



CORPORATION
OF LONDON

**CODE OF PRACTICE
ON THE
DESIGN AND
INSTALLATION OF
SUSPENDED & FAÇADE
ACCESS EQUIPMENT
IN
THE CITY OF LONDON**

[PILOT ISSUE]

1 Foreword

- 1.1 This Code of Practice seeks to clarify the legal position in relation to newly-designed and newly-installed Suspended & Façade Access Equipment (SFAE).
- 1.2 It is intended as a useful guide for duty-holders, designers, manufacturers, suppliers and installers who have specific duties under health and safety legislation in relation to SFAE.
- 1.3 As well as a table setting out the responsibilities of all the parties at different stages of a project involving SFAE, there is also further reading and guidance set out at the end of this Code of Practice.
- 1.4 This is a pilot version and we would most welcome any comments you may wish to make about it; *does it cover all the factors involved?; how easy is the information to digest?*
- 1.5 Finally we will be reviewing all the feedback after 6 months and then publishing a final version later this year.

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Environmental Health Service Director
June 2004

2 Executive Summary of Responsibilities & Guidance

2.1 **Table 1** below sets out the various phases in the development of a construction project involving the design instillation and use of Suspended & Facade Access Equipment (SFAE) and the responsibilities and duties of different parties during each phase.

2.2 Much of this will be familiar to designers, architects and contractors but we have sort to detail those activities specifically relating to SFAE as they occur in the phases of the larger project overall in, hopefully, a logical sequence.

PHASE OF PROJECT	PRINCIPAL LEGISLATION	PRIMARY DUTIES	PERSON(S) RESPONSIBLE
Project Planning	<i>Construction (Design & Management) Regs 1994</i>	<ul style="list-style-type: none"> ▪ Appoint a competent Planning Supervisor with the necessary resources to manage the project. 	<ul style="list-style-type: none"> ▪ Client
Project Design	<i>Construction (Design & Management) Regs 1994</i>	<ul style="list-style-type: none"> ▪ Appoint a competent Designer with the necessary resources to manage the project. 	<ul style="list-style-type: none"> ▪ Client ▪ Planning Supervisor
		<ul style="list-style-type: none"> ▪ Reduce the level of risk in the final design to “As Low As Reasonably Practicable” (A.L.A.R.P) taking into consideration the end-use and on-going future maintenance of the project 	<ul style="list-style-type: none"> ▪ Designer
		<ul style="list-style-type: none"> ▪ Appoint a competent SFAE Designer / Consultant with the necessary resources to implement and. 	<ul style="list-style-type: none"> ▪ Client ▪ Planning Supervisor ▪ Designer
		<ul style="list-style-type: none"> ▪ Appoint a competent Principal Contractor with the necessary resources to execute the project 	<ul style="list-style-type: none"> ▪ Client ▪ Planning Supervisor
		<ul style="list-style-type: none"> ▪ Appoint Specialist Contractors – e.g. SFAE Manufacturers - with the necessary resources to execute their given contracts. 	<ul style="list-style-type: none"> ▪ Client ▪ Planning Supervisor ▪ Designer ▪ SFAE Designer / Consultant ▪ Principal Contractor
		<ul style="list-style-type: none"> ▪ Reduce the level of risk in the Construction phase so far as is reasonably practicable 	<ul style="list-style-type: none"> ▪ Planning Supervisor ▪ Designer ▪ Principal Contractor ▪ Specialist Contractors
	<i>Town & Country Planning Act 1981</i>	<ul style="list-style-type: none"> ▪ Obtain Planning Consent subject to local Conditions and Informations 	<ul style="list-style-type: none"> ▪ Client ▪ Planning Supervisor ▪ Designer ▪ SFAE Designer / Consultant
<i>Building Regs 2000</i>	<ul style="list-style-type: none"> ▪ Obtain Building Regulations Approval 	<ul style="list-style-type: none"> ▪ Designer 	

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PHASE OF PROJECT	PRINCIPAL LEGISLATION	PRIMARY DUTIES	PERSON(S) RESPONSIBLE
Construction Planning	<i>Construction (Design & Management) Regs 1994</i>	<ul style="list-style-type: none"> ▪ Prepare a Health & Safety Plan for the project detailing how the project will be constructed with the lowest level of risk that is practicable. 	<ul style="list-style-type: none"> ▪ Planning Supervisor ▪ Principal Contractor ▪ Specialist Contractors
		<ul style="list-style-type: none"> ▪ Commence preparation of the Health & Safety File for handover at the end of the project, including the operational parameters and maintenance and inspection regimes for all SFAE to be installed 	<ul style="list-style-type: none"> ▪ Planning Supervisor ▪ Designer ▪ SFAE Designer / Consultant ▪ SFAE Manufacturer
SFAE Design	<i>Supply of Machinery (Safety) Regs 1992 (as amended)</i>	<ul style="list-style-type: none"> ▪ Reduce the level of risk in the design of any SFAE installation to “As Low As Reasonably Practicable” (A.L.A.R.P) 	<ul style="list-style-type: none"> ▪ Designer ▪ SFAE Designer / Consultant ▪ SFAE Manufacturer
		<ul style="list-style-type: none"> ▪ Submit Technical File on the SFAE to an approved body 	<ul style="list-style-type: none"> ▪ SFAE Manufacturer
		<ul style="list-style-type: none"> ▪ Obtain a certificate of adequacy from the approved body to verify that the EU transposed harmonised standard has been correctly applied 	<ul style="list-style-type: none"> ▪ SFAE Manufacturer
Installation & Commissioning	<i>Lifting Operations & Lifting Equipment Regs 1998</i>	<ul style="list-style-type: none"> ▪ Ensure that the SFAE has received its first Thorough Examination by a competent person and has been certified in writing to have been correctly installed and safe to use 	<ul style="list-style-type: none"> ▪ Client ▪ Planning Supervisor ▪ SFAE Designer / Consultant ▪ SFAE Manufacturer

Table 1

3 The Supply of Machinery (Safety) Regulations 1992 (as amended) (SMSR)

- 3.1 These Regulations place duties on those who supply machinery which includes manufacturers, importers and others in the supply chain. This can be called the **supply** law. The duty to meet the requirements mainly falls to the ‘responsible person’ who is defined as the manufacturer or manufacturer’s representative.
- 3.2 Suspended & facade access equipment is included in Schedule 4 to the Regulations as “*Devices for the lifting of persons involving a risk of falling from a vertical height of more than three metres*”. As these installations are manufactured in accordance with transposed harmonised standards (i.e. BS EN 1808:1999), the conformity assessment procedures set out in Regulation 14 must be followed. This means that for every installation the ‘responsible person’ must draw up the **technical file** and forward it to an approved body for their retention. This is set out in Regulations 14(1)(a).
- 3.3 At the same time the ‘responsible person’ should request the approved body to verify that the transposed harmonised standard has been correctly applied and request they draw up a certificate of adequacy in accordance with Regulation 20. This is set out in Regulation 14(1)(b)(i) and (ii). Alternatively the EC type examination procedure set out in Regulation 14(1)(c) may be followed.
- 3.4 The **Technical File** and its contents should be retained and kept for 10 years following the date of manufacture of the product. The ‘responsible person’ is required to draw up a technical file for the machinery and safety components and it should comprise:
- a) an overall drawing of the product and its control circuits;
 - b) full detailed drawings, calculation notes, test results etc. required to check the conformity of the product with the Essential Health and Safety Requirements (EHSRs) or in the case of SFAE with BS EN 1808:1999. This standard is a harmonised European standard. (When a machine has been made to the specification in a harmonised European Standard there is a presumption that it conforms to the relevant EHSRs);
 - c) a description of methods adopted to eliminate hazards presented by the machinery or safety components, a list of the transposed harmonised standards, national standards and other technical specifications which were used when the product was designed - e.g. BS EN 1808:1999;
 - d) a copy of the instructions for the machinery; and
 - e) for series manufacture (manufacture of more than one item of relevant machinery of the same type in accordance with a common design), the internal measures that will be implemented to ensure that all the items so produced are in conformity with the provisions of the Machinery Directive.
- 3.5 Enforcement of SMSR is by the Health & Safety Executive with Trading Standards administering policy in this area (*see referenced DTI leaflet for further information or go to www.dti.gov.ukstrd/mps.pdf*).
- 3.6 It is important to clarify at this stage that once a building is constructed and the main activity is one of those listed in Schedule 1 of the Health and Safety (Enforcing Authority) Regulations 1998 e.g. office activity, then the Local Authority becomes the enforcing authority.

- 3.7 For activities listed in Schedule 2 of these Regulations the enforcing authority is the HSE e.g. construction work. Therefore it makes good sense to make arrangements to ensure compliance with all the relevant legislation during the design and construction phase and to co-operate with the relevant enforcement authorities. For further guidance see the referenced **HELA LAC 23/4 A-Z on The Health and Safety (Enforcing Authority) Regulations 1998**.
- 3.8 Enforcement action can be taken by either enforcing authority in a variety of forms – e.g. the Local Authority serving a Prohibition Notice preventing use of particular machinery installed after a building is complete and handed over if there is evidence that it may not be safe to use or conversely, that it has never been thoroughly examined by a competent person as being safe to use (*see following Section 5*).

4 Building Regulations Approval

- 4.1 Under the Building Regulations 2000, all building works must be approved by either the Local Authority's Building Control service or by an Approved Inspector.
- 4.2 With respect to window cleaning access, roof areas and building façades these are generally covered by the guidance contained in **Approved Documents K** and **N**.
- 4.3 Specifically they contain the following provisions for workplaces:-
- a) **Approved Document K Requirement K1** – with respect to installed stairs, ladders and ramps used for access in buildings for the purposes of maintenance; and
 - b) **Approved Document N Requirement N4** – with respect to windows, skylights, ceilings or roof roofs being “safely accessible for cleaning”

and compliance with which could prevent the service of an Improvement or Prohibition Notice for failure to comply with the relevant requirements of the **Workplace (Health, Safety and Welfare) Regulations 1992**.

5 Construction (Design and Management) Regulations 1994

- 5.1 Under the CDM Regulations the Health and Safety File is prepared by the Planning Supervisor. It alerts those who are responsible for the structure of the key health and safety risks that will need to be dealt with during **subsequent** maintenance, repair and construction work.
- 5.2 During the design stage there is the maximum potential for reducing risks, by application of the principles of inherently safer design where duty holders need to demonstrate that an effective approach is taken for demonstrating that risks are as low as reasonably practicable.
- 5.3 They must start by choosing the safest design option within the range of practicable solutions. If it is demonstrated that this is not reasonably practicable; then attention should pass to the next safest option. The step-by-step procedure is repeated until the lowest risk option is found which is reasonably practicable (*see referenced HSE Policy*

and Guidance on reducing risks as low as reasonably practicable in Design for more information www.hse.gov.uk/dst/alarp3.htm).

- 5.4 Throughout the project those who carry out design work (including all Contractors) will need to ensure so far as is reasonably practicable that information about any feature of the structure which will involve significant risks to health and safety during the structure's *lifetime* are passed to either the Planning Supervisor or the Principal Contractor and ultimately to the end user.
- 5.5 The Principal Contractor may need to obtain details of services, plant and equipment which are part of the structure from specialist suppliers and installers - e.g. mechanical and electrical contractors and pass this on.
- 5.6 The file is handed over to the Client as soon as reasonably practical after a completion certificate or similar document has been issued. The Client must bring it to the attention of all those who might be affected and are required to use it - e.g. maintenance contractors.
- 5.7 Typical contents of the Health and Safety File include:-
 - a) 'record' or 'as built' drawings and plans used and produced throughout the construction process;
 - b) the design criteria;
 - c) general details of the construction methods and materials used;
 - d) details of the equipment and maintenance facilities within the structure;
 - e) maintenance procedures and requirements for the structure;
 - f) manuals produced by specialist contractors and suppliers which outline operating and maintenance procedures and schedules for plant and equipment installed as part of the structure; and
 - g) details of the location and nature of utilities and services, including emergency and fire-fighting systems
- 5.8 Enforcement of CDM is by the Health & Safety Executive only. (see also point 2.5 above)

6 Lifting Operations and Lifting Equipment Regulations 1998 (LOLER98)

- 6.1 A First Thorough Examination is required by *LOLER98 Regulation 9(2)* before SFAE is put into use because the "*safety of (the) lifting equipment depends on the installation conditions*". Therefore negotiations should take place between the interested parties to make arrangements for the First Thorough Examination to be carried out while the track fixings, anchorage points etc. are still exposed, otherwise it can become impossible and costly to expose these points for examination once they have been covered up by cladding, concrete slabs etc.
 - a) the Thorough Examination report must contain information that
 - b) it is such a **first** examination; and
 - c) (if such be the case) that it has been **installed correctly** and would be **safe to operate** as this is a legal requirement outlined in Reg. 10 and Schedule 1 of LOLER 98.

- 6.2 Lifting equipment which is installed is required to be thoroughly examined under Regulation 9(2)(a) even if it has a current EC Declaration of Conformity as required by Regulation 9(1)(b). This is because regulations 9(1) and 9(2) deal with different stages in the supply and use process. Regulation 9(1) is intended to ensure that the equipment is safe to use at the point of supply whereas Regulation 9(2) deals with use and the fact that a safe machine can become dangerous if it is not installed correctly.
- 6.3 Enforcement is of LOLER98 by the Health & Safety Executive or the Local Authority dependant upon the type of main activity at the premises (*see point 2.5 above*)

7 Provision and Use of Work Equipment Regulations 1998 (PUWER98)

- 7.1 Regulation 10 of PUWER98 requires employers to check that any new equipment (including machinery) they buy (as a user) complies with all the **supply law** that is relevant. Regulation 11 of LOLER98 requires employers to keep the EC declaration of conformity for the lifting equipment for as long as they operate the lifting equipment.
- 7.2 Enforcement of PUWER98 is by the Health & Safety Executive or the Local Authority dependant upon the type of main activity at the premises (*see point 2.5 above*)

8 The Health and Safety at Work etc Act 1974

- 8.1 Section 2 of the Health and Safety at Work etc Act 1974 requires employers to ensure the provision and maintenance of plant and articles (i.e. machinery, equipment) that are safe and without risks to health when used, handled, stored and transported by employees. Section 4 of the Act requires those persons who have control of premises and plant within it to ensure such plant is safe and without risks to health when used by those, other than employees, whom it is made available for use.
- 8.2 Section 6 of the Act requires any person who **designs, manufactures, imports or supplies** any article for use at work to ensure that the article (i.e. machinery, equipment) is so designed and construed that it will be safe and without risks to health at all times when it is being set, used, cleaned or maintained by a person at work. Such a person is required to arrange for the carrying out of examinations and tests that may be necessary to ensure compliance with this duty.
- 8.3 Any person who **designs** or **manufactures** any article for use at work is required to carry out or arrange for the carrying out of any **research** for the purpose of discovering and elimination of any risks to the health and safety to which the design or article may give rise. It is also the duty of any person who **erects** or **installs** an article for use at work to ensure that it is not erected or installed in an unsafe manner or to cause a risk to health when it is being set, used, cleaned or maintained by a person at work.
- 8.4 Enforcement is by the Health & Safety Executive or the Local Authority dependant upon the type of main activity at the premises (*see point 2.5 above*) although the Health & Safety Executive alone are responsible for enforcing Section 6 of the Act.

9 Management of Health and Safety at Work Regulations 1999

- 9.1 The Management of Health and Safety at Work Regulations 1999 (MSHWR) require employers to inform their employees and others who are not employees but who may use the premises e.g. other employers and their employees, members of the public, of the risks to their health and safety arising out of or in connection with the conduct by him of his undertaking. This can include use of SFAE. The employer also has a duty to implement any preventive and protective measures on the basis of the principle specified in Schedule 1 to the Regulations.
- 9.2 Enforcement MSHWR is by the Health & Safety Executive or the Local Authority dependant upon the type of main activity at the premises (*see point 2.5 above*)

10 Further Information and Guidance

- Construction (Design and Management) Regulations 1994 SI 1994 No 3140 Stationary Office 1995 ISBN 011 043845 0
- HSC Managing health and safety in construction. Construction (Design and Management) Regulations 1994. Approved Code of Practice and guidance HSG224 HSE Books 2002 ISBN 0 7176 2139 1
- Construction Information Sheet No 41: The role of the designer
- Construction Information Sheet No 44: The health and safety file
- HSE Policy and Guidance on reducing risks as low as reasonably practicable in Design
- Successful health & safety - by design. Guidance on the inherently healthier and safer approach to design [HSE document - in draft]
- Department of Trade and Industry (DTI) The Supply of Machinery (Safety) Regulations 1992 (as amended). Guidelines on the Appointment of UK Notified Bodies to undertake inspection and certification for the purposes of the Conformity Assessment Procedures in the UK Regulations. November 1999
- Supply of Machinery (Safety) Regulations 1992 SI No 3037 ISBN 0 11 025719 7 Available from HMSO
- Supply of Machinery (Safety) (Amendment) Regulations 1994 SI No 2063 ISBN 0 11 045063 9 Available HMSO
- The Supply of Machinery (Safety) Regulations 1992, HSE information sheet 09
- Code of Practice for the planning, design, installation and use of permanently installed access equipment. Suspended Access Equipment BS 6037-1:2003-06-26
- Safety requirements on suspended access equipment BS EN 1808 1999 – Design criteria, construction – Tests
- HSE *Supplying New Machinery* INDG 270 04/98 C200
- DTI *Product standards - Machinery: Guidance Notes on UK Regulations* May 1995 available from the Department of Trade and Industry Business in Europe Hotline: 0117 944 4888.
- HSE *Buying new machinery* INDG 271
- Safe use of lifting Equipment. Lifting Operations and Lifting Equipment Regulations 1998. Approved Code of Practice and Guidance L11

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- Safe use of work equipment, Provision and Use of Work Equipment Regulations 1998 Approved Code of Practice and Guidance.
- Management of Health and Safety at Work Regulations 1999: Approved code of practice and guidance L21.
- HSE *Using work equipment safely* INDG 229
- Revitalising health and safety - Strategy statement - June 2000. Department of the Environment, Transport and the Regions
- HELA LAC 23/4 A-Z on The Health and Safety (Enforcing Authority) Regulations 1998