

Thorough examination by a competent person - precisely what does this mean? Derrick Bailes of the LEEA explains how UK companies must - and others perhaps should – check their lifting equipment

Given that a planned programme of 'thorough examination' should be a fundamental part of all safety and maintenance schedules for lifting equipment, it is perhaps surprising to find a degree of confusion over the meaning and implications of the term. In the UK the need for such examinations throughout the working life of lifting equipment is spelt out in the Lifting Operations & Lifting Equipment Regulations (LOLER), introduced in 1998. Indeed, regardless of the prevailing legislation, there is clearly a requirement for periodic, in-depth assessment of the condition of lifting machines and accessories to ensure that they continue to provide an acceptable standard of safety.

Understanding what a thorough examination actually constitutes is obviously a good starting point. The Lifting Equipment Engineers Association (LEEAA) defines it as "a visual examination carried out by a competent person carefully and critically and, where appropriate, supplemented by other means such as measurement and testing, in order to check whether the equipment is safe to use."

Under LOLER, the meaning of 'thorough examination' in the UK has become broader, and may now typically include procedures such as proof-load and non-destructive testing, or operational testing at lower loads. As such, it is clearly distinct from the routine service, repairs and in-service inspections that also represent essential elements of an effective safety programme.

Key questions that must be addressed include how often thorough examinations should be undertaken, and by whom. The term 'competent person' is commonplace in legislation, but definitions are rather thinner on the ground. LOLER does not define the term, but the Approved Code of Practice that accompanies the legislation states: "You should ensure that the person carrying out a thorough examination has such practical and theoretical knowledge and experience of the lifting equipment to be thoroughly examined as will enable them to detect defects or weaknesses and to assess their importance in relation to the safety and continued use of the lifting equipment."

LEEAA defines a competent person as "having such practical and theoretical knowledge and experience of the equipment which is to be thoroughly examined that will enable them to detect defects or weaknesses which it is the purpose of the examination to discover and assess their importance to the safety of the equipment. The competent person should have the maturity to seek such specialist advice and assistance as may be required to enable them to make necessary judgements and be a sound judge of the extent to which they can accept the supporting opinions of other specialists. They must be able to certify with confidence whether equipment is free from patent defect and suitable in every way for the duty for which it is required."

Clearly both definitions place the emphasis on having adequate practical and theoretical knowledge and experience of the lifting equipment. While the theory can be learned quite quickly, particularly for simple items, putting it into practice and gaining the necessary experience takes time.

Depending on previous experience, LEEAA requires employees of member companies to have one to two years of suitable experience in addition to passing a written exam to demonstrate an adequate knowledge of the theory. LEEAA's diploma examination programme encompasses several papers, each dealing with a

different equipment group. All the exams must be passed to demonstrate competence over the full range of equipment. This is in stark contrast to training courses lasting only a few days and lacking any rigorous assessment of the participants. Clearly the degree of competence that can be expected from such an approach is minimal.

Employers also need to consider the independence and impartiality of the competent person. The accompanying guidance to LOLER makes it clear that this does not mean that the person must necessarily be employed from an external company but that the person must have "the genuine authority and independence to ensure that examinations are properly carried out and that the necessary recommendations arising from them are made without fear or favour".

As far as the frequency of these examinations is concerned, the UK legislation demands that an initial one should take place before lifting equipment is put into service for the first time. However, it is not necessary if the equipment in question has not been used before or, in the case of lifting equipment for which an EC declaration of conformity could or should have been drawn up, the employer has received such declaration made not more than 12 months before the lifting equipment is put into service.

Furthermore, where the safety of lifting equipment depends on installation conditions, it must always be thoroughly examined after installation and before being put into service for the first time. It must also be examined after assembly and before being put into service at any new site location. A thorough examination should also be conducted following an exceptional circumstance that is liable to jeopardise the safety of the equipment, such as shock loading.

Beyond this, lifting equipment must be subject to thorough examinations throughout its normal working life. In this respect, LOLER offers employers two options. The first is for maximum fixed periods between thorough examinations: six months for equipment that is used for lifting people, and for lifting accessories; 12 months for other lifting equipment. Alternatively, an examination scheme drawn up by a competent person can be adopted. This allows for a flexible, risk-based approach, where intervals between thorough examinations are based on frequency and nature of use, the operating environment, and the rate at which the condition of a particular piece of equipment (or component part) will deteriorate.

There are three circumstances where it may be more appropriate for a competent person to draw up a schedule of inspection rather than settle for maximum fixed periods. The first is when the condition of the equipment depends primarily on the amount and/or nature of the usage, and such usage can be monitored (by a duty cycle or time recorder, for example). The second is when the condition of various parts of the equipment deteriorates at markedly different rates. The third is when the equipment is only used occasionally and can be adequately quarantined and examined when required for use. An examination scheme is unlikely to be suitable for portable, manually operated equipment and lifting accessories.

At a time when there is much criticism of the excessive burden of red-tape placed on companies, it is perhaps ironic that relatively few organisations in the UK have taken up the opportunity to adopt the more flexible and cost-effective approach. New safety legislation is often seen as yet another overhead for hard-pressed commercial operations, but LOLER is indicative of a trend towards less prescriptive, more risk-based regulation. However, with flexibility comes responsibility and many companies still seem happier to be told what to do. While examination schemes are not always appropriate, there are potential benefits. By allowing employers to focus on the most safety-critical areas, written examination schemes can deliver

either equivalent levels of safety at a lower cost, or improved levels of safety without any negative impact on the bottom line.

Whatever method is employed, the overriding objective of a thorough examination is to determine whether the equipment is fit for the coming period of service. It is important to stress that it is complementary to, and not a replacement for, programmes of maintenance, repair and in-service inspection. One of the key characteristics of a thorough examination is that the competent person making the thorough examination has a duty to report the results in writing (electronic media is permitted provided it is usable by the employer concerned).

Furthermore, the employer for whom the thorough examination was made has a duty to retain these reports for inspection and reference by the relevant authorities or the competent person. The information that should be contained within the report is wide ranging, but key elements will include: the identification of any part found to have a defect which is, or could become, a danger to people; details of any repairs required to remedy the fault and, in the case of defects that could become a danger, the likely timeframe involved. The date by which the next examination must be made should also be stated, and is legally binding.

Some aspects of the reporting process are also the subject of a certain amount of confusion. Under LOLER, when a thorough examination reveals a defect that involves an existing or imminent risk of serious personal injury, the competent person is legally obliged to send a copy of the report to the relevant enforcement authority. In the case of industrial premises in the UK, this means the Health & Safety Executive (HSE).

Unfortunately LEEA often hears of people undertaking thorough examinations being pressured not to do so by clients, particularly if the equipment should be immediately repaired or scrapped. It must be stressed that, regardless of their relationship with the company or organisation concerned, the legal position for the competent person is quite clear: defects that pose an immediate or imminent threat of serious injury must be reported. Such reports are a vital diagnostic aid to the safe management of lifting equipment and the HSE guidance accompanying LOLER makes it clear: "a competent person who fails to report a defect simply because it has been remedied on the spot is disguising a potentially dangerous situation."