

July 2013

Examiners' Report

NEBOSH National Diploma in Occupational Health and Safety - Unit A



nebosh



Examiners' Report

NEBOSH NATIONAL DIPLOMA IN OCCUPATIONAL HEALTH AND SAFETY

Unit A: Managing health and safety

JULY 2013



CONTENTS

Introduction	2
General comments	3
Comments on individual questions	4

Introduction

NEBOSH (The National Examination Board in Occupational Safety and Health) was formed in 1979 as an independent examining board and awarding body with charitable status. We offer a comprehensive range of globally-recognised, vocationally-related qualifications designed to meet the health, safety, environmental and risk management needs of all places of work in both the private and public sectors. Courses leading to NEBOSH qualifications attract around 35,000 candidates annually and are offered by over 500 course providers, with exams taken in over 100 countries around the world. Our qualifications are recognised by the relevant professional membership bodies including the Institution of Occupational Safety and Health (IOSH) and the International Institute of Risk and Safety Management (IIRSM).

NEBOSH is an awarding body to be recognised and regulated by the Scottish Qualifications Authority (SQA).

Where appropriate, NEBOSH follows the latest version of the “GCSE, GCE, *Principal Learning and Project Code of Practice*” published by the regulatory authorities in relation to examination setting and marking. While not obliged to adhere to this code, NEBOSH regards it as best practice to do so.

Candidates’ scripts are marked by a team of Examiners appointed by NEBOSH on the basis of their qualifications and experience. The standard of the qualification is determined by NEBOSH, which is overseen by the NEBOSH Council comprising nominees from, amongst others, the Health and Safety Executive (HSE), the Confederation of British Industry (CBI), the Trades Union Congress (TUC) and the Institution of Occupational Safety and Health (IOSH). Representatives of course providers, from both the public and private sectors, are elected to the NEBOSH Council.

This report on the examination provides information on the performance of candidates which it is hoped will be useful to candidates and tutors in preparation for future examinations. It is intended to be constructive and informative and to promote better understanding of the syllabus content and the application of assessment criteria.

© NEBOSH 2013

Any enquiries about this report publication should be addressed to:

NEBOSH
Dominus Way
Meridian Business Park
Leicester
LE19 1QW

tel: 0116 263 4700
fax: 0116 282 4000
email: info@nebosh.org.uk

General comments

Many candidates are well prepared for this unit assessment and provide comprehensive and relevant answers in response to the demands of the question paper. This includes the ability to demonstrate understanding of knowledge by applying it to workplace situations.

There are always some candidates, however, who appear to be unprepared for the unit assessment and who show both a lack of knowledge of the syllabus content and a lack of understanding of how key concepts should be applied to workplace situations.

In order to meet the pass standard for this assessment, acquisition of knowledge and understanding across the syllabus are prerequisites. However, candidates need to demonstrate their knowledge and understanding in answering the questions set. Referral of candidates in this unit is invariably because they are unable to write a full, well-informed answer to one or more of the questions asked.

Some candidates find it difficult to relate their learning to the questions and as a result offer responses reliant on recalled knowledge and conjecture and fail to demonstrate a sufficient degree of understanding. Candidates should prepare themselves for this vocational examination by ensuring their understanding, not rote-learning pre-prepared answers.

Candidates should therefore note that Examiners' Reports are **not** written to provide 'sample answers' but to give examples of what Examiners were expecting and more specifically to highlight areas of under performance.

Common pitfalls

It is recognised that many candidates are well prepared for their assessments. However, recurrent issues, as outlined below, continue to prevent some candidates reaching their full potential in the assessment.

- Many candidates fail to apply the basic principles of examination technique and for some candidates this means the difference between a pass and a referral.
- In some instances, candidates do not attempt all the required questions or are failing to provide complete answers. Candidates are advised to always attempt an answer to a compulsory question, even when the mind goes blank. Applying basic health and safety management principles can generate credit worthy points.
- Some candidates fail to answer the question set and instead provide information that may be broadly relevant to the topic but is irrelevant to the question and cannot therefore be awarded marks.
- Many candidates fail to apply the command words (also known as action verbs, e.g. describe, outline, etc). Command words are the instructions that guide the candidate on the depth of answer required. If, for instance, a question asks the candidate to 'describe' something, then few marks will be awarded to an answer that is an outline. Similarly the command word 'identify' requires more information than a 'list'.
- Some candidates fail to separate their answers into the different sub-sections of the questions. These candidates could gain marks for the different sections if they clearly indicated which part of the question they were answering (by using the numbering from the question in their answer, for example). Structuring their answers to address the different parts of the question can also help in logically drawing out the points to be made in response.
- Candidates need to plan their time effectively. Some candidates fail to make good use of their time and give excessive detail in some answers leaving insufficient time to address all of the questions.
- Candidates should also be aware that Examiners cannot award marks if handwriting is illegible.

- Candidates should note that it is not necessary to start a new page in their answer booklet for each section of an answer, although new answers should always be started on a fresh page.

UNIT A – Managing health and safety

Section A – all questions compulsory

Question 1 *For a range of societal factors **outline** how they might influence health and safety standards and priorities.* (10)

This question related to Element A1 of the syllabus and assessed candidates' knowledge of learning outcome A1.2: *Outline the societal factors which influence health and safety standards and priorities.*

This question focused on societal factors such as economic climate and globalisation of business that influence health and safety standards and priorities. These are all clearly set out in the syllabus, so it was anticipated that well-prepared candidates would have had little trouble in answering this question.

Some candidates, however, chose not to answer this question, indicating that this topic may not be widely taught. Of those who did attempt an answer, few appeared to appreciate that the question was asking about societal factors, with many candidates focusing on individual and organisation factors instead. Better answers included references to immigration, cultural differences and differences between countries.

This is an important topic that helps in the understanding of external influences on health and safety standards and priorities and is a topic that modern safety practitioners should have some familiarity with. Candidates and accredited course providers are advised to take further steps to understand this area of the syllabus, perhaps linking it with the theories of loss causation found in Element 2.1.

Question 2 ***Explain** the 'domino' and 'multi-causality' theories of accident causation, including their respective uses and possible limitations in accident investigation and prevention.* (10)

This question related to Element A2 of the syllabus and assessed candidates' knowledge of learning outcome A2.1: *Explain theories of loss causation.*

This question was well answered and many candidates achieved good marks. A number of candidates, however, were unable to provide the full sequence of events in either of the domino theories, although they were still able to provide creditworthy answers.

Answers concerning the multiple cause theory were generally very limited with few candidates identifying much more than the fact that the theory is more complex.

Average marks for this question may improve if accredited course providers teach more on the respective uses and possible limitations in accident investigation and prevention.

Question 3	(a)	Give the meaning of the term 'hazard'.	(1)
	(b)	A risk assessment identifies a hazard as 'working at height'.	
		Explain why identification of the hazard in this way is likely to be inadequate.	(4)
	(c)	A risk assessment on the erection of scaffolding has identified a range of relevant hazards. It also contains a 'those who may be harmed' section that reads 'scaffolders, ground workers and members of the public'. The three groups have been considered collectively. With reference to relevant examples, explain why considering these three different groups all together is likely to be unsuitable.	(5)

This question related to Elements A1 and A4 of the syllabus and assessed candidates' knowledge of learning outcomes A1.3: *Explain the principles and content of effective health and safety, quality, environmental and integrated management systems with reference to recognised models and standards* and A4.3: *Explain how to assess and evaluate risk and to implement a risk assessment programme*.

There were a number of candidates who were unable to clearly define the meaning of the term 'hazard', with some choosing to define an accident instead.

Answers to part (b) revealed that many candidates are unable to differentiate between hazards and activities, although those who were aware of the difference were able to gain good marks for this part.

In answer to part (c), few candidates were able to demonstrate an appreciation of the way in which a hazard may affect different groups in different ways and the need to have different controls.

Clear signposts in the question, such as pointing out that it is inadequate to identify a hazard as working at height, were frequently ignored, meaning that an opportunity to gain good marks was lost.

Answers generally revealed a lack of understanding of the basic principles of risk assessment. While many candidates can no doubt list the stages of a risk assessment, few showed that they fully understood the implications of what goes into one. The fundamental nature of risk assessment to the work of the safety practitioner means that this is an area that could usefully be focused on in much more detail by accredited course providers and candidates alike.

Question 4	(a)	Outline the main defences to a civil action for breach of statutory duty.	(8)
	(b)	Where two or more parties act jointly to commit a negligent act they are said to have joint and several liability for such negligence.	
		Outline the implications of 'joint and several liability' in these circumstances.	(2)

This question related to Element A10 of the syllabus and assessed candidates' knowledge of learning outcomes A10.1: *Explain the duties owed at common law* and A10.2: *Explain the criteria required to establish a successful civil action for breach of*

statutory duty, the main defences available and the procedure for assessment of damages under civil law.

Element A10.2 clearly requires candidates to have a knowledge of the main defences to the tort of breach of statutory duty and it was encouraging to see that many candidates were indeed able to outline defences to such an action. Some candidates, however, simply listed the tests for negligence - apparently not having read or understood the question.

In some cases, candidates chose simply to list defences rather than give the fuller outline that was required by the question.

Few candidates were able to outline the implications of joint and several liability, with some making entirely erroneous references to prosecutions and fines.

Knowledge of the basic concepts of the English legal system remains poor in some cases. Accredited course providers can help candidates by stressing the differences between the torts of negligence and breach of statutory duty.

Question 5	(a)	Give the meaning of the term 'ethics'.	(1)
	(b)	Identify THREE ethical principles that underpin a health and safety practitioner's professional conduct.	(3)
	(c)	Outline what is meant by a 'conflict of interest'.	(2)
	(d)	A health and safety manager for a large organisation has been asked to recommend suitable auditing software. A close friend, who owns a small software development business, has approached the health and safety manager and asked him to 'put in a good word'.	
		Outline steps that the health and safety manager should take in order to avoid allegations of professional misconduct.	(4)

This question related to Element A1 of the syllabus and assessed candidates' knowledge of learning outcome A1.4: *Outline the role and responsibilities of the health and safety practitioner.*

Few candidates were able to give the meaning of the term 'ethics', although more were able to identify key ethical principles and outline the principles of a conflict of interest.

In answer to part (d), some candidates responded that they would merely keep quiet about the approach, while some others tended to push the boundaries of what might be considered acceptable behaviour. On balance, however, the majority were able to suggest sensible actions.

Candidates should remember that all parts of the syllabus could be assessed. Discussing situations in which a conflict of interest may arise, and how to respond in such a situation, might help improve marks gained for questions such as this.

Question 6 *An organisation employs 900 people at a warehousing and distribution site. The site manager has asked for a set of summary information to be provided each month for its executive meetings in order to monitor the overall health and safety performance of the site.*

Outline the possible contents of the set of summary information. (10)

This question related to Element A3 of the syllabus and assessed candidates' knowledge of learning outcome A3.4: *Explain the requirements for reviewing health and safety performance.*

Element A3.4 requires candidates to have knowledge of the inputs to the review process. Many candidates clearly had a fair appreciation of this topic and were able to gain their best mark in Section A. Those candidates who recognised that the question was asking for a set of summary information tended to fare better than those who felt that senior management would benefit from detailed information.

Answers were generally in an appropriate amount of depth for a 10-mark question.

Section B – three from five questions to be attempted
--

Question 7 *A castle, which is open to the public as a visitor attraction, is surrounded by a dry moat. Access to the castle ticket office is gained via a bridge across the moat. While crossing the bridge, a visitor to the castle tripped over a low parapet wall and fell a distance of 5 metres into the moat, sustaining serious injuries. The organisation that operates the castle was warned two years previously of the possibility of falls from the bridge, yet failed to take any action to prevent such incidents.*

(a) *With reference to possible breaches of the Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999, **outline** the criminal law implications for the organisation and its managers. Your answer should contain reference to the specific requirements that may have been breached, the likely venue for the prosecution and the possible penalties should the organisation and/or managers be found guilty.* (12)

(b) *With reference to relevant civil legislation, **outline** the nature of the duty owed by the occupying organisation to their lawful visitors.* (4)

(c) *In its defence, the organisation attempts to rely on a warning notice posted in the ticket office that reads 'The management will accept no liability for loss or injury howsoever caused'.*

Explain why the organisation will be unable to use this statement in its defence. (4)

This question related to Elements A8, A9 and A10 of the syllabus and assessed candidates' knowledge of learning outcomes A8.6: *Outline the principles of the law of contract and its application to health and safety issues*, A9.1: *Explain the key requirements of the Health and Safety at Work etc Act 1974 and the Management of*

Health and Safety at Work Regulations 1999 and A10.3: Outline the main civil law statutory duties owed by the occupiers of premises to lawful and unlawful visitors.

This was a question on both criminal and civil law and was based on a real life case of a type that safety practitioners could find themselves involved with. The question assessed candidates' knowledge of the key provisions of the Health and Safety at Work Act and the Management of Health and Safety at Work Regulations, as well as provisions of civil legislation, namely the Occupiers' Liability Act 1957 and the Unfair Contract Terms Act 1977.

Candidates generally performed well in answering part (a) although there was a tendency to confuse Sections 3 and 4 of the Health and Safety at Work Act. Several candidates referred to sections of the management regulations rather than regulations. Part (b), on civil legislation was less well answered, with even fewer candidates being able to give a good answer to part (c).

With such a recent case forming the basis of this question, it was difficult to understand why more candidates did not attempt this question; the majority of those who did fared quite well. It may be that the small number of attempts was indicative of a general unease with legal questions, which accredited course providers should address.

Question 8	(a)	Outline the following key theories of human motivation:	
	(i)	Mayo (Hawthorn experiments);	(2)
	(ii)	McClelland;	(2)
	(iii)	McGregor.	(4)
	(b)	Outline the principles and key steps of behavioural change programmes.	(6)
	(c)	Outline the organisational conditions needed for success in behavioural change programmes.	(6)

This question related to Element A7 of the syllabus and assessed candidates' knowledge of learning outcomes A7.1: *Outline psychological and sociological factors which may give rise to specific patterns of safe and unsafe behaviour in the working environment* and A7.7: *Outline the principles, conditions and typical content of behavioural change programmes designed to improve safe behaviour in the workplace.*

This was a less popular question, despite the growing popularity of behavioural change programmes. Those who did attempt this question, however, were able to recall the key theories reasonably well. Weak areas were in parts (b) and (c), where a limited knowledge of behavioural change programmes was displayed. The bulk of the marks were available in these two parts of the question, so the evident lack of knowledge meant that low marks were achieved in the vast majority of cases.

This is a potentially interesting area of the syllabus that candidates and accredited course providers could usefully learn more about given the increasing popularity of this type of initiative.

Question 9

A fast-growing manufacturing organisation employs 150 people. Health and safety standards at the organisation are poor as arrangements have developed in an unplanned way without professional advice. The organisation has managed to avoid any serious accidents and staff at all levels do not seem particularly concerned. However, two employees have recently experienced near miss incidents and have complained jointly to the Health and Safety Executive (HSE).

A subsequent visit by an HSE inspector in connection with the near miss incidents has resulted in the issue of three improvement notices. The Managing Director wishes to dismiss the two employees whom he has described as 'troublemakers'.

- (a) **Explain** the advice that you would give to the Managing Director with respect to the proposed disciplinary action against the employees who have complained. (5)
- (b) **Outline** the steps that could be taken to gain the support of the workforce in improving the health and safety culture within the organisation. (15)
-

This question related to Elements A6 and A8 of the syllabus and assessed candidates' knowledge of learning outcomes A6.6: *Explain health and safety culture and climate*, A6.7: *Outline the factors which can both positively and negatively affect health and safety culture* and A8.7: *Explain the principles of employment and discrimination law as it affects health and safety issues*.

The main focus of this question was on Element A6, with some overlap into the provisions of the Public Interest Disclosure Act, from Element A8. This was a popular question and many candidates gained good marks.

Candidates could have provided a better way of saying what advice they would give to their manager in the answer to part (a). In part (b), some candidates engaged in lengthy discussions of why management ought to improve things rather than how to do so. Candidates who did this would probably have felt that they had done well on this question, but the failure to fully address the question would have cost them marks.

Questions such as this pose practical issues that practitioners have to confront on a daily basis. Candidates should therefore consider how the material they learn during their studies might be applied in practice and come to the examination prepared to demonstrate the ability to apply that learning.

Question 10 The following table shows the numbers of lost-time accidents to employees for two hospitals situated in the same locality. Hospital A is a long-established NHS general hospital employing 2,500 staff whereas Hospital B, which opened in 1998, is a private hospital employing 300 staff.

Year	Hospital A	Hospital B
2000	75	4
2001	69	7
2002	82	6
2003	78	5

- (a) Assuming that the number of employees has remained constant over the period, **calculate** the annual lost-time accident incidence rates for the two hospitals and draw general conclusions from the results. (4)
- (b) **Identify** possible limitations with the data that might make direct comparisons on safety performance unreliable. (4)
- (c) **Suggest** reasons for an actual difference in safety performance between the two hospitals. (12)

This question related to Elements A2 and A4 of the syllabus and assessed candidates' knowledge of learning outcomes A2.2: *Explain the quantitative analysis of accident/incident and ill-health data, limitations of their application, and their presentation in numerical and graphical form* and A4.1: *Describe how to use internal and external sources of information in the identification of hazards and the assessment of risk*.

This question on data analysis was a reasonably popular choice. In answer to part (a), most candidates were able to perform the calculations, although some mixed up the numerator and denominator. Despite correctly calculating the figures, however, several candidates showed that they were unable to correctly interpret what they had calculated, which may be an area for accredited course providers to address.

Part (b) was generally well answered. By contrast, answers to part (c) were limited, with few candidates taking a logical approach, which translated to poorly structured answers and a corresponding failure to gain a good mark. Candidates could usefully practise breaking down questions such as this into smaller packages of marks in order to get a broader answer.

-
- Question 11** (a) *An organisation has decided to introduce a permit-to-work system for maintenance and engineering work at a manufacturing plant that operates continuously over three shifts.*
- Outline** *the key issues that will need to be addressed in introducing and maintaining an effective permit-to-work system in these circumstances.* (10)
- (b) *A year after the introduction of the permit-to-work system an audit of permit-to-work records shows that many permits-to-work have not been completed correctly or have not been signed back.*
- Outline** *possible reasons why the permit-to-work system is not being properly adhered to.* (10)
-

This question related to Element A5 of the syllabus and assessed candidates' knowledge of learning outcome A5.3: *Explain the development, main features and operation of safe systems of work and permit-to-work systems.*

This was a popular question that was attempted by a large number of candidates.

Part (a) required a demonstration of understanding of the issues to be addressed in introducing and maintaining an effective permit-to-work system. However, some candidates remained narrowly focused on just the communications aspects rather than the wide range of other issues for consideration. A similar issue arose in the answers to part (b) with candidates tending to focus on such things as a lack of training, which although relevant was only one of a number reasons why the system might not have been adhered to.

Those candidates who, in answer to part (a) covered the introduction of the system and its maintenance as two separate sub-sections, then took a structured approach in the answer to part (b), were generally able to make more points and gained good marks as a result.



nebosh

The National Examination
Board in Occupational
Safety and Health

Dominus Way
Meridian Business Park
Leicester LE19 1QW

telephone +44 (0)116 2634700
fax +44 (0)116 2824000
email info@nebosh.org.uk
www.nebosh.org.uk