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By email to info@iema.net

Consultation on the Land Condition Skills Development Framework: A Response from Environmental Protection UK

We are writing in response to your consultation on the Land Condition Skills Development Framework. Environmental Protection UK has considered the consultation documents and welcomes the opportunity to comment on the proposals.

Answers to Consultation Questions

1. Does your organisation already have a skills development framework in place?

No

Environmental Protection UK does not have such a framework in place however some contributors do.

2. Would your organisation consider aligning/altering its own framework to take account of this framework OR adopt and develop this framework as its own?

Neither

In general the framework is thought to provide a logical approach that could be aligned with existing staff development programmes in larger organisations; however practitioners within smaller organisations, independent consultations and regulators have responded that it would not be possible to implement this at present because there is no line manager or alternative with sufficient capability to carry out the assessment. External assessment is the only other option and at present it is not clear whether affordable and accessible options will be available. A number of contributors stressed that their employer would not fund assessment; this threatens to marginalise parts of the industry unless we are able to collectively develop realistic options for all.

3. Have the all capabilities for the sector (as defined by the scope of the framework) been captured in this framework?

Yes

These are considered comprehensive; however, the capabilities sheets have a strong emphasis on organisation and management skills, which, whilst they are required for career development, are not essential aspects of brownfield skills. These skills are key to any job and, as this framework is specific to brownfield skills, we would welcome a stronger emphasis on the technical skills.

4. Are the capability definitions clear and easily understood?

Yes

5. Are the levels of capability clear and easily understood?

Neither

These appear workable in most professional situations; they are, however, very subjective and as such risk leading to inconsistency. Even with the detailed descriptions there is still a real risk that individuals or line managers will interpret the descriptors differently from another organisation. This raises the need for external assessment in order to ensure consistency and credibility.

Level 3 states 'this level demonstrates a level of knowledge and capability that an individual needs to perform their job and deliver on routine tasks on a day to day basis'. The inclusion of 'perform their job' could lead to confusion because an individual may only need an awareness level in order to perform their job. We recommend this be deleted to ensure clarity.

6. Are the indicators for the framework reasonable (don't forget that the capability sheets within the framework are for a Level 3 of capability)?

No

The indicators appear reasonable although they are not practical for all practitioners. Specifically smaller organisations, independent consultants, and local authority regulators where there will either not be a line manager or there will not be one with the requisite capability to judge. 'Observation by line manager is cited throughout'.

The requirement that 'any assessor must already be accomplished in the capability/activity in question' effectively rules out internal assessment for professionals in various situations, e.g. geoenvironmental engineer in geotechnical company, local authority contaminated land officer within an environmental health department. Options for enabling an external assessor to become involved will therefore be essential in situations where the line manager does not have the requisite skills to contribute to effective and fair assessment of an individual's capabilities.

In the section for assessing Levels 1-3 it states that 'the knowledge of the examiner must be greater than that of the individual being tested'; while we agree with the premise, the practicalities of this for small organisations, independent organisations and local authority regulators needs further consideration. The 'top ten facts' provided with this consultation states 'assessment of capability can be done in house by suitable experienced professional staff (preferably Chartered Individuals or SiLCs) or can be contracted out' - this will be a major hurdle for regulators who are unlikely to have access to the funds to pay for assessment. Similar constraints exist for independent consultants and smaller consultancies. The capability assessment outlined in section 6.0 needs further work and support; the industry needs to develop mechanisms to enable all practitioners to use this framework regardless of staff size and training budget.

Proof of completion of projects demonstrating a particular skill is generally considered to be a good idea but in some organisations this may prove difficult and such projects may never be forthcoming. This may penalise specialist organisations and prove frustrating to practitioners.

7. In the framework, the capabilities of 'Site Investigation' and 'Risk Assessment' are currently defined and presented as separate capabilities. Is this representative of how this should be presented, or should they be combined under one capability called 'Risk Assessment'?

Remain separate

We firmly believe these should be kept separate because risk assessment demands separate skills from site investigation - they are interlinked but separate.

8. What tools could be developed to support the implementation of this framework? (tick as many as applicable)

- Structured discussion sheets to assist with assessing capability
- Training and development directory outlining training providers and appropriate training courses
- Exams for testing capability
- Capability specific case studies and guidance notes
- Other (please suggest other tools that would assist you with the implementation of the framework)

All the above

Other: related to our concerns outlined above, further tools are needed to assist those without the requisite line manager to carry out assessment and without the funds to contract it out. A tool is needed to coordinate some kind of 'assessment swap-shop' whereby practitioners could find suitable assessors and/or offer to assess others. We believe inter-organisational assessment could help ensure there are more affordable options available and could also add credibility to the assessment process by providing an element of external assessment.

We have asked members to consider whether this would be possible within for example, existing contaminated land officers' groups (CLOGS). The difficulty with this is that it is likely to result in a number of officers being required to assess the remainder of the group because they have the highest capability. This immediately begs the questions as to who will assess these officers and how they will be able to justify the time to assess the other officers.

Environmental Protection UK believe that it is in the interest of the private sector to ensure that the public sector are incentivised to use the same framework because it will add credibility to tenders and reports if the regulator assessing them understands and supports the framework. In light of this it is hoped that all practitioners will have an interest in engaging in this 'swap-shop' and ensuring that everyone wishing to use it, is able to do so.

A facility to hold CPD records, case studies, CVs and the like online might provide a transparent tool whereby a prospective client or other interested party could check they agree with a person's assessment of capability. This transparency could help to regulate this framework by making the justification for capability level visible to all. The acceptability of this to practitioners and the feasibility of this in terms of personal and organisational data would need further consideration.

9. Considering the tools mentioned in the previous question, would your organisation consider purchasing some of these to assist with the implementation of the framework?

Neither

Provisionally yes, however these need to be affordable and accessible. It is considered essential that all other interested parties, e.g. CIEH, CIWM, expressly give their support to these tools and that options for development and assessment are kept flexible to meet the different circumstances and the different needs of professional bodies.

10. If specific training courses were developed to meet the key capability requirements for parts of the framework, would your organisation be supportive of your team members attending these courses?

Neither

In principle yes, although the issue of cost (and associated issues such as location) is fundamental. There will be inevitable costs, funding has to come from somewhere but it is considered essential that no monopoly of training provision is allowed to develop in order to ensure competitive pricing.

It is important that should these be developed, that other development options are not sidelined or considered inferior. The key to success is flexibility so that all practitioners have a fair chance of developing within this framework regardless of their sector, resources, location, IT competence etc.

11. Do you think the name 'Land Condition Skills Development Framework' is an appropriate title for this framework?

No

Land Condition can signify wider consideration of the condition of the land than this framework aims to deliver, for example all geotechnical aspects or whether the land is susceptible to flooding. The scope is clearly defined in section 4.0 as *'all those involved in preparing brownfield land for development and/or ensuring it is suitable for its current use'*.

Furthermore we believe that it would help to differentiate this framework from the SiLC scheme and the Land Condition Record in order to encourage a wider uptake and make sure that it is not seen solely as a means to becoming a SiLC. Evidently many will wish to use the framework for this purpose but some will not and should not be discouraged by the title.

'Brownfield Skills Development Framework' would seem the most logical and as such we would support this name. Alternatively 'Land Quality Skills Development Framework' could be used - this would address the second point raised above but has similar issues to land condition in terms of signifying wider issues. 'Land contamination assessment and remediation development framework' has also been suggested.

12. Would your organisation be interested piloting the framework?

Yes

There is interest within our land quality committee in trialling this in order to try to devise a suitable way for small organisations, independent consultants, and local authority regulators to carry out some kind of inter-organisational assessment.

Tower Hamlets Borough Council have also expressed an interest - they have two members of staff within the contaminated land team. Such a trial could offer useful feedback as to how regulators might be able to make this work.

13. What are the top three areas of confusion when reading the framework documentation?

1. How this could apply to local authority regulators, smaller organisations, independent consultants etc.
2. How to ensure the framework is used consistently and that assessment of capability is fair at all times.
3. How to ensure any training that is developed will be flexible and affordable whilst of consistent standard. No monopoly can be allowed otherwise it will inevitably alienate some practitioners and also hamper competitive pricing.

14. What needs to be done to make this framework easier to use?

The points raised in response to Question 13 and Question 15 need to be addressed.

Section 8.0 is entitled 'Implementation of the Framework within an Organisation'. The framework also needs to include information as to how this can be implemented on an individual level. Sentences such as 'every organisation will have a distribution of staff from junior to senior, less experienced to more experienced' need to be removed, as they are inaccurate. Another example is on page ten where it states 'in effect, everyone needs a supervisor, coach or a mentor to work with, and to learn from'; we urge this to be removed as it reflects the bias throughout the document for larger organisations.

15. Please detail any other comments pertinent to the development and implementation of this framework:

As a voluntary framework, success depends on uptake - greater uptake arguably equates to greater credibility. The benefits of using this framework for the private sector increase if its use is favoured by regulators and offers them reassurance of capability. If regulators use the same framework it will not only incentivise its use but it will help alleviate confusion and inconsistency and also should help ensure the one-way flow of labour is stemmed as there will be skills that are more readily developable within the public sector (e.g. diplomacy, public consultation) and vice versa.

Care has been taken to explain how this framework connects with Recommendation 1.2.3 of the draft National Brownfield Skills Strategy. The explanation is welcomed, along with the efforts to ensure this framework is applicable to both the private sector, and public and regulatory bodies; however an explanation as to whether the frameworks will be aligned in terms of the actual output is notably absent. It would be helpful if something could be included to explain whether the separate frameworks will be aligned and if not how this will work in practice. We appreciate this is not within the remit of the authors of this document; however as an organisation representing practitioners across the workforce, it is important that the implications of two separate frameworks is addressed by SiLC. Members of Environmental Protection UK who are also Chartered Environmental Health Practitioners have informed us that they have not received any details about the development of a framework by CIEH to date.

Under the framework it is up to the employing organisation to decide which combination of measures it will employ to verify the capability of its staff. Whilst this flexibility is positive as it allows organisations to adapt to their needs, this does not offer a great deal of reassurance. Given the possible commercial benefits of using this framework and demonstrating competence, strong incentives exist to misuse this. This flexibility may undermine the reassurance that is offered by the framework. Regulators have made clear that they would

have little or no faith in the scoring organisations had given themselves internally. Exams may help add weight. Essentially, external assessment is necessary for credibility.

Could the skills of highly competent individuals be harnessed outside of any commercial or organisational constraints to provide some form of independent quality assurance to help validate the framework by helping to develop these tools, vet the training courses etc.?

Currently assessment under the SiLC scheme is voluntary, and it is considered unrealistic that existing assessors will be able to cover the required assessment under this scheme. Whilst we appreciate that it is not envisaged that all practitioners will need assessing immediately, an increase in assessors will be needed. We are concerned that a lack of available assessors could stall the initial momentum behind this framework.

We recommend that the Institute of Environmental Sciences (IES) be added as a professional institution to the list on page 39.

16. If you are responding on behalf of an organisation, please can you include the name of that organisation below. If you are responding as an individual could you please give us an indication of your role within the brownfield sector or that of your employer.

Environmental Protection UK brings together organisations from across the public, private and voluntary sectors to promote a balanced and innovative approach to understanding and solving environmental problems, through policy development and education. We are a registered charity with 110 years' experience of environmental campaigning, public information provision, producing educational resources and policy formulation. Within land quality our goal is to promote policies and practices that encourage the use and reuse of land in a way that protects human health and the environment.

Environmental Protection UK's Land Quality Policy Committee has been involved in the development of this response. This Committee brings together policy makers, regulators and practitioners from local authorities, consultants, developers, academics, industry, interested NGOs, as well as members from Environmental Protection UK's regional divisions. As such it is able to draw on a wide range of expertise and views from representatives of the entire land quality community.

Additional comments specific to the Contaminated Land Officers Capability Profile

As discussed above, it is considered that the Land Condition Skills Development framework is a unique opportunity to provide a cross-sectoral framework which is applicable to all those involved in the brownfield sector. Furthermore, it is considered that inclusivity is key to engendering successful implementation and sign-up to this framework. The more professionals the framework applies to, the more will sign up, be qualified to get involved and support the framework. Consequently, it is of concern that whilst the consultation letter states that the "framework has been constructed to support the development and transfer of skills in both public and private sectors" this letter also indicates that some PTP members consider that the framework is not appropriate for regulators. Too narrow a focus on particular areas within the industry may result in the framework being of limited use to the sector as a whole.

A further concern is that if it is considered that the framework is not applicable to local authority officers, their key role in the successful management of land condition is not recognised. Similarly, the benefit that such officers would gain from developing their skills via the framework may not have been given due consideration.

Whilst a regulatory-focussed framework is being developed elsewhere, this does not negate the need for the role and skill development of local authority officers and other regulators to be recognised. We do not think that the presence of two separate initiatives that may overlap would cause confusion, rather that the individual and their employer would select which scheme they think most appropriate. This should not be used as a reason to isolate and exclude regulators from the Land Condition Skills Development Framework.

We would suggest that a "regulator/advisor/expert consultee" profile would be more beneficial and inclusive than the contaminated land officer profile provided. This could cover for example the Environment Agency, Health Protection Agency and specialists within national government departments in addition to local authority officers.

The contaminated land officer capability profile is considered too narrow and could imply that the role is limited to Part IIA and planning application review. In many cases this is not correct. The draft contaminated land officers' capability profile does not include items such as site investigation monitoring and sampling, which are being carried out by some local authority contaminated land officers in house. Whilst we appreciate individuals can amalgamate appropriate activities from other capability profiles to provide a bespoke definition, if this profile is made public we would suggest these should be included with clarity provided that elements can be removed as with the other profiles.

Contact Us

If you require any further information on the views expressed in this response please contact:

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