need to undertake proper contingency/succession planning to ensure sufficient numbers of competent staff are available and are being used to manage sites (many organisations use the qualification of a senior manager who rarely visits the sites to ensure they are being managed correctly).

## How will SEPA assess technical competence?

**6 Do you agree that we should consider the quality of the supporting information we receive as part of an application, when considering technical competence (TC)?**

Yes

**Share your thoughts with us in the space below:**
Agree in principle regarding the quality of the supporting information SEPA receive as part of an application, when considering technical competence.

**7  Do you agree that we should also look at previous compliance and evidence for other sites/mobile plant, when considering TC?**

Not sure

**Share your thoughts with us in the space below:**
We do have reservations about the following statement: "Although it should be noted that these qualifications on their own will not be sufficient where the certificate holder has been overseeing the operation of a licensed site, exempt facility or mobile plant, which has regular non compliances."

We see considerable difficulties with how this will be applied for the following reasons:

1) The TCP is not always the budget holder and improvements they identify may not be approved by management above them and if they move jobs this could then be held against them.

2) Organisations with poor previous records that want to improve, will find it difficult to attract good staff as these will not want any stigma attached to them which will ultimately impede the organisation from improving.

3) Issues related to compliance may be inherited from previous management (particularly landfill operations where compliance issues may take many years to materialise) and current staff may be disadvantaged by the actions of previous managers/TCPs.

## Bespoke SEPA Assessment of Technical Competence

**8  Do you agree that the assessment of a technically competent person should review previous compliance history?**

No

**Share your thoughts with us in the space below:**
We see considerable difficulties with how this will be applied, as detailed in our response to Q7.

**9  Do you agree with our options for interviews?**

Yes

**Share your thoughts with us in the space below:**
This would be a reasonable approach to allow flexibility over interviews.

## Monitoring for continuing Technical Competence

**10  Do you have any other thoughts on the changes we are proposing to our guidance?**

Yes

**Share your thoughts with us in the space below:**
1) This review has been long overdue and the proposals are generally well thought out and welcomed. However, individuals need to be protected from any perceived bias after working for organisations that have poor compliance records. Decisions related to these people (with regards to TCP status) need to be transparent and fair, otherwise it may be open to legal challenge (with SEPA accused of "Black-listing" people who have worked for certain organisations, and effectively restricting their ability to work in the industry).

2) The issue of different levels of qualifications has not been addressed in this review. There are significant differences between the COTC qualifications issued by WAMITAB and the SVQ's issued by SQA. Environment Agency have for years taken a low, medium and high risk approach to qualifications (low risk, 4 units, medium risk 6 units and high risk 12 units). Can SEPA confirm the following:
• Will they work to the same classifications as the EA in terms of defining high, medium and low risk sites?
• Will they accept evidence of individual units issued by SQA as evidence of technical competence? For example if a manager completes the same 4 units which is in a WAMITAB low risk qualification, and has a completion record from SQA (there will be no qualification certificate, just a record of the units completed) will this be acceptable for SEPA?

3) There is nothing in the review about keeping up to date and current, or how operator experience would be taken into account.