



A Guide to In-Service Inspection Services by SAFed Members

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'The purpose of Health and Safety legislation is to prevent accidents and create safe working conditions. Compliance protects not only the safety of employees but the liability of employers'

Operating dangerous, unsafe or defective equipment will invariably lead to accidents. In most cases this is a criminal offence, yet many organisations do not fully understand this or their obligations together with the simple precautions and steps which could avert such practice. From an analysis carried out in 2004¹, 30% of companies did not carry out any risk assessment whatsoever (despite this being a legal requirement) and 82% believed the risks they took were lower than the average for their industry. In practice the results also showed that 23% (nearly a quarter) of all companies, including a number of those in the above statistic, had at least one major accident in a year. This shows that many businesses believe it will 'never happen to them' and are clearly unaware or do not understand the significance of the risks they are taking and the consequential potential probability of having an accident. Some businesses also believe that their 'insurance' will cover all such risks regardless of their practice, including breaches of health and safety legislation, which are criminal offences.

The Safety Assessment Federation (SAFed) is the trade body representing the independent² inspection and certification industry. SAFed works with the enforcing authorities³ and its members provide a range of services primarily assuring safety of plant and equipment, but also designed to assist clients in understanding their responsibilities and obligations, complying with the law, reducing risk and the consequential costs of accidents. This fact sheet outlines the scope of in-service inspection, which is common to all SAFed members.

Summary

This SAFed fact sheet outlines certain responsibilities and obligations, which owners, operators and duty holders have to ensure the safety of persons and provision of safe plant and equipment. SAFed members provide safety inspection services and can also advise on the type of service, which could be considered in order to satisfy the legal requirements, control risks and reduce accidents. It is, however, the owners' responsibility to consider the risks, complexity of equipment and type of operations and other factors to ensure the level of inspection services contracted for sufficiently addressing these risks.

Overview of relevant legislation and HSE/Industry practice – Client's responsibilities

Health and safety legislation is criminal law and not complying can result in a prosecution of persons or organisations in a criminal court. Insurance may compensate for a civil liability, but does not operate to cover criminal prosecutions. The primary legislation behind the inspection services that SAFed members provide is the Health and Safety at Work, etc. Act 1974 (HSWA 1974). The Act is enabling and defines, in broad terms, the duty of care and responsibilities of employers, employees, owners of premises and others. Although titled 'at work' the Act is more wide ranging and includes more generally the common law 'duty of care' and can apply to any premises, person and activity. It allows for further 'secondary' legislation known as Regulations, which are generally more prescriptive and define specific responsibilities and activities. An example of this is the

¹ TÜV Report in Germany 2004

² Independent means the companies do not carry out any other services (eg supply, repair or servicing) on the equipment inspected and whose sole concern is the safety of plant and equipment

³ Health & Safety Executive and Local Authorities



Management of Health and Safety at Work Regulations (MHSWR). These outline responsibilities such as, health and safety policy, risk assessment, the requirement to control and reduce risks, employ safe systems of work etc. Other regulations include the Provision and Use of Work Equipment Regulations (PUWER), Lifting Operations and Lifting Equipment Regulations (LOLER), Pressure Systems Safety Regulations (PSSR) and Control of Substances Hazardous to Health (COSHH), which are more prescriptive and specify that particular work equipment is safe for its intended use and in certain cases, eg lifting equipment and power presses, formal inspections and periodicities are mandated.

As such the client/owner has many responsibilities to ensure the health and safety of persons, including managing and controlling risks and having equipment properly maintained and inspected. Even where safety inspections are not formally prescribed, such as with equipment in public places, the Act⁴ makes it a statutory requirement for owners and duty holders to provide safe plant and equipment. Sensible risk management practice and regular inspections are, therefore, considered an **implicit** requirement to demonstrate safe equipment. This is also outlined in the HSE approved codes of practice (ACOP), industry standards and guidance and manufacturer's recommendations. SAFed members provide a service to assist their clients to maintain a safe place of work and to comply with the law.

SAFed Member Services and Responsibilities

SAFed members also have responsibilities to provide competent services. SAFed Full Members are all 'Accredited' by the United Kingdom Accreditation Service (UKAS) to the international standard for Inspection Bodies, ISO/IEC 17020. This includes health and safety training in accordance with HSE guidance and SAFed Engineer Surveyors carry a health and safety passport recognised by the HSE, Local Authorities and a partner scheme with the Construction Industry Scheme (CSCS). UKAS accreditation is also recognised by the HSE as one method of demonstrating competence and thereby discharging the client's legal responsibility⁵ to ensure both the person and the organisation are competent to carry out the service. SAFed members are independent and impartial and do not supply, service or repair equipment. Their sole purpose is to carry out examinations of plant and equipment to ensure continued safe use and, therefore can provide independent and impartial reports on the condition of equipment.

Insurance

A condition of commercial 'risk' insurance demands that the owner is compliant with the law and his legal obligations, such as ensuring plant and equipment is examined, serviced, maintained and safe for continued use. As such the 'risk' may not be fully insured if these legal or implicitly legal requirements are not met. If in doubt the insurer or broker can advise you.

Servicing, Maintenance and In-service Safety Inspection

In the same way that road vehicles require regular servicing and repairs together with an MOT test certificate, plant and equipment also require both a servicing and maintenance regime and safety inspections. These are generally separate activities and in the most part provided by different persons and organisations to ensure independence and impartiality.

⁴ Health and safety at Work etc Act 1974 ss2, 3, 4

⁵ PUWER r4, LOLER r9, PSSR r9



SAFed Members Inspection Services

When ‘inspection services’ are provided by a SAFed company, their Engineer Surveyor (also known as the ‘Competent Person’) would make an appointment, confirm availability of the equipment and on arrival provide identification and complete any formal health and safety site requirements. A site risk assessment would be carried out on the equipment, ensuring firstly that it is safe to examine and, secondly, identifying the safety critical parts, considering the type and complexity, risks involved, use, age, condition, servicing state, repairs carried out, environment and other aspects relevant to the continued safety of the equipment. This will determine the scope of inspection, which would include a thorough visual examination of accessible parts of the item, focused on those safety critical components and their potential for failure, mechanical or electrical safety devices designed to protect persons and functional testing as appropriate. Where engineer surveyors cannot be assured, for example hidden load bearing components, they may call for additional supplementary tests. These would be more intrusive and normally carried out by the equipment servicing company or specialist testing organisation eg NDT.

The inspection is specifically to identify defects which are or may become a danger to persons so that they can be rectified. Ideally these should be rectified as soon as possible, however, some are more important than others and so defects are categorised according to the severity of defect, when they need to be rectified and whether they must be reported to the enforcing authority⁶.

- **Defects posing imminent danger to persons and where the equipment should not be used and cessation of the work is advised.** These defects should be rectified before the item is used again and the Engineer Surveyor will make this clear in his or her report and advise the client/owner at the time of the thorough examination. Such defects are reportable to the enforcing authority⁶.
- **‘time qualified’ defects have the potential to pose this risk in the foreseeable future.** These defects should be rectified as soon as possible but no later than the date specified by the Engineer Surveyor in his or her report.
- **‘general’ (or ‘other’) defects, which do not pose a serious risk of injury to persons but would normally be advised to the owner and should be rectified as soon as practicable** and considered in the risk assessment and control measures implemented for safe working practice. Where there are a number of ‘general’ defects, the combination may pose a more serious risk. ‘General’ defects which are repeated on a succession of examination reports may indicate a poor servicing regime and safety culture and could attract attention from the enforcement authorities and potentially affect insurance conditions.

At the end of the inspection, a report⁷ will be prepared identifying the equipment examined, location, defects detected with details, date of the examination and the date of the next examination together with any rectification activity required. **This report is important** and should be advised to those responsible such as management staff, servicing and maintenance staff and inspection personnel. There are specific regulations governing where and for how long such reports must be kept. In particular it should be noted that the first in-service inspection report of equipment installed on-site should be kept for the life of the equipment. Although examination reports give the equipment condition at the time the competent person will predict its continued safe use until the next inspection and may make recommendations on use or control measures to reduce risks. It is expected that satisfactory servicing and maintenance will continue and there is no misuse, abuse or unforeseeable exceptional circumstances.

⁶ In certain cases this is a legal requirement and is required whether the defect is rectified at the time or not.

⁷ Content of the reports may vary but some reports are statutory and must contain the prescribed information.