

July 2011

# 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 2011**

---



## 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 over 25,000 candidates annually and are offered by over 400 course providers in 65 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 UK regulatory authorities:

- The Office of the Qualifications and Examinations Regulator (Ofqual) in England
- The Department for Children, Education, Lifelong Learning and Skills (DCELLS) in Wales
- The Council for the Curriculum, Examinations and Assessment (CCEA) in Northern Ireland
- The Scottish Qualifications Authority (SQA) in Scotland

NEBOSH follows the “GCSE, GCE, VCE, GNVQ and AEA Code of Practice 2007/8” published by the regulatory authorities in relation to examination setting and marking (available at the Ofqual website [www.ofqual.gov.uk](http://www.ofqual.gov.uk)). 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 2011

Any enquiries about this report publication should be addressed to:

NEBOSH  
Dominus Way  
Meridian Business Park  
Leicester  
LE10 1QW

Tel: 0116 263 4700  
Fax: 0116 282 4000  
Email: [info@nebosh.org.uk](mailto: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.

### 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 are failing because they 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 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, eg 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 a question.

## UNIT A – Managing health and safety

### Section A – all questions compulsory

**Question 1** ***Outline** ways in which a health and safety practitioner could evaluate and develop their own competence.* (10)

Health and safety practitioners might evaluate their own practice in a number of ways including measuring the effects of changes and developments they have introduced and implemented in their organisations; by setting personal objectives and targets and assessing their performance against them; by reviewing failures or unsuccessful attempts to produce change; by benchmarking their practice against that of other practitioners and against good practice case studies or information; by seeking advice from other competent professionals; by seeking feedback from others in the organisation and as part of the annual appraisal of their performance by senior management.

They may develop their practice by augmenting their core knowledge and competence in obtaining a recognised professional qualification; by keeping up to date by undertaking training in relevant areas; by participating in CPD schemes; by ensuring they have access to suitable information sources; by networking with their peers at safety groups and conferences; by seeking advice from other competent practitioners and consultants and by initiating and following a personal development plan.

Candidates in general produced better answers for developing rather than evaluating competence. Weaker answers were able to offer little but improving training and participating in CPD programmes. Some produced answers relating to the qualities which a competent practitioner should possess while a few wrote in general on how a company could put systems in place to improve their standards of health and safety.

**Question 2**

(a) ***Outline** how task analysis may be used to help with hazard identification as part of a risk assessment process.* (2)

(b) ***Giving** a practical example in **EACH** case, **explain** why the number of people exposed to a hazard could affect **BOTH** the probability **AND** severity components of risk.* (4)

(c) ***Identify** types of external UK publications to which an employer may refer when deciding whether the level of risk associated with a specific hazard has been reduced to an acceptable level. In **EACH** case, **outline** how the publication may assist in deciding on acceptable levels of risk.* (4)

Task analysis involves breaking down an activity or process into its more detailed constituent parts. This allows a more systematic identification of the hazards associated with the activity or process to be made and makes for an easier assessment of the scope for human error.

The number of people exposed to a hazard may affect the probability component of risk because with more people exposed, there is a greater chance of someone being affected by the hazard. For example, in the case of a hazard resulting from falling objects or materials, the number of people in 'the line of fire' would be critical. As for the likely severity of the resultant risk, the greater number of people affected, the higher will be the severity. The number of people likely to be affected by an explosion would have been a suitable practical example. Some candidates did not appear to be able to differentiate between probability and severity while a number did not provide the practical examples required.

In answer to part (c), candidates could have identified a number of external UK publications such as statutes and/or statutory instruments and HSE ACOPs which describe the risk control standards required for compliance with the law; HSE Guidance which provides guidance on the interpretation of the law and technical advice on risks and risk control standards associated with certain activities and processes; British Standards which lay down specific standards for instance for machinery and its guarding; industry, trade associations and TU guidance and guidance on risk tolerability such as the HSE publication 'Reducing Risks, Protecting People'. Most candidates were able to identify a number of the above publications though a few considered that 'external UK' referred to those that were produced outside the United Kingdom. However, the question required them additionally to outline how the publications could help to decide on acceptable levels of risk and there were fewer who were able to do this.

---

**Question 3**

- (a) *A mixing vessel that contains solvent and product ingredients must be thoroughly cleaned every two days. Cleaning requires an operator to enter the vessel for which a permit-to-work is required. During a recent audit of permit records it has been discovered that many permits have not been completed correctly or have not been signed back.*

**Outline** possible reasons why the permit system is not being properly adhered to.

(5)

- (b) *A sister company operating the same process has demonstrated that the vessel can be cleaned by installing fixed, high pressure spray equipment inside the vessel which would eliminate the need for vessel entry. You are keen to adopt this system for safety reasons but the Board has requested a cost-benefit analysis of the proposal.*

**Outline** the principles of cost-benefit analysis in such circumstances.

Detailed discussion of individual cost elements is **not** required.

(5)

---

There are many reasons to account for the failure to adhere to a permit to work system. They include the lack of competence of both the permit issuer and the receiver; the level of training and information that has been given to both; a poor health and safety culture within the organisation; routine violations with a lack of perceived importance of the permit system; pressure to complete the task and the possible complexity and impracticability of the system which makes it difficult to understand.

Additionally, there could have been an inadequate level of supervision, a lack of routine monitoring and the non-availability of the permit issuer to complete the “sign back” and cancel the permit once the work had been completed. There were many good answers provided for this part of the question. A few candidates referred only to a lack of training and supervision while some outlined what information the permit should contain. Even in the better answers there was often no reference to the health and safety culture of the organisation.

For part (b) the preparation of a cost-benefit analysis would involve calculating the total costs, including the capital and on going costs of each option. Wherever possible, the benefits that would accrue from the use of the proposed system should be quantified and these would include process efficiency gains, lower operating costs and a reduction in accidents and cases of ill-health and their associated costs. Once the costs and benefits of the proposal have been quantified, a comparison should then be made. Whilst the first part of the question was well answered, the same could not be said about part (b) with only a very few candidates demonstrating an awareness of the principles of cost benefit analysis.

- 
- Question 4**
- (a) *A prosecution under the Health and Safety at Work etc Act 1974 may be brought summarily or on indictment.*
- (i) **Identify** the criminal courts that may hear the prosecution when it is brought for the first time. (2)
- (ii) **Outline** the routes of appeal that could be pursued following a conviction. (6)
- (b) *A matter involving the interpretation of European law may be referred to the European Court of Justice for a ‘preliminary ruling’.*
- Identify** the bodies or parties who have a legal right to initiate such a referral. (2)
- You may answer for the court systems in England and Wales or Scotland or Northern Ireland.*
- 

For part (a) of the question, candidates who opted for the court systems in England and Wales should have identified that when a prosecution is brought for the first time, it would be heard in a Magistrates Court or in the Crown Court if brought on indictment. The routes of appeal that could be pursued might usefully have been shown in a diagram citing the Crown Court if the first hearing took place in the Magistrates Court, then the Court of Appeal Criminal Division or the High Court Queens Bench Division if a case was stated and important matters of law were involved and lastly to the Supreme Court, though there would be an additional step available namely to the European Court of Justice if a matter of EU law were involved.

For those candidates who opted for the Scottish system, a case would first be heard in the Sheriffs Court Summary Jurisdiction or, if brought on indictment it would be brought in the Sheriff’s Court Solemn Jurisdiction with the possibility of an appeal to the Scottish Court of Criminal Appeal with again referral to the European Court of Justice for matters of EU Law.

Examiners had expected that Diploma candidates would have had a good grasp of the court system in the United Kingdom but this proved not to be the case. Routes of appeal were confused and there were still many references to the House of Lords. It was even suggested that an Employment Tribunal was the court of first instance for the hearing of health and safety prosecutions.

For part (b), bodies or parties who have a right to a 'preliminary ruling' include any national court at the court's discretion and either party to an action where there is no further route of appeal nationally. Again, there appeared to be little knowledge of these arrangements.

---

**Question 5**

*A child is struck by a train after getting onto a railway line through a section of damaged fencing. The fencing had been damaged for some time and the damage had been reported to the body in control of the railway two months previously.*

*In relation to the body that is occupying or in control of the railway in these circumstances:*

- (a) **identify** the statute that creates civil liability; (1)
  - (b) **outline** the nature of the duties **AND** the key provisions of this statute. (9)
- 

For part (a), candidates were expected to identify the Occupiers Liability Act 1984 or in Scotland the Occupiers Liability (Scotland) Act 1960 as the statute that would create a civil liability. There was some confusion between the 1984 Act and the Occupiers Liability Act 1957 whilst a few candidates referred to the HSAW Act and the MHSW Regulations.

Under the statute, occupiers or controllers of premises or land owe a duty to unlawful visitors to take such care of their safety as is reasonable in all the circumstances. For the duty to apply, the occupier must be aware of the danger or have reasonable grounds to believe it exists and must have reasonable grounds to believe that a person is or may come into the vicinity of the danger. Additionally, the risk must be one against which the occupier might reasonably be expected to offer some protection. In appropriate cases warnings or other steps to discourage people from incurring the risk may discharge the duty.

Whilst the nature of the duties under the Occupiers Liability (Scotland) Act are very similar, candidates should have referred to the fact that the occupier owes a duty to unlawful visitors; that the fact that a person at risk is a trespasser is a factor affecting the standard of care; and that in some cases, liability might be avoided for risks which have been willingly accepted.

Answers to the second part of the question were again disappointing with few candidates able to include either the nature of the duties or the key provisions of the statute. Some considered that the sole intent of the Act was to protect trespassers while others detailed the employer's duties under the HSAW Act.



---

**Question 6**     *Witness interviews are an important part of the information-gathering process of an accident investigation.*

**Describe** the requirements of an interview process that would help to obtain the best quality of information from witnesses. **(10)**

---

Candidates who did best approached the question in a methodical way starting with the need to interview as soon as possible after the event though it may be necessary to postpone the interview if the witness is injured or in shock; providing a suitable environment for the interview; interviewing one witness at a time; putting the witness at ease and establishing a good rapport with him or her taking care to stress the preventive purpose of the investigation rather than the apportioning of blame; explaining the purpose of the interview and the need to record it; using an appropriate questioning technique to establish key facts and avoiding leading questions or implied conclusions; using appropriate sketches, photographs or a visit to the scene of the accident to help with the interview; listening to the witness without interruptions and allowing them sufficient time to give answers; and summarising and checking agreement at the end of the interview. Good answers also included the need to adjust language to suit the witness and the use of interpreters for those where English is not the first language; clarifying what was actually witnessed as opposed to deduced; inviting the witnesses to have someone accompany them if they so wish and showing appreciation at the end of the interview.

Answers to this question were to a good standard. Some candidates did refer to the use of open, closed or leading questions but did not specify when these might be used. A few candidates did not read the question with sufficient care and explained either why accidents should be investigated or considered the procedures that should be followed in their investigation.

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

**Question 7** (a) *The results of accident / incident ratio studies are often depicted as a triangle.*

(i) **Explain** why the outcomes are often depicted as a triangle. (2)

(ii) **Explain** how raw accident / incident data can be converted into the type of results which are normally shown in an accident / incident ratio study triangle. (3)

(iii) **Explain** the reasons why, in practice, the ratios of accident / incident outcomes in an organisation always follow this triangular pattern. (4)

(iv) **Explain** the implications of accident / incident ratio studies for accident and incident investigation arrangements and resourcing. (5)

(b) *A business has undertaken a study of the numbers of different types of accidents and incidents reported in a 12 month period. The results are shown below as raw numbers:*

Incident outcome	Numbers
Major injury	4
Lost time accident	10
First-aid treatment	26
Property damage	25
Near miss	45

**Outline** the conclusions that might be drawn from this data when compared with the results of published accident / incident ratio studies. (6)

In answering part (a)(i) of the question, candidates should have explained that a triangle is used to represent the relative increase in numbers with lower severity outcomes.

For (a)(ii), raw data is classified by the severity of the outcome such as for example, major injury, minor injury, property damage and near misses. The numerical ratios of the severity outcomes are calculated to give "1" as the outcome of highest severity.

There are a number of reasons why the ratios of outcomes in an organisation follow a similar pattern. Whilst many, but not all, low severity incidents have the potential to cause higher severity injuries, the probabilities dictate that most incidents do not result in a high severity outcome. Another factor which may have a bearing could be the investment of more resources to prevent those incidents which are perceived as having a high severity outcome.

The implications of accident ratio studies for accident and incident investigation arrangements and the allocation of resources are that all accidents and incidents should be investigated and the resources applied should be based on the potential loss rather than the actual loss. The outcome of an accident/incident depends on local circumstances and alternative outcomes for the same unplanned event are possible. It is important to investigate near misses, property damage and minor injuries which are often overlooked because of a lack of serious outcome since near misses often have identical root causes to serious incidents and can reveal management system failures before serious incidents occur.

Part (a) of this question was not well answered. Few understood how data can be converted to results shown in the triangle nor could they explain how ratios of accident or incident outcomes in an organisation always follow the triangle pattern. The importance of investigating near misses or minor injuries to prevent those which could have a more serious outcome was missed by many.

Answers to part (b) should have concluded that the ratio between major and lost time accidents seems credible and could be an indication of reasonable reporting rates for both type of accident. The ratio between lost time accidents and first aid cases is too low and there is a likelihood that first aid cases are being under-reported. Property damage incidents also look to be under reported. While there seem to be more near miss reports, the ratio is in fact lower than in other published studies and they are probably substantially under reported. There was an improved response to this part of the question though some missed the point of the possible under reporting at the lower levels.

---

**Question 8**

*An employer engages a contractor to design, build and install a passenger lift for use by its employees and customers. Shortly after the lift was commissioned it failed in service injuring a number of customers who were using it at the time. Investigation revealed that the lift had not been designed to recognised standards and the contractor was not competent to design or install such equipment.*

- (a) **Outline** the general types of health and safety related information that the employer should have obtained from the contractor (prior to their appointment) to ensure that the contractor was competent to safely design and install the lift. (10)
- (b) As a result of the failure of the lift and the injuries caused, both the employer and the contractor were prosecuted. It was decided to prosecute the contractor under Section 6 of the Health and Safety at Work etc Act 1974. **Explain** why this section of the Act is relevant to this scenario **AND describe** the requirements of the Section that would be relevant to the design and installation of the lift. (10)

---

For part (a) of the question, candidates were expected to consider the information on health and safety that an employer - the client – would need to obtain from a contractor to assure them that they were indeed sufficiently competent both to design and install the lift without compromising the health and safety both of the client's employees and customers and also their own workforce. It would be important initially to learn of the contractor's experience in carrying out similar work, and to obtain references from other clients on their satisfaction on the way their contract was completed. Other important factors would be the standards to be followed in the design of the lift and the procedures in place for assessing risks and controlling quality during the design stage as well as evidence of the qualifications and experience of individual design personnel. Information should be obtained on the contractor's current safety policy, arrangements for managing health and safety on site, and the resources that would be allocated to this particular aspect of the contract.

Examples of completed risk assessments and method statements together with performance measures such as accident rates, inspection reports, enforcement notices and audit reports would be useful indicators in this area while it would be appropriate to enquire as to membership of a relevant professional body. The client should also have sought information on the qualifications and competency of those employees to be engaged in the installation work with the procedures to be adopted for the selection of sub-contractors if these were needed. Finally, the contractor's possession of adequate insurance cover related to public and product liability should have been ensured.

There were reasonable answers provided for this part of the question though some candidates while mentioning insurance cover were not specific as to the type of cover that would be required.

For part (b), the relevance of Section 6 of the HSW Act to the scenario described in the question is that the contractor was the designer, manufacturer and supplier of the lift which was an article for use at work. As such, the contractor had a duty to ensure that the lift was safe and without risks to health when it was being set, used, cleaned or maintained. In designing and manufacturing the lift, they would need to carry out any necessary research complete any necessary testing and examination and provide adequate information to the user on the safe use of the equipment. As the person installing the equipment, they would be obliged to ensure that nothing in the way it was installed would make it unsafe. Most candidates were able to explain how Section 6 was applicable to the scenario described but fewer succeeded in describing the specific requirements of the section that would be relevant to the design and installation of the lift.

---

**Question 9**

*A train driver has passed a stop signal resulting in a collision with another train. Investigation of the incident concluded that the driver had seen the signal gantry but had not perceived the relevant signal correctly. There had been a number of previous similar incidents at this signal gantry, although the driver was not aware of this.*

*The driver concerned was inexperienced and had received no local route training or information. The signal was hard to see being partly obscured by a bridge on approach and affected by strong sunlight. In addition, the arrangement of the lights on the signal was a non-typical formation. The driver had approached the signal with no expectation from previous signals that it would be on 'stop'.*

- (a) **Give** practical reasons why the driver may not have perceived the signal correctly **AND** make reference to a suitable model of perception as part of your answer. (7)
  - (b) **Outline** the steps that could be taken to reduce the likelihood of a recurrence of this incident. (13)
- 

In identifying why the driver may not have perceived the signal correctly, candidates were expected to base their answers on a relevant model of perception such as Hale and Hale where perception may be affected by sensory input and expectation.

This should have led them to give practical reasons for their error such as the colour of the signal being mistaken either because it was affected by strong sunlight or the driver's colour vision was defective; the signal itself could have been defective perhaps because it was too dim; the driver may have read the wrong signal because of its unusual formation; the signal was visible for a short time only and its perception would have needed the full attention of the driver; the driver's expectation from previous signal positions may have influenced their perception; and finally their perception may have been dulled by the effects of alcohol, drugs or fatigue. Some candidates did not realise that the question was concerned with perception and discussed at length a variety of issues which would have led to the signal being read incorrectly such as the driver's inexperience. Very few candidates referred to a suitable model of perception as required and where one was given, there was little apparent indication that it was understood.

For part (b), the initial steps that could be taken to reduce the likelihood of a recurrence of this incident would be to re-design and re-locate the signal and replace unusual signal formations, consulting with drivers during this process. Other actions would centre on driver recruitment and selection processes involving pre-employment screening for example for vision and physical capability and the provision of training to include local route information, unusual signal formations, information on signals which have been passed on danger on previous occasions with a final assessment being made of the driver's competence before he/she is allowed to become operational. Other measures would include ongoing supervision and competence assessment together with a programme of health surveillance; the avoidance of driver fatigue by the provision of breaks and the organisation of shift work; the introduction of an alcohol and substance misuse policy; modifying the design of cab glazing to minimise the effect of glare or reflections; the use of automatic train protection or warning systems and the introduction of procedures to encourage the reporting of similar incidents and to ensure prompt action is taken by management following the receipt of such a report.

Candidates appeared to be a little more comfortable in dealing with this part of the question and suggested a number of sensible steps that could be taken to reduce the likelihood of a recurrence of the incident. Suggestions that did not appear too often included the involvement of drivers in the designing of signals, the reporting of similar incidents and the action to be taken following the receipt of such a report.

- 
- |                    |   |
|--------------------|---|
| <b>Question 10</b> | <p>(a) <b>Outline</b> how safety tours could contribute to improving health and safety performance <b>AND</b> to improving health and safety culture within a company. (10)</p> <p><i>Discussion of the specific health and safety requirements, problems or standards that such tours may address is not required.</i></p> |
|                    | <p>(b) <b>Outline</b> the issues that should be considered when planning a health and safety inspection programme. (10)</p> <p><i>Information on the specific workplace conditions or behaviours that might be covered in an inspection is not required.</i></p>  |
- 

There are a number of contributions that safety tours could make in improving health and safety performance in a company including helping to identify compliance or non-compliance with performance standards and, by repetition in the same area, indicating an improving or worsening trend and checking the implementation and effectiveness of agreed courses of action.

Additionally, when carried out in different areas, they can point up common organisational health and safety problems and may identify opportunities for improved performance through the observations of the tour members or by their conversations with employees during the tour. When tours are carried out on an unscheduled basis, there is the additional benefit of observing normal standards of behaviour rather than those specifically adopted for the event. Tours may also help to improve the health and safety culture of an organisation particularly if they are led on a regular basis by members of management indicating their commitment to the cause. Additionally, prompt remedial action for deficiencies noted enhances the perception of the priority given to health and safety matters whilst the involvement of employees in the tours will again encourage ownership and improve their perception of the importance of the subject, particularly if the findings of the tours are shared with the workforce on a regular basis. This was a popular question and the first part was reasonably well answered though quite often candidates did not differentiate how the tours might contribute to improving both performance and the culture within the organisation.

This part of the question should not have proved too difficult if candidates had structured their responses around the four key words of who, what, where and when. This should have led them to outline factors such as the composition and competence of the inspection team; the specific areas of the workplace to be inspected; the frequency and timings of the inspections which may have to be more frequent in higher risk areas with a decision being made as to whether the inspections would take place at peak working times or during slow periods and whether they should be planned or unannounced; the method of carrying out the inspections and whether check lists should be prepared and if so by whom; the possible need to provide personal protective equipment for the inspection team; the involvement of the workforce in consultation on the proposed programme; the need to obtain senior management support and commitment for the inspection programme; consulting previous inspection reports and researching applicable legislation and standards; and deciding on procedures to be followed after the inspection to ensure appropriate remedial action is taken. Most of the above issues appeared in the answers submitted though reviewing previous findings, legal requirements, costs and resources and reporting on the results of the inspection were issues that were occasionally forgotten.

---

**Question 11** *A fast-growing manufacturing company employs 150 people. Health and safety standards at the company are poor as arrangements have developed in an unplanned way without professional advice. The company 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 you would give 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 company. (15)
- 

This question required application of employment law knowledge and a strategy for changing the perception, involvement and ownership of employees on matters of health and safety in their workplace.

For the first part of the question candidates should have recognised that this was a protected disclosure under the Public Interest Disclosure Act 1998 though many of them could not name the Act correctly or explain the real nature of the protection, despite many recognising that an action at an Employment Tribunal, may result. Other advice to the MD would have been to investigate why the employees felt the need to refer the matter to the HSE, and to consider the possible root causes of their complaints.

Part (b) required candidates to outline the steps that could be taken to gain the support of the workforce in improving the health and safety culture within the company. Better answers began by recognising the value of tools to help them understand current employee perceptions such as informal discussions and safety climate questionnaires. Methods of demonstrating the commitment of the business to the improvement of the safety culture such as the development of a new policy, establishing a health and safety committee, appointing a safety adviser, encouraging informal communication on health and safety, investing in safety training for leaders and staff and emphasising through communication and good example that safety had the same priority as production were all measures that should have been identified. Steps to increase employee participation were also important and could have included involvement in risk assessments, the development of safe systems of work, inspections, incident investigation and team briefing sessions. It would also be relevant to stress the importance that should be given to providing the workforce with information on safety initiatives, to publicise the work of the safety committee and to ensure that safety issues became a key part of routine reporting at all levels.

In general, candidates did not take a broad enough approach to this part of the question and there was possibly too much emphasis placed on the appointment of safety representatives and the formation of a safety committee.





**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](mailto:info@nebosh.org.uk)  
[www.nebosh.org.uk](http://www.nebosh.org.uk)