

The implications of the Lifting Operations and Lifting Equipment Regulations (LOLER) 1998 in Care Homes

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Abstract. Recent health and safety work by Environmental Health Officers from a North West Local authority has identified problems in relation to compliance with the thorough examination requirements of LOLER. The problem was particularly identified after health and safety audits in a number of sectors where lifting equipment is regularly used. When Officers asked for evidence of lift certification, a large proportion of the certification produced clearly did not comply with the requirements of LOLER, despite the examination certificate in some instances looking very similar to a ‘thorough examination’ and despite the fact that the duty holder believed that they had complied.

This research project particularly focused on the implications of LOLER within Care Homes. The overall aim of the project was to gain a further more detailed picture of what compliance levels are in care homes, in relation to ‘thorough examination’ of lifting equipment. Furthermore the aim was to determine if ‘duty holders’ within the residential care home setting, have sufficient knowledge and understanding of the requirements of LOLER in relation to thorough examination of lifting equipment in order to achieve compliance.

Overall the research found that compliance levels in relation to ‘thorough examination’ of lifting equipment within care homes was weak. In short the majority of sample ‘thorough examination’ reports returned as part of the research did not fully comply with the Regulations. Also although respondents in the main seem to have some understanding of the Regulations, further work must be done to ensure that awareness and understanding is improved. A main recommendation is to the Health and Safety Executive (HSE) and local authorities, recommending that they focus a campaign on raising awareness of LOLER and the thorough examination requirement with duty holders.

1 INTRODUCTION

Every year, there are many accidents to employees and service users from using work equipment in health and social care, for example, in relation to the use of hoisting equipment, the HSE reported that 163 hoisting accidents were reported to them under the Reporting of Injuries Diseases and Dangerous Occurrence Regulations (RIDDOR), between April 2001 and December 2007 [1]. They report that falls from hoisting equipment can occur for a variety of reasons including the selection of the wrong sling resulting in the risk of the person slipping through it, to failure of equipment due to poor maintenance. Ensuring that work equipment is well maintained is therefore an essential factor in reducing the risk of such accidents.

The Lifting Operations and Lifting Equipment Regulations (LOLER) were introduced in 1998 and impose duties on ‘duty holders’ in relation to the provision and use of lifting equipment and in particular it imposes duties in relation to thorough examination and inspection of lifting equipment.

Within Care Homes, numerous pieces of lifting equipment are used and fall under the scope of LOLER, including lifting hoists, stand aids, slings, bath hoists, lifting platforms and stair lifts. Other equipment such as reclining chairs and profiling beds are not within the scope of LOLER,

however requirements under the Provision and Use of Work Equipment Regulations (PUWER) 1998, to adequately maintain the equipment still apply.

Recent work by the Environmental Health department at a North West Local Authority has identified problems in relation to compliance with the thorough examination requirements of LOLER. It has been identified in a number of sectors where lifting equipment is regularly used, such as tyre and exhaust premises, car sales premises, warehouses and within the residential care sector, that some duty holders are confusing 'general maintenance/ servicing' with thorough examination. It has also been identified that some certification provided by lift companies, although it looks to be a thorough examination report, actually doesn't comply with the requirements of LOLER.

This project focused on compliance, knowledge and understanding within the care sector so that findings and practices within the same sector could be bench marked against one another. Additionally the implications of non-compliance with LOLER for this sector are arguably greater, considering the vulnerability of the users of lifting equipment within this sector.

The overall aim of this research project was to gain a further more detailed picture of what compliance levels are in Care Homes, in relation to thorough examination of lifting equipment (as required under LOLER). Furthermore the aim was to determine if 'duty holders' within the Residential Care Home setting, have sufficient knowledge and understanding of the requirements of LOLER in relation to thorough examination of lifting equipment in order to achieve compliance.

2 REVIEW OF LITERATURE

LOLER came into force in 1998 and replaced most of a range of sector based legislation on lifting equipment e.g. legislation on factories, offices, shops, railway premises and construction sites [2]. A specific requirement of LOLER is that lifting equipment must be 'thoroughly examined'. The requirement to thoroughly examine actually dates back to the introduction of steam power in factories, when there was a great number of explosions of steam boilers and it was discovered that a legal requirement to have the boilers regularly examined by a competent person did dramatically reduce the number of such incidents [3].

2.1 What is lifting equipment?

Under LOLER (Regulation 2) lifting equipment is defined as 'work equipment for lifting or lowering loads and includes its attachments used for anchoring, fixing or supporting it'. An accessory for lifting is defined as 'work equipment for attaching loads to machinery for lifting'. Examples of the types of lifting equipment and operations covered under the Regulations include; a passenger lift in an office block, a rope and pulley used to raise a bucket of cement on a building site, a bath hoist for lifting a resident into a bath in a nursing/care home, or, a refuse vehicle loading arm used for tipping. [4].

The Regulations apply to both employers and the self-employed who provide lifting equipment for use at work, or to persons who have control of the use of lifting equipment however they do not apply to lifting equipment to be used primarily by members of the public, for example lifts in a shopping centre [5]. The fact that equipment is designed to lift and lower a load doesn't necessarily mean that LOLER applies [6]. The equipment must be defined as 'work equipment' which is defined under PUWER 1998.

2.2 Thorough examinations, inspection and maintenance

In particular LOLER sets out detailed requirements in relation to the thorough examination of lifting equipment. A 'thorough examination' is defined by the HSE as a 'systematic and detailed examination of the lift and all its associated equipment by a competent person' [7] and its aim is to detect any defects which are, or might, become a danger to persons and for the competent persons to report such defect to the relevant persons.

Regulation 9 outlines requirements in relation to how often lifting equipment and accessories must be thoroughly examined.

Additionally under the Regulations, it may be that lifting equipment may need to be '*inspected*' by a competent person, between thorough examinations. The Approved Code of practice for LOLER [4] indicates that a suitable inspection should be carried out where a risk assessment has identified a significant risk to operators or other workers from the use of the lifting equipment. It indicates that inspections must be undertaken by a 'competent person' and that frequency and extent of the inspections required will depend on the potential risk from the equipment.

Routine maintenance is not the same as thorough examination and inspection and typically involves checking and replacing worn or damaged parts, topping up fluid levels, lubricating and making routine adjustments [8]. Maintenance is a requirement under Regulation 5 of PUWER 1998. Preventative maintenance is best used in order to preserve the operational integrity of the installation [10]. Ensuring that lifting equipment is routinely maintained can be cost effective for a duty holder, as it will ensure that equipment continues to operate as intended, and risks associated with wear or tear are avoided.

2.3 Confusion?

It has been reported that businesses generally had demonstrated a sound working knowledge of LOLER, however a number of business organisations have revealed limited knowledge of the requirements under LOLER, in particular small to medium sized businesses [10]. In research prepared for the HSE, [2] it was found that many were confused about the meaning of the terms 'inspection', 'thorough examination' and 'maintenance', including both equipment suppliers and duty holders. For example one equipment supplier within the research study explained how they found it hard grasping the difference between 'inspection' and 'maintenance'. The equipment supplier explained how they were still doing presentations 4 years on for their clients (from the introduction of the Regulations), stating that there is 'confusion and ignorance'. In another study it was reported that an area where additional advice was often sought from trade associations was in relation to the distinction between inspections and thorough examinations with one respondent in his study reporting '...there's an awful lot of confusion in the industry between thorough examination, inspection, and sort of the meaning of both' [10].

2.4 Competent person

As discussed, LOLER requires that the person undertaking a thorough examination and inspection of lifting equipment be a 'competent person'. The term 'competent person' is not defined in law, however the HSE's Approved code of Practice and Guidance document for LOLER defines the term competent person and states that a competent person should have

such appropriate 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.

This Approved Code of Practice also states that the competent person must be 'sufficiently independent and impartial to allow objective decisions to be made'. The guidance explains that a competent person can be a member of their own organisation who has the necessary competence and need not necessarily be employed from an external agency. It indicates however that they must ensure they 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'. Interestingly it has been found that almost one half of users and over a third of suppliers (of lifting equipment) believed that inspection is always externally provided and formally reported [2].

This research concluded that if this is considered along those who see inspection as anything that involves checking health and safety features (over 60 %) one can see that this might well be seen as an onerous requirement and may explain why some are resistant to carry out inspection. Interestingly they highlight that this may add to people's opinions about the unnecessary bureaucracy of health and safety regulation.

2.5 Turn off or leave on?

Interestingly, there have been some concerns raised by some authors about the actions of individuals undertaking thorough examinations. Following the identification of any defects which are or could become a danger to persons, during a thorough examination, LOLER, Regulation 10 indicates that the person making the examination should 'notify the employer forthwith'. A recent health and safety prosecution by the City of London Corporation, heard in July 2012, involved the prosecution of a property management company, after statutory thorough examinations of two passenger lifts uncovered defects which required immediate attention. The engineer conducting the examination subsequently left a notice on site describing the defects and the timescale for repair. The management company acted upon the report the next day by arranging for repairs to be carried out but left the lifts still in use. Prohibition Notices were subsequently served by an Environmental Health Officer and consequently a prosecution was brought against the company [11]. The case has created debates amongst professionals within the lift industry. Cooper [12] following a recent meeting amongst fellow professionals indicated that the room was divided in opinion as to whether or not an engineer surveyor undertaking a LOLER examination under Regulation 9 should switch a lift off if an 'immediate' defect is identified. He indicates that he is of the opinion that this isn't a LOLER argument and sees it as a Health and Safety at Work Etc. Act one, in that the Act imposes duties on us all and if anyone identifies a dangerous defect that presents an imminent danger of death or injury to anyone he feels 'the decision is simple. Make safe and isolate'. Gilbert [13] writes similar opinions. He highlights that those conducting a thorough examination are relied upon by their client to provide appropriate information and advice about the potential danger from any defect. He questions however why it is that someone recognised as a competent person, can just walk out of a building leaving lifting equipment in operation, when they have just deemed it to be unsafe? What is interesting to note is that LOLER clearly place this duty on the employer/duty holder and not the competent person.

As discussed above, the term 'competent' person, is not defined in law, and although the term is defined in the Approved Code of Practice, there is no current 'database' of 'competent persons'. This is in contrast to for example the regulation of gas engineers. Under the Gas Safety (Installation and Use) Regulations 1998 for a gas engineering business to lawfully undertake gas work that is within the scope of the Regulations, they must be on the Gas Safe Register. It is clear that illegal gas work by unregistered engineers is taken seriously as can be seen by recent prosecutions brought by the HSE (e.g. see [14]). It could be said that such serious action being taken by the HSE will act as a deterrent to others from working on gas equipment illegally. In terms of the competency of

persons working on lifting equipment however, no such 'register' exists. Organisations can become members of associations such as the SAFed as a method of proving their competency to their clients, however this is not a legislative requirement. What is however clear is that the HSE and local authorities will take action against duty holders for failing to maintain lifting equipment and have equipment thoroughly examined (see [15]).

Interestingly it has been reported that 'competent person' is not a well understood phrase, with many suppliers and hirers (of lifting equipment) believing that their customers do not understand what competence means [2]. A suggested reason for this was that the term 'competent person' is used in several different pieces of legislation and there is a perception that the phrase means different things in the differing pieces of legislation, causing some confusion.

2.6 How LOLER applies in Care Homes

Within care homes, numerous pieces of lifting equipment and accessories are used and fall under the scope of LOLER, including lifting hoists, stand aids, slings, bath hoists, lifting platforms and stair lifts. Such lifting equipment is used to aid in the movement of patients and can also serve to reduce musculoskeletal risks to carers.

Most lifting equipment used within a care home will fall under the scope of LOLER since it can be defined as 'work equipment' and therefore will require maintaining in accordance with the Regulations. This means that the lifting equipment must be subject to a 'thorough examination' conducted by a competent person, either every six months or in accordance with an examination scheme and may also require inspecting and maintaining—for example, it is likely to be necessary that slings are subject to pre use checks.

3 METHODOLOGY

For this research two different data collection techniques were used:-

1. Firstly the collection of primary data via an email which was sent to local authorities across England and Wales asking for feedback on their experiences in relation to lifting equipment and thorough examination reports that do not comply with the LOLER 1998
2. Secondly, once information was gathered from a review of literature and the email to local authorities, the collection of primary data via an anonymous questionnaire survey sent to a number of Residential Care Homes throughout Greater Manchester. Prior to sending the final questionnaire to the chosen sample the questionnaire was both pre tested and piloted. As part of this survey respondents were asked to return an 'example' copy of one of their last thorough examination reports. These were further analysed in order to determine whether or not such reports complied with Schedule 1 of LOLER.

Clearly in research it is important that a valid percentage of the population is targeted. A sample population of 100 was calculated using Creative Research System (2010) online survey software [16]. Through the researcher's liaison with local authorities throughout Greater Manchester, it was known that there were approximately 400 Residential Care Homes throughout the area. Using the online software, at a confidence level at 95%, with a confidence interval (margin of error at 8.5) the sample size needed was calculated at 100.

Prior to undertaking this research, ethical approval was sought from the University of Salford's Research Ethics Committee.

4 RESULTS

4.1 Email to local authorities.

In response to emails sent, several local authority officers expressed concerns that they had encountered thorough examination reports that did not comply with schedule 1 of LOLER, one raised concerns in relation to the issue of ‘competency’, and another concern raised included the issue of whether or not a competent person should isolate equipment when a serious defect was found. The feedback from local authorities, along with information gained from a review of relevant literature was then used to shape the format of the questionnaire.

4.2 Survey Responses

In total forty two survey responses were received. Two surveys returned were returned blank, both responding that the homes didn’t have any lifting equipment. For the purposes of analysis, these two surveys were therefore not included. The response rate overall therefore was forty percent.

4.2.1 Job title

The first part of the survey asked for the job title of the person completing the questionnaire. Most respondents indicated that they were a manager (57.5%). 22.5% of respondents did not complete the ‘job title’ section and 20% indicated ‘other’ responses. Considering that the majority of respondents indicated that they were a ‘manager’, it was therefore expected that these respondents would have at least some understanding of the LOLER Regulations.

4.2.2 Awareness that certain lifting equipment must be ‘Thoroughly Examined’ and of what equipment needs such examination

95% of respondents indicated that they were aware that certain lifting equipment within their Care Home required regular thorough examination in accordance with LOLER. These results are not surprising considering that the LOLER Regulations were introduced in 1998 and considering that the use of lifting equipment is integral to the care industry.

Question two asked respondents to ‘tick’ which pieces of lifting equipment they thought required a ‘thorough examination’ in accordance with LOLER. This question was asked to determine respondents’ understanding of the application of the Regulations. Ten different pieces of lifting equipment were listed, eight of which do require thoroughly examining (when the equipment is ‘work equipment’) and two of which do not require a thorough examination in accordance with LOLER. The results of the survey can be seen in Table 1 below:-

Table 1: Which equipment requires a ‘thorough examination?’

Lifting Equipment	Percentage who thought that lifting equipment <i>required</i> a thorough examination
A lifting hoist (mobile) (Does require a thorough examination)	100%
Slings (Does require thorough examination)	75%
A lifting hoist (fixed) (Does require a thorough examination)	92.5%
Profiling beds and trolleys (Do not require a thorough examination)	42.5%
Stair lift (Does require a thorough examination)	90%
A Lifting platform (Does require a thorough examination)	87.5%
A riser recliner chair (Do not require a thorough examination)	27.5%
A passenger lift (Does require a thorough examination)	90%
A bath lift (Does require a thorough examination)	97.5%
A bath hoist (Does require a thorough examination)	97.5%

Out of the total number of respondents, only 25% answered the entire question correctly. This provides worrying evidence considering the extent of the use of lifting equipment within this industry.

4.2.3 Confidence that respondents understand the difference between a ‘thorough examination’ and a service/routine maintenance of lifting equipment

Question three asked respondents if they feel confident that they understand the difference between a ‘thorough examination’ and a ‘service/routine maintenance’ of lifting equipment. 87.5% ticked to say ‘yes’ (that they felt confident they understood the difference), 2.5% ticked ‘No’ and 10% ticked ‘not sure’. These results suggest that the majority of respondents are clear on the difference between a ‘thorough examination’ and ‘maintenance’ which does not reflect what was discussed by Wright et al. [2].

4.2.4 Experience with competent person

Question four asked respondents to tick all answers which applied, in relation to what a ‘competent person’ usually did when their lifting equipment was thoroughly examined and any defects with the lifting equipment were found. 90% ticked to say that the competent person discusses verbally with someone on site immediately about the defects and how serious they are and 97.5% indicated that the competent person leaves a copy of the report on site. Worryingly one respondent indicated that the competent person will not discuss the examination with them or leave a copy of a report on site.

4.2.5 Training and knowledge and how respondents learnt of the requirements

The survey asked respondents whether or not they had received any health and safety training. The majority (87.5%) answered ‘yes’ (that they had received training) and 12.5% responded no. The survey then asked respondents to indicate what health and safety topics they had covered on their training. In total 62.5% gave responses to this question, the most common topics mentioned by respondents being:-

- Answers which discussed them covering ‘all health and safety topics’ (12 respondents)
- Moving and Handling/Manual Handling (11 respondents)
- COSHH (9 respondents)

Interestingly only three respondents mentioned LOLER within their responses.

Question six within the survey asked respondents how they learnt about the requirements in relation to ‘thorough examination’. The majority of respondents, 55%, responded that they were self-taught by reading guidance documents. Additionally:-

- 42.5% indicated that they had learnt the requirements on a training course
- 40% had learnt through a recent visit by their local authority Environmental Health Officer/Enforcement Officer
- 22.5% indicated they learnt of the requirements through their insurance company, and
- 17.5% gave ‘other’ responses

4.2.6 Benefit from further guidance?

The survey also asked respondents if they feel that they would benefit from further guidance or training from their local authority on the requirements of LOLER. In response to this question, over half of respondents (52.5%) indicated that ‘Yes’ they would benefit from further guidance or training.

4.2.7 Opinions/views

The survey went on to ask respondents for their opinions/views on the requirement to have lifting equipment ‘thoroughly examined’. On the whole most respondents responded positively to the question with answers such as:-

‘It’s essential and good management to have assets regularly checked and maintained’.

The majority of respondents mentioned ‘cost’ in their responses, examples being:-

‘Very Costly but beneficial and also a requirement that all inspectors look at’.

(It is important to note that ‘cost’ was mentioned within the question as an ‘example’ therefore it is not unexpected that respondents would discuss cost within their answers).

Additional interesting points raised included:-

‘I need a clear definition of ‘competent person’ What qualification is required to be a lift engineer?’

*‘Costly, Some companies (e.g ****!!) try to pass their ‘recommendations’ as requirements.’*

‘Yes-cost and accountability. We pay for a service-why is it not up to ‘thoroughly examined’ standards??’

4.3 Audit of returned thorough examination reports

All returned example thorough examination reports were then audited for compliance with Schedule 1 of LOLER.

4.3.1 Was a service record/maintenance record returned rather than a thorough examination?

Firstly all returned reports were audited to determine if they were clearly not a 'thorough examination' in accordance with LOLER, but were a service or maintenance record. The majority of reports returned were what looked to be a 'thorough examination report' however 14.3% of respondents returned what clearly was a service/maintenance record for the lifting equipment.

All respondents that returned service/maintenance records rather than thorough examination reports, all had also answered 'Yes' to question 3 of the survey (that they felt confident that they understood the difference between a 'thorough examination' and the 'service/routine maintenance' of lifting equipment) as discussed in 4.2.3 above. These results are interesting and suggest that although these respondents believe they understand the difference between a 'thorough examination' and 'routine maintenance' they in truth did not.

4.3.2 Analysis of the content of the thorough examination reports returned

Once a determination had been made as to whether or not the report returned looked to be a thorough examination report, those which were deemed to look like a thorough examination were then further analysed in order to determine if they complied with Schedule 1 of LOLER. Reports were deemed to comply with Schedule 1 of LOLER when they contained all the information specified within the Schedule.

In total 55.6% of the reports returned **did not** comply with schedule 1 of LOLER.

The most common information missing from certain reports included:-

- The date of the last thorough examination (**with 28% of returned reports not containing this information**)
- Details of the 'reason for the examination' I.e Whether it was a thorough examination, within an interval of 6 months under regulation 9(3)(a)(i); Within an interval of 12 months under regulation 9(3)(a)(ii); In accordance with an examination scheme under regulation 9 (3) (a) (iii); or after the occurrence of exceptional circumstances under regulation 9 (3) (a) (iv); (**with 33% of reports returned not containing this information**)
- (if such be the case) that the lifting equipment would be safe to operate (**with 33% of returned reports not containing this information**)
- The name, address and qualifications of the person making the report; that he is self-employed or, if employed, the name and address of his employer (**with 28% of returned reports not containing this information**)

Additionally reports were analysed to determine if there was a visible UKAS accreditation stamp on the report or if it was clear from the report that the company/engineer was a member of a relevant organisation such as SAFed. Only three of the reports contained a UKAS accreditation stamp or indicated membership of a relevant association. The three reports which contained UKAS accreditation or evidence of membership of a relevant association, all complied with Schedule 1 of LOLER.

5 DISCUSSION

5.1 Knowledge and understanding of LOLER and 'thorough examination'

As discussed, it was not surprising that the majority of respondents were aware that certain lifting equipment required regular thorough examination in accordance with LOLER. It was however surprising and concerning to find that only 25% of respondents knew which pieces of equipment

did/didn't fall under the scope of LOLER, with 25% of respondents believing that patient slings did not require thorough examination. These results are concerning as every year there are numerous accidents involving hoisting, which may well have occurred due to failure of equipment due to poor maintenance. The HSE have produced several guidance documents in relation to LOLER and thorough examination, and in particular have produced two leaflets specifically aimed at the care sector; Getting to grips with hoisting people [1] which discusses hoisting and in particular discusses slings and the requirements in relation to thorough examination and; the more recent leaflet, How the Lifting Operations and Lifting Equipment Regulations apply to health and social care [6] which gives specific pictorial examples of the types of lifting equipment that require thorough examination. The results of this research therefore suggest that knowledge of the application of LOLER in terms of what type of equipment requires thoroughly examining is poor.

The results of this research also suggested that the majority of respondents felt that they were clear on the difference between a 'thorough examination' and 'maintenance' of lifting equipment. Interestingly however, several of the respondents who indicated that they did feel that they understood the difference, actually returned a service/maintenance record rather than a thorough examination report. This indicated that although they *thought* they understood the difference, in reality they did not. These results are comparable with Wright et al [2] who in their research prepared for the HSE, found that many were confused about the meaning of the terms 'inspection', 'thorough examination' and 'maintenance'.

In this study, although the majority of respondents felt confident that they understood the difference, there are still clearly a number of persons who do not understand the difference between a 'thorough examination' and 'routine maintenance'.

5.2 Experience with the competent person

In relation to respondent's experiences with competent persons conducting a thorough examination, it was encouraging to find that 90% ticked to say that the competent person discusses verbally with someone on site immediately about any defects found and how serious they are and 97.5% indicated that the competent person leaves a copy of the report on site. This is encouraging as it suggests that the competent person referred to by the respondents are acting in line with Regulation 10 of LOLER, which requires the person making the examination to notify the employer forthwith of any defect which is or could become a danger to persons and which requires a report of thorough examination in writing to be made as soon as practicable. Worryingly however one respondent (2.5%) indicated that the competent person will not discuss the examination with them or leave a copy of a report on site.

Although it is reassuring to find that the majority of respondents have indicated that the competent person will discuss verbally with someone on site the defects and will leave a report, this raises the debate as to whether or not a competent person, should 'switch off' or 'take out of use' a piece of lifting equipment or accessory where a serious defect has been found, or whether this should be left to the responsibility of the duty holder. This topic was not explored in detail within this research and is potentially a further area of study.

5.3 Training and knowledge

It was not unexpected that the majority of respondents had received some health and safety training and neither was it surprising that moving and handling/manual handling was one of the most mentioned topics considering that a major role in the care sector is the moving and handling of patients, which if not conducted correctly may result in severe injury.

Interestingly only three respondents mentioned LOLER within their responses. This could be an indication that either the majority of respondents have not been specifically trained on 'LOLER', perhaps training on other topics has been more prevalent than specific training on LOLER, or it may be that LOLER has been discussed as part of wider 'moving and handling training'. Further study into the details of training courses attended by respondents would assist in determining the level of training on the subject.

5.4 How did respondents learn of the requirements and do respondents feel that they would benefit from further guidance off their local authority?

The results from this research suggested that the majority of respondents have learnt of the requirements of LOLER by 'self-reading' guidance documents. This is not unexpected considering that the HSE, have produced many guidance documents for the care sector which are available free online. Only 40% of respondents had indicated that they had learnt the requirements through a recent visit by their local authority Environmental Health/Enforcement officer. This may be due to the fact that proactive inspections are becoming less and less frequent by local authorities, following the emphasis by the Government on deregulation and 'reducing the burden' on businesses.

Additionally just over half of respondents expressed that they would benefit from further guidance from their local authority. This may therefore be an area where local authorities may wish to focus some resource in order to improve compliance.

5.5 Opinions/Views

The final part of the questionnaire survey asked respondents for their views on the requirement to have lifting equipment thoroughly examined. Most respondents responded positively to the question. One notable point raised by one respondent was in relation to needing a clear definition of the term 'competent person' with the respondent asking what qualifications are required to be a lift engineer? This corresponds with what was found by Wright et Al. [2] who reported that 'competent person' is not a well understood phrase.

It could be argued that the introduction of a 'register of competent persons' in relation to lifts may make it easier for the duty holder to ensure that the person they chose to use is competent and additionally may reduce the frequency of lift companies/competent persons not complying with the requirements of LOLER.

5.6 Audit of the returned thorough examination reports

The returned thorough examination reports were audited and highlighted some interesting results. As discussed above, it was noted that several of the reports returned were not in fact thorough examination reports. They clearly were service/maintenance records.

Of those reports returned, 55.6% of the reports *did not* comply with Schedule 1 of LOLER with important information missing on some reports. Numerous reports did not contain details of the qualifications of the competent person, however this was not unexpected considering that there are no specific 'qualifications' that a 'competent person' must possess to prove competency. Again, this could become confusing for the duty holder, who will more than likely not have the knowledge and understanding to be able to determine if the 'competent person' they are employing is in fact 'competent'.

Another interesting point that the research has shown was that out of those reports audited, three reports contained evidence of accreditation with UKAS or evidence that that lift company/competent person was a member of a relevant association. Interestingly, all three of these

reports complied with Schedule 1 of LOLER. These results may be of interest to non-accredited or non-affiliated lift businesses, who may want to ensure that they can compete with such companies.

6 CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

The overall aim of this research project was to gain a further more detailed picture of what compliance levels are in Care Homes, in relation to thorough examination of lifting equipment (as required under LOLER) and to determine if ‘duty holders’ within the Residential Care Home setting, have sufficient knowledge and understanding of the requirements of LOLER in relation to thorough examination of lifting equipment in order to achieve compliance.

From surveying a sample of Care Homes throughout Greater Manchester, this study came to several notable conclusions. The research found that the majority of respondents have some awareness of LOLER and the fact that certain lifting equipment required thoroughly examining in accordance with the Regulations, however it has found that respondent’s knowledge in terms of which types of equipment did/didn’t fall under the scope of LOLER was poor. For example, 25% of respondents thought that patient slings did not require a thorough examination—a conclusion that has proved to be concerning. The survey also found that many respondents felt that they were confident that they understood the difference between a ‘thorough examination’ and ‘maintenance’ of lifting equipment, although there was evidence that some respondents did not understand the difference.

With regard to respondent’s experience with ‘competent persons’ it was positive to find that the majority of competent persons discuss verbally with someone on site immediately about any defects found during a thorough examination and that the majority leave a copy of the examination report on site suggesting that the majority of competent persons are acting in line with Regulation 10 of LOLER.

With regards to training it was found that the majority of respondents had received health and safety training but only a small proportion ‘mentioned’ LOLER as being a topic covered on their training. Additionally the survey found that the majority of respondents were ‘self-taught’ on LOLER and ‘thorough examination’, by reading guidance documents. The survey also found that over half of respondents thought that they would benefit from further guidance or training from their local authority. Additionally respondents were asked for their opinions/views and several interesting points were raised, including one particular respondent wanting clarity on the term ‘competent person’.

Interestingly the research also found that the majority of thorough examination reports audited for compliance with Schedule 1 of LOLER, *did not* comply with the Schedule.

Overall, the research found that compliance levels in relation to ‘thorough examination’ of lifting equipment within care homes was poor with the majority of reports being returned not complying with the Regulations. Also although respondents in the main seem to have some understanding of the Regulations, further work must be done to ensure that awareness and understanding is improved. The research suggests that respondents (who in the main were managers and who are most likely therefore to be responsible for ensuring that lifting equipment is appropriately examined and maintained) do not have sufficient understanding of the requirements of LOLER in relation to thorough examination of lifting equipment in order to achieve compliance.

6.2 Recommendations

It is recommended therefore that:-

- The HSE and local authorities focus a campaign for the care sector on raising awareness of LOLER and the thorough examination requirement.
- The HSE and local authorities also work collaboratively to address 'competent persons' and lift companies who are producing certification that does not comply with Schedule 1 of LOLER
- The feasibility of a 'register of competent persons' in relation to lifts (i.e. similar to the Gas Safe Registration Scheme) be further explored and if feasible, devised. This could be devised by industry with HSE backing.

6.3 Limitations of this research project

Although a postal survey was the main preferred method of data collection within this research project due to time constraints and due to the fact that a larger population could be targeted, it must be noted that the use of postal questionnaires does pose some limitations such as low response rates. Low response rates can increase the chance of research bias. It is therefore recommended that this research be expanded to include a larger sample of Care Homes.

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BIOGRAPHICAL DETAILS

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