

In My Opinion

Questions the ongoing efficacy of the application of the UK SAFed LG1 Guidelines

I too have concerns in relation to these, particularly having experienced several failures of the system during the last two years or so.

I have formed a view that the 2006 revision of the SAFed Guidelines and the implied removal of periodic testing, unbalanced a system that had evolved from the PM7 regime, which had functioned fairly effectively despite the various anomalies in interpretation and application.

Contractors undertaking supplementary tests have developed their own forms of test certificate. This is permitted under the Introduction to Annex A of the 2006 Guidelines. However, the specific questions relating to equipment condition posed in the SAFed Form are often omitted from the contractor's certificates. These often take the form of simple Y/N tick box responses in relation to whether a particular element of the equipment is 'satisfactory'. On querying the extent of the SAFed requirement with a number of service engineers who had undertaken supplementary tests I discovered that the engineers were unfamiliar with the actual questions posed in the SAFed Form and the associated requirements that they were being asked to verify. These engineers worked under what appeared to be a pragmatic interpretation of what might be 'satisfactory'.

The revision of Regulation 10 of PUWER 98 on 17th September 2002 under the *Health & Safety (Miscellaneous Amendments) Regulations 2002* introduced what may be construed to be an absolute duty to maintain the EHSRs of the Machinery and Lifts Directives. Whilst this duty would normally be discharged through the planned preventative maintenance of the lift, the nature of the EHSRs is such that a suitable testing regime is inextricably linked to the fulfilment of this duty. Whilst the Competent Person is required to undertake functional tests or assure the functionality of certain elements of lift equipment, these in my opinion, are not such as to adequately satisfy the requirements of Regulation 10 of PUWER. It is clear that a form of planned inspection and testing is required.

The revision to PUWER Regulation 10 also gives rise to a further issue. Installers are not currently required to identify the applicable EHSRs or the means adopted to meet these. Whilst the EHSRs and associated provisions may in most cases be fairly clear, occasions arise in which designers or installers have interpreted a particular EHSR in a way that is not immediately obvious, and may have applied solutions that require particular attention.

We also now operate in an environment in which equipment may have been installed under one of three forms of the Machinery Directive and a number of revisions to the EN81 Standards. As the Directives and Standards evolve and are updated this position will become ever more complex. There is, in my opinion, a clear case for installers to identify all of the applicable EHSRs together with the means adopted to achieve

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compliance with these, in the maintenance documentation provided under the Directives. If there is a case, as our esteemed Editor suggests there may be, for an MOT type system, then such a schedule of EHSRs and safety provisions would provide the basis for testing and assessment.

When PM7 was introduced in 1977 the regulatory and market structure was relatively simple based upon the *Health & Safety at Work Act 1974*, the *Factories Act 1961* and/or the *Offices, Shops and Railway Premises Act 1963* with a relatively small number of lift contractors. Compare this with the current position under the *Health & Safety at Work Act 1974*, *LOLER 98*, *PUWER 98*, the *Lifts and Machinery Directives*, the *Management of Health and Safety at Work Regulations 1999*, the *Workplace (Health, Safety & Welfare) Regulations 1992* and a plethora of other regulation with numerous lift contractors and equipment sourced on a global basis, and it is clear that we operate in a far more complex environment.

The move away from a regime of periodic testing has, in my opinion, proven detrimental to the overall management of safety and maintenance of lifts in service in the UK. The affect of the vesting the authority and responsibility for determining the requirement for supplementary tests solely in the Competent Person promotes an apathetic approach amongst maintenance contractors. After all, everything must be satisfactory? Otherwise the Competent Person would have ordered a supplementary test? And of course, the Competent Person is solely responsible for calling for the supplementary test!

This insidious undermining of the contractors management responsibility has, in my experience, been compounded by the non-prescriptive reporting format advocated in the 2006 revision of the SAFed Guidelines. I have recently encountered a number of cases in which the Competent Person has requested a copy of the actual SAFed document rather than the certificates issued by contractors. This in my view is quite clearly reflective of a reduced confidence in the system.

In the case of failure and/or accident, and with the benefit of hindsight, the question often arises ‘should the Competent Person not have detected this, or called for a supplementary test?’ I guess the regulatory answer, in most cases, is yes! However, the practicalities are wholly different. The Guidelines, in relation to various supplementary tests, require that the Competent Person should; ... consider calling for ..., call for ..., give consideration to calling for ..., may call for ..., make an assessment ..., determine the intervals of ..., has reason to believe ..., should consider if a more detailed supplementary test is required ..., etc. And of course, undertake the proper thorough engineering and safety examination as well! It is a wonder that any LOLER inspections are actually completed.

The majority of personnel currently working in the inspection and lift industry are of an age that I might respectfully refer to as being on the older side. Many will be looking at retirement in the next 10-years or so. The accumulation of experience requires time and an exposure to the appropriate environment. If we are to rely upon the training and experience of the Competent Person and impose such an onerous level of responsibility,

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then a far greater level of support and transparency is required of the industry and its representative trade bodies.

The application of risk assessment and other forms of safety assurance may well be appropriate in relation to equipment design. However, periodic testing, in my view, provides the most appropriate form of safety assurance in relation to the ongoing maintenance and safety of equipment in use. A more prescriptive regime of periodic testing may of course continue to be supported by the Competent Person's authority to call for additional supplementary tests should he or she determine that conditions warrant.

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