



Request to HSE to Respond and Clarify the Issues presented by COVID-19 to Safety Assessment Federation (SAFed) Members within the Engineering Inspection, Testing and Certification Industry – 24th March 2020

This Brief seeks confirmation or further discussion on the points below with the HSE, or seeks the support of the HSE to interact with other appropriate Government bodies for resolution. Response to the issues of SAFed member companies will ensure continued support to critical sector clients and compliance with the regulatory inspections and examination of their plant and equipment.

1. Request for formal designation of the Engineering Inspection, Testing and Certification Industry as a body of key workers.
We seek that the HSE support our member companies to be given key worker status, as the removal of the examination and inspection function is certain to introduce accidents and incidents, or simply the inability to use plant and equipment due to overdue statutory inspections in the sectors that most need it.
2. Agreement with the HSE of the critical industry sectors to ensure provision of focused support, and the approach to pragmatic prioritisation of work as and when the impact of reduced resource to complete inspections is realised.
We seek conformation from the HSE of the critical sector prioritisation approach presented, or discussion to agree a definitive list of critical sectors, that will ensure the focus of member company efforts both immediately and as any further restrictions are realised, either created by HSE / Government guidance (location and movement of personnel, closures) or by reduction in resource available (illness, self-isolation, care-givers) to conduct examination and inspections.
3. Provision by the HSE of a briefing note for users of non-critical sector (low priority) equipment.
We request that the HSE provides a brief to non-critical sector users, to aid discussions and a pragmatic approach when equipment is due for inspection but cannot be conducted.
4. HSE to consider provision of guidance on how users of non-critical sector equipment can manage their risk
We request that the HSE considers the provision of guidance such that the non-critical sectors are able to manage their risk of using equipment.
5. Further advice and guidance from the HSE on protecting the health and safety of the work force conducting inspections.
We seek further advice and guidance from the HSE on any additional recommended PPE, training, and / or access to infection testing, to ensure the health and therefore availability of our workforce, to support statutory inspection requirements, in particular, if attending health care settings.
6. Provision by the HSE of an electronic means for reporting serious defects whilst home working.
We request that the HSE provides an electronic means of reporting serious defects, in the absence, or avoidance, of postal services whilst home working.



Background

The continued operation of the Engineering Inspection, Testing and Certification Industry is essential to ensure the safety across all critical sectors as listed in the Department of Education *Guidance for schools, childcare providers, colleges and local authorities in England on maintaining educational provision*, published 19 March 2020, to the COVID-19 response.

SAFed Member Companies provide statutory examinations and inspection services to national legislation standards (referred to hereafter as inspections). The outbreak of COVID-19 has already created site access limitations, and it is expected that the potential for limited site access, along with resource availability and freedom of movement to complete these inspections, will worsen as government guidance and restrictions develop.

SAFed has commenced member engagement to generate regular data in relation to the impact of COVID-19 on their work.

Presently, it is typical of a large member company to have 5-6% of the workforce currently ill, isolating or in the vulnerable category. No data has yet been gathered from our small member companies, where such impact will be more pronounced due to the small number of staff. In addition, data is being generated as a result of the impact of school closures and staff members being a primary care giver, and this has varied between companies with the current maximum being 9% of work force within one large member company.

Inspections where access has been refused, is being deemed Plant Not Available directly related to COVID-19, and is being monitored by some large member companies. Whilst no data is available presently, an increase is recognised above the normal expected amounts. These refusals for site access are occurring in a range of critical sectors, including but not exhaustive of, health care (hospitals, care and residential homes), education provision, City and Town Councils, and large production and manufacturing facilities.

Point 1 – Request for formal designation of the Engineering Inspection, Testing and Certification Industry as a body of key workers.

The service our member companies provides is driven by legislation, namely but not exhaustive of PUWER, PSSR, LOLER and COSHH. The examinations and inspections completed are statistically proven to ensuring and improving the safety of plant and equipment and the health and welfare of operatives.

The HSE has provided information and guidance, and within this there is no derogation of statutory responsibilities. SAFed member companies are contracted on behalf of their clients to complete these statutory duties, and consider their work essential, and so will be continuing business as normal within the current guidance and limitations as presently set by the HSE and Government.

The designation as key worker by SAFed member companies is justified as follows:

- SAFed has consulted with the HSE and it has been confirmed that there is no derogation from law (relaxation of regulation) and so the examinations and inspections are to be completed as per schedule. This work is conducted by our member companies.



- The continued operation of the Engineering Inspection, Testing and Certification Industry is essential to ensure the safety of, as an example, health care settings, as well as any continued activities of UK PLC, and the continued compliance of these industries with law.
- The industries listed considered to be essential within the Government guidelines and supported by SAFed members in their regulatory duties are as follows:
 - Health & social care
 - Education & childcare
 - Key public services
 - Local & national government
 - Food & other necessary goods
 - Public safety & national security
 - Utilities, communication & financial services
 - Transport

We seek that the HSE support our member companies to be given key worker status, as the removal of the examination and inspection function is certain to introduce accidents and incidents, or simply the inability to use plant and equipment due to overdue statutory inspections in the sectors that most need it.

Point 2 – Agreement with the HSE of the critical industry sectors to ensure provision of focused support, and the approach to pragmatic prioritisation of work as and when the impact of reduced resource to complete inspections is realised.

SAFed member companies are currently working to their agreed schedules with clients and are monitoring the cases where site access is refused due to COVID-19 and results in a 'Plant Not Available' (PNA) designation.

The immediate issues are for the clients in that if they refuse site access, and therefore an inspection is not conducted when due, the legislation dictates that the equipment should not be used until this inspection is complete.

For example, access is denied to conduct an inspection on a passenger lift in a hospital, and so it is reported as 'PNA', and presents the following:

- For the client – that the equipment, unless the inspection can be completed before the due date, should not be available for use.
- For the member company – the inspection will need to be rescheduled creating a backlog of inspection activities.

The same would apply for pressure systems, however, we appreciate there is a process to allow for deferrals, however, these are to be requested prior to the equipment becoming overdue, and can only occur once, i.e. some equipment may already be subject to a deferral and so this is not an option.

Whilst the HSE have suggested a pragmatic approach, which includes addressing areas where there are vulnerable people such as hospitals, as well as conducting inspections earlier, there is not a definitive approach presently to which sectors are critical and should be prioritised.



SAFed member companies have identified and categorised their industry sectors considering their criticality as high, medium and low as below. It is noted that the list is not exhaustive, and aims to provide clarity between sectors rather than a detailed list of individual areas.

- High priority – facilities that are crucial for the treatment / containment of the virus and the general infrastructure of the country, this includes:
 - o health care settings (hospitals, GP practices and essential NHS hubs) and pharmacies
 - o services and utilities (power stations, water, gas)
 - o retail, manufacturing and transport serving essential provisions (food, medical supplies)
 - o maintenance and repair serving essential provision, as above
 - o social / economically vital sites and services (construction, large employers)
 - o essential commerce
- Medium priority – Areas where there are secondary risks with equipment being unavailable, such as nursing / care homes, dental care and non-essential medical practices, and residential high-rise flats.
- Low priority – Areas where the services are recreational and non-essential, or are closed due to government rules, such as residential homes, gyms / recreation centres, shops other than supermarkets and pharmacies, theatres.

The agreement of critical sectors and the ability for our member companies to prioritise their efforts would extend further to the anticipated future issues to address the expected backlog of inspections created from access limitations and compounded as a result of resource availability from the expected absence due to illness or isolation at both member companies and client sites.

Our member companies are considering their approach as the burden of inspections increases, and the resource available to complete the inspections decreases. For example, during stage 1 when there is still high resource availability within the member companies, as a minimum high priority work will be completed, and medium and low priorities will be completed where possible. As resource decreases, there would be reduction in the amount of low and medium priority work completed, until the extreme situation where only high priority and profound plant and equipment with no option for alternative measures, for example NDT on maintenance repairs, and inspection of essential pressure systems, such as compressed air and medical gases.

We seek conformation from the HSE of the critical sector prioritisation approach presented, or discussion to agree a definitive list of critical sectors, that will ensure the focus of member company efforts both immediately and as any further restrictions are realised, either created by HSE / Government guidance (location and movement of personnel, closures) or by reduction in resource available (illness, self-isolation, care-givers) to conduct examination and inspections.

Point 3 – HSE to provide a briefing note for users of non-critical sector (low priority) equipment

HSE confirmation of the prioritised approach (Point 2) will provide information and allow the expectations of stakeholders to be managed, and if needed, that provision of alternatives can be sought. For example, a residential home, if the lift is not available, will need to consider siting all reduced mobility residents on the ground floor.



It is recognised that those clients who are not considered within the critical sectors may still need to use equipment, which due to the unprecedented conditions our members are unable to examine as a result of prioritised work elsewhere, or resource limitations.

We anticipate that our members will need to have very difficult conversations with their clients, and an understanding that the HSE formally recognise these difficulties and will act with the appropriate compassion will aid successful resolution of such issues with the clients.

We request that the HSE provides a brief to non-critical sector users, to aid discussions and a pragmatic approach when equipment is due for inspection but cannot be conducted.

Point 4 – HSE to consider provision of guidance on how users of non-critical sector equipment can manage their risk

Further, to Points 2 and 3, in order to accommodate the use of non-critical sector equipment, it would be helpful to give owners some information on how to manage their risk for continued use for equipment such as, but not exhaustive of, lifts, pressure equipment, electrical systems, LEVs and power presses.

SAFed would be willing to work with the HSE to develop any such further guidance, if the HSE desired or felt this appropriate.

We request that the HSE considers the provision of guidance such that the non-critical sectors are able to manage their risk of using equipment.

Point 5 – Further advice and guidance on protecting the work force.

SAFed member companies continue to be appraised of the current HSE and Government advice and adopt the guidance in their working practices. However, many of the high priority sectors have increased risk of exposure to COVID-19 due to the nature of the work conducted, for example, any health care settings. Successful completion of inspections in hospitals and the healthcare sector will be paramount to ensure the availability of safe plant and equipment. Further, the only way in which an inspection can be completed is to be present, and therefore, we are continually assessing the locations our employees are attending to ensure as far as reasonably practicable their health is not compromised by COVID-19.

We seek further advice and guidance on any additional recommended PPE, training, and / or access to infection testing, to ensure the health and therefore availability of our workforce, to support statutory inspection requirements, in particular, if attending health care settings.

Point 6 – Provision by the HSE of an electronic means for reporting serious defects whilst home working.

Current Government guidance is seeking home working as far as possible, and social distancing, and our members have adopted and are supporting this approach.



The HSE guidance currently stipulates that where serious defects are identified, the competent person carrying out the examination must immediately report this verbally to the duty holder, and this should then be followed by the written report, a copy of which must also be sent to the relevant enforcing authority.

We request that the HSE provides an electronic means of reporting serious defects, in the absence, or avoidance of using the postal services whilst home working.

Please consider a response to these requests as a matter of urgency to support our members, our clients, and the safety of UK plant and equipment in vulnerable and economically sensitive sectors.

Yours Sincerely,

Caroline Hamilton, Chief Executive, Safety Assessment Federation