



All you need to know about 'Competent Persons' and thorough examinations



From



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powered access

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Everyone who owns or operates any form of powered access equipment – mobile elevating work platforms (MEWPs) or mast climbing work platforms (MCWPs) – needs to understand fully the concepts and implications of competent persons required to plan, manage and carry out thorough examinations in the context of LOLER.

The introduction of the Work at Height Regulations changes nothing. The same requirements are included through specific reference to LOLER.

Those who fail to observe this duty, will find themselves in conflict with, and open to prosecution by, the Health and Safety Executive. They lay themselves open to successful civil actions and serious criminal charges. In addition to putting lives at risk, they also jeopardise their own business through the potentially serious financial consequences of accidents and machine failures.

It makes sense to incorporate the statutory requirements for inspection and examination into maintenance schedules in the interest of reliability as well as safety. This feeds through directly to reduced downtime and increased profitability for all concerned.



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THE LEGISLATION

LOLER, introduced with PUWER 98 at the end of 1998, first made regular thorough examinations of all lifting equipment a legal requirement. The legislation required that this, previously advisory, duty must be carried out by a competent person.

The Work at Height Regulations retain the same duty with specific reference to LOLER. They also extend the general requirement of inspection by a competent person to *all* equipment used for work at height.

It is against the law to use, or allow to be used, powered access equipment that does not have documented evidence of a thorough examination by a competent person.

HELP WITH COMPLIANCE

IPAF has worked closely with the Health and Safety Executive (HSE) for many years to improve the safety of those who work at height. It was the HSE that first suggested it establish training courses for access platform operators. This training now includes demonstrators and instructors on MEWPs (mobile elevating work platforms) and installers, demonstrators and instructors on MCWPs (mast climbing work platforms) and extends to courses covering safety harness use and inspection.

The IPAF Competent Assessed Persons (CAP) Scheme focuses on another crucial aspect of safety – that of the machine itself. It is intended to provide guidance for platform engineers on compliance with regulatory requirements and to offer documented evidence that individuals can be regarded as competent persons to plan, manage or carry out thorough examinations of powered access equipment within the context of current legislation.

The CAP Scheme complements IPAF's operator training courses by extending the promotion of a 'safety culture' to machine maintenance as well as operation. It uses experienced engineers to provide the orientation and guidance sessions as well as to carry out the assessment that forms a key element of the CAP Scheme.

These experts have spent most of their working lives in design and technical production within the mechanical handling and lifting industries. They are uniquely familiar with all aspects of equipment design and manufacturing technology, its examination, relevant legislative requirements and their interpretation.

The information outlined here is derived from the practical guidance on the responsibilities and duties of competent persons that is provided to candidates at CAP Orientation and Guidance sessions that precede the assessments.

WHO IS RESPONSIBLE?

Everyone involved, directly or indirectly, in the use of a platform, either a MEWP or an MCWP, carries a responsibility for ensuring that examinations have been carried out. This will include the owner or supplier, which may be hire company A; the cross-hirer, which may be hire company B; the user, who may be a contractor on a site and the site owner, operator or controller. All platforms must carry proof of examination. This may be a sticker identifying the date of the previous examination, when the next one is due and a report reference, or a copy of the Inspection Certificate.

If platforms are used without such confirmatory evidence of examination then everyone involved is liable to prosecution.

There is still a degree of concern over "How competent is 'competent'?" and "How thorough is 'thorough'?"



CAP Certificate and Competent Assessed Person Card

WHO IS COMPETENT?

Extensive prior case law provides general guidance on who will be seen as a competent person. Publications such as *Redgrave, Fife and Machin*, provide the definitive references to such legal precedents.

Considerable clarification of the spirit and intentions of the legislation can be found in HSE publications such as 'Safe use of lifting equipment' (L113) – the Approved code of Practice and Guidance on LOLER and 'Safe use of work equipment' the Approved code of Practice and Guidance on PUWER 98 (L22).

Direct contact with the HSE will provide invaluable general, practical guidance but cannot be expected to provide specific advice on exactly who is or is not 'competent'.

Interpretive guidance

A Competent Person **must**:

- Have appropriate practical and theoretical knowledge and experience of the lifting equipment to be thoroughly examined.
- Be sufficiently independent and impartial to allow objective decisions to be made, although this does not mean that they should be from an independent organisation. Examinations carried out by in-house staff are perfectly acceptable within the legislation.
- Be able to carry out thorough examinations and interim inspections.
- Decide on the need for inspections between thorough examinations.
- Carry out an ongoing review of the periods between thorough examinations.
- Following a thorough examination, notify the employer forthwith of any defect in the lifting equipment, which in his opinion is or could become a danger to persons.
- As soon as is practicable after a thorough examination (normally within 28 days) make an authenticated report in writing.

In addition they may be:

- Required to draw up and authenticate an examination scheme and subsequently modify it in the light of changes.

Competence culture and continual responsibility

Whilst we need to refer to the letter of the law, it is IPAF's opinion that a competent person needs to demonstrate more than this. Our approach is to encourage and foster a 'competence culture' that seeks also to take on the spirit of the law and develop a methodology that addresses the prime responsibility of a competent person.

In short, the competent person needs to become the guardian of the platform, continually responsible for its safety and able to recognise what influences its state of health through intimate knowledge of its history and day-to-day life.

It is their responsibility to be able to confirm that the equipment subject to their examination and report is (or is not) now safe to operate.

Those maintenance engineers, for example, who really understand the platforms they work on, know their patterns of use and always look more carefully for a possible problem, certainly practise it. To them, a tight pin or shaft suggests the possibility of torsional fatigue rather than just wear. Tell-tale rust spots or stains on an apparently sound weld warn of possible internal corrosion. Local accident damage is not just repaired but its effect on other components is carefully considered.

It is not necessary for a competent person to know all the answers, but it is vital that they have a 'what if?' mentality and are prepared to seek further advice from manufacturers or experts whenever they are in doubt.

Machine inspection sticker

Test Centre

Date of examination by competent person

Examined by _____ (Block Capitals)

CAP Certificate No _____ www.ipaf.org

Report reference _____

Date of next thorough examination

WHAT IS A THOROUGH EXAMINATION?

The purpose of thorough examinations and, if appropriate, inspections at suitable intervals between is 'to ensure that health and safety conditions are maintained and that any deterioration can be detected and remedied in good time'.

The 'competence culture' approach also goes a long way towards answering the examination thoroughness question. It goes further than examining a fixed list of items on a specific platform. As the legislation recognises, this changes with circumstances such as incidents, accidents and usage. It must also be influenced by what is discovered during the inspection. An apparently simple defect may suggest in depth examination of components that would otherwise not have needed such thorough investigation.

They involve detailed examination of components and systems, carried out by visual inspection and testing and, where necessary, dismantling, stripping of paint, measurement and non-destructive testing.

Many parts and systems of a platform will require examination at every thorough examination. However, there may be parts and systems which, in addition, require even more thorough examination (eg by dismantling or NDT) at longer intervals.

For a 'once-off' thorough examination of an unfamiliar platform and for which records may be incomplete or missing entirely, a detailed examination (including dismantling, uncovering measuring and non-destructive testing) of *every* component and system upon which safety is reliant.

No component or system should be assumed safe until inspection and testing have proved that it is.

Planning for thorough examinations

- **Review Manufacturer's recommendations**

By reference to manuals

By consultation with manufacturer

- **Review operating, usage and maintenance records**

- **Devise logical plan for safe examination**

Structural integrity and safety

Operating system

Control system

Safety systems

Tests of safety systems

Functional tests

Proof test (not required by EN280)

- **Draw up examination Check List**

Intervals between thorough examinations

LOLER considers that a Certificate of Conformity to the Machinery Directive 98/37/EC, which is delivered with a new platform, is equivalent to a Certificate of Thorough Examination for 6 months following its date of issue.

LOLER Regulation 9 stipulates that thorough examinations should be carried out at least every 6 months OR in accordance with an examination scheme. IPAF recommends that, except in very unusual circumstances, *any* examination scheme should include thorough examinations at least every 6 months. A thorough examination must be performed each time that exceptional circumstances, which are liable to jeopardise the safety of the equipment, have occurred.

Preparation of an Examination Scheme

Such a scheme is a planned programme, to be updated and modified in the light of experience of thorough examinations and interim inspections. It has to be designed to ensure that a platform is always in safe working condition and that defects and deterioration are identified and rectified before safety is compromised.

The first step is for the competent person* to draw up a complete list of *all* parts and systems which *may* require thorough examination during the projected life of the platform, say 10 years. This will rely upon study of the maintenance manual and consultation with the manufacturer.

*In this context competent person refers to competence to prepare such a schedule which is not necessarily the same as competent to carry out thorough examinations. However, we believe that those who can demonstrate the 'competence culture' referred to can certainly be expected to participate in the drawing up of an appropriate examination schedule.

From this master list, those items which require to be covered at every thorough examination - the basic thorough examination - should be identified.

Other items, which need to be covered at various longer intervals, should then be included in supplementary thorough examinations A, B etc - much as with a normal maintenance schedule.

The intervals at which inspections by a competent person should be performed between thorough examinations must also be decided.

A pre-use inspection procedure and check list should be prepared for users and should be strongly recommended to them. This should emphasise the need for prompt reporting of defects.

Establish maintenance procedures and intervals. These present opportunities for inspections and defect reports by persons who may not themselves be competent persons.

Ensure that the competent person responsible for the continuing safety of a particular platform, is informed of changes in frequency of use, changes in severity of use and abuse, repairs carried out, and incidents which may compromise the safety of the equipment. Such changes may require amendment to the examination scheme itself.

Establish, maintain and update regularly a LOLER *Safety File* for each platform, including records of all procedures, schemes, inspections, thorough examinations, repairs etc. This should be available for inspection by the HSE or the enforcing authority (typically the Environmental Health Officer).

At regular intervals, review and modify the examination scheme to take account of favourable and unfavourable experience.

Elements of a Recommended Safety Assurance Package

Pre-delivery inspection: should include a check that thorough examination evidence is valid and delivered with the mewp.

Pre-use inspections by operator: should ensure that defects are reported and rectified.

Regular maintenance: should include inspection and reporting/rectification of defects.

Planned inspections by a competent person between thorough examinations:

IPAF recommends that such inspections should be performed at least once during such periods, but severe use or abuse environments could require such inspection each week.

CONCLUSION

Whilst this Guide has been drawn up to assist all those involved with powered access equipment to comply with both the letter and the spirit of legislation covering the examination of equipment, it is far from a complete do-it-yourself manual.

The IPAF Competent Assessed Persons (CAP) Scheme provides guidance through presentations and individually assesses those attending the sessions. Successful assessment provides suitable candidates with the valuable documentary evidence that confirms that IPAF regards them as competent persons to plan, manage or carry out thorough examinations of platforms in the context of current legislation including the Work at Height Regulations, LOLER and PUWER 98.



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