

Evaluation of the simplified lifting operations and lifting equipment leaflet (LOLER)

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The simplification of LOLER (Lifting Operations and Lifting Equipment Regulations 1998) is part of HSE's third Simplification Plan to reduce unnecessary administrative burdens from health and safety legislation. The LOLER mini-guidance leaflet on thorough examination of lifting equipment (INDG422) was produced as a consequence of the Better Regulation initiative and the HSE Simplification Plan. This leaflet, entitled 'Guide to Thorough Examination of Lifting Equipment' covers all examinations of lifting equipment including inspection of the lifting mechanisms of forklift trucks. It was intended for anyone with lifting equipment to help them to understand what 'thorough examination' means in practice.

INDG422 (issued June 2008) provides advice on the options dutyholders have under LOLER relating to the requirement for thorough examination and inspection of lifting equipment and explains the benefits of having an examination scheme. This simplified leaflet aims to reduce administrative costs for the requirement to examine, and record the examinations of, lifting equipment as part of HSE's 2008 simplification plan.

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EXECUTIVE SUMMARY

Objectives

The LOLER (Lifting Operations and Lifting Equipment Regulations 1998) guidance document INDG422 provides advice on the options dutyholders have under the LOLER regulations relating to the requirement for thorough examination and inspection of lifting equipment and explains the benefits of having an examination scheme. The aim of this research was to gather experiences and opinions of a sample of duty holders and other key stakeholders in relation to the awareness, understanding, relevance, use, and effect of INDG422, and particularly in relation to the potential savings of time and money.

Main Findings

Awareness and understanding of INDG422 was found to be generally good in the businesses, training organisations and trade associations that made up the sample for this research. Evidence from the 20 interviews indicates that participants have a clear understanding of the requirements of legislation on the topic of thorough examination of lifting equipment as detailed in INDG422. The guidance was perceived to be relevant to a wide range of industry contexts, and to contain sufficient detail to enable compliance with the regulations. Participants emphasised the view that adopting a rigorous preventative maintenance strategy in respect of their lifting equipment, as promoted in INDG422, holds numerous benefits including:

- Reducing the amount of time lifting equipment is unable to be used due to unforeseen failures
- Maximising productivity where lifting equipment is essential for the business to operate, due to the implementation of a regular preventative maintenance strategy
- Minimising the risk of accidents (and the associated costs) due to poorly maintained lifting equipment

Other perceived benefits included the view that INDG422 provides clarity and therefore saves time being spent on unnecessary thorough examinations. However, small businesses were less likely to perceive that INDG422 saved them time or money.

Conclusion

The findings from this research have enabled a clearer understanding of how the LOLER guidance document is perceived and used by businesses and other stakeholders, and how it can save organisations time and money. INDG422 was found to be a key reference document that provides information and clarity on the various issues surrounding thorough examination of lifting equipment, helping organisations to understand their duties under the legislation, and providing practical examples of good practice.

INDG422 is perceived as being a useful resource in helping businesses address the requirements of legislation, keeping their lifting equipment in good condition to maintain the business

revenue stream, and providing safe equipment for employees, therefore minimising the potential for accidents.

The main suggestions for HSE include provision of more detail in the guidance, addition of examples and inclusion of additional materials, pictures and definitions.

It is suggested that more detail could be provided on equipment that does, and does not fall under LOLER; on the frequency of thorough examinations and on the responsibilities of the various parties when hiring lifting equipment. Addition of examples of a thorough examination scheme and its associated report, and examples from a wider range of organisational contexts are also recommended. Suggestions regarding inclusion of additional training materials as a resource for cascading learning; more pictures to facilitate understanding and maintain engagement, and a more rigorous definition of a competent person to carry out thorough examinations were also identified from the findings.

1 INTRODUCTION

The simplification of LOLER (Lifting Operations and Lifting Equipment Regulations 1998) is part of HSE's third Simplification Plan to reduce unnecessary administrative burdens from health and safety legislation. The LOLER mini-guidance leaflet on thorough examination of lifting equipment (INDG422) was produced as a consequence of the Better Regulation initiative and the HSE Simplification Plan. This leaflet, entitled "Guide to Thorough Examination of Lifting Equipment" covers all examinations of lifting equipment including inspection of the lifting mechanisms of forklift trucks. It was intended for anyone with lifting equipment to help them to understand what 'thorough examination' means in practice.

INDG422 (issued June 2008) provides advice on the options dutyholders have under LOLER relating to the requirement for thorough examination and inspection of lifting equipment and explains the benefits of having an examination scheme. This simplified leaflet aims to reduce administrative costs for the requirement to examine, and record the examinations of, lifting equipment as part of HSE's 2008 simplification plan.

Specifically, leaflet INDG422 provided additional information for dutyholders in the following areas:

- Examples of types of lifting equipment (and accessories) covered by the regulations.
- Specific explanation of a 'competent person'.
- Specific explanation of 'thorough examination' components and frequency.
- Clarification of the specific obligations for inspection under both the Provision and Use of Work Equipment Regulations (PUWER) and LOLER.
- Requirements for record keeping.

INDG422 was designed to reduce the administrative burden for Small and Medium Sized Enterprises (SME's) by explaining:

- How often lifting equipment and accessories should be examined.
- Who should examine the lifting equipment and accessories.
- What records need to be kept, and for how long.

There was a need to assess how this simplified guidance had been perceived and used by businesses and other key stakeholders.

1.1 RESEARCH AIM

- To explore the experiences and opinions of stakeholders in relation to their awareness and understanding of the guidance, and of the relevance, use, and effect of the simplified LOLER guidance.

1.2 OBJECTIVES

- To identify whether businesses are aware of the LOLER guidance.
- To identify how individuals have used the LOLER guidance.
- To determine the target audiences' opinions on the usability (layout, design, sequencing of topics) of the LOLER guidance.
- To determine the target audiences' opinions on the comprehensibility (clarity, relevance, language) of the LOLER guidance.
- To determine the target audiences' opinions on the effects (saving time and money) of the LOLER guidance.
- To identify any benefits that the changes to the LOLER guidance may have provided.

2 METHOD

2.1 DESIGN

To address the project objectives, the research employed a qualitative methodology. This method of data collection was chosen because the objectives of the study required an exploration of the views and experiences of participants regarding the LOLER guidance. A series of telephone interviews were conducted with stakeholders, using a combination of open and closed questions.

2.2 SAMPLE

A total of 20 organisations made up the sample, representing a variety of organisational contexts and sizes. The sample breakdown is shown in Table 1. The sample reflects a broad cross-section of the target audience for INDG422. A number of training organisations who deliver training on the topic of LOLER were selected, along with a number of trade associations where LOLER is a core element of their members' businesses. A sample of businesses were also included, across the various organisation size categories of small (10 – 49 employees), medium (50 – 249 employees) and large (250 or greater number of employees).

Table 1: Sample breakdown

Small Business (10 – 49 employees)	Medium Business (50 – 249 employees)	Large Business (250+ employees)	Trade Association	Training Organisation
Case 10	Case 2	Case 6	Case 5	Case 1
Case 14	Case 12	Case 11	Case 7	Case 3
Case 17	Case 15	Case 13	Case 8	Case 4
	Case 16	Case 18	Case 9	
	Case 19		Case 20	

The aim of the research was to gather a range of views from training organisations, trade associations, and businesses of different sizes. The sample of 20 participants selected was a purposive sample of UK dutyholders and key stakeholders, and was not intended to be representative of the total population of UK dutyholders and key stakeholders. The sample was drawn from two sources; one being details provided by visitors to the HSE LOLER web-pages, and the other being a list of key stakeholders supplied by HSE. After 20 interviews had been carried out, no new views and experiences were being expressed (indicating data saturation) and it was decided that gathering additional data would be unlikely to add anything further to the findings.

2.3 DATA COLLECTION

The data-gathering phase comprised 20 telephone interviews, each lasting up to 30 minutes. The telephone interviews were made up of a combination of open and closed questions, designed to address the research aims and objectives. Written notes were taken during the telephone interviews, which were used to supplement the audio recordings. Consent was sought from participants for both the note taking and audio recording, and participants were informed that they could ask for note taking and recording to cease if they wished to discuss particular sensitive issues. Both the written notes and audio recordings were treated as confidential, and all opinions were rendered anonymous, as were any quotes in this report. The notes and interview transcripts generated from the audio recordings were analysed to identify the main themes discussed by participants, and these formed the basis of the findings in this report. Two versions of the interview schedule were used, reflecting the different perspectives of the groups that made up the sample. Appendix 1 shows the interview schedule used for businesses and training organisations, whilst Appendix 2 shows the interview schedule used for trade associations.

2.4 DATA ANALYSIS

The main data analysis phase centred on the 20 telephone interview transcripts. The audio recordings of the telephone interviews were transcribed verbatim by an external contractor, and checked by the lead researcher. Any notes from the telephone interview sessions were used to supplement the verbatim transcripts.

Data collected in the telephone interviews was analysed using a systematic approach as advocated by the National Centre for Social Research. This approach develops, refines and modifies an analytic (or thematic) framework, into which every piece of data is then systematically and consistently analysed. The analytical framework was initially informed by the research objectives, research questions in the interview schedules, and by the key issues that emerged from the interview data. The framework was grounded in the data and not imposed by the researcher. A matrix of themes and sub-themes was derived from the data, which was then used to explore, and to compare and contrast, the patterns of responses in the data.

3 FINDINGS

The findings discussed below are organised in terms of the objectives of this research as detailed in Section 1 – Introduction. The experiences and opinions of participants in relation to their awareness and understanding of the guidance, and of the relevance, use, and effect of the simplified LOLER guidance, are described, and supported by verbatim quotes from the interviews.

3.1 AWARENESS

3.1.1 How participants first found out about INDG422

Participants found out about the LOLER guidance document INDG422 from a variety of sources, including the HSE website, internal health and safety training, information supplied by insurance companies, and external training providers. Internal training provided by participants' organisations was the most frequently cited source of initial awareness of INDG422.

"[I first found out about the LOLER guidance] through training within our organisation ..."

Trade associations were well informed of the existence of the LOLER guidance, some of them having been involved in the development of the full LOLER regulations since inception in 1998. Trade associations in the sample were well informed on the scope and detail of LOLER due to its significant relevance to their members' businesses, and the advice they were required to provide to members on a daily basis.

"... we have been fully involved in the [LOLER] consultation process ever since it was started in 1998 ..."

3.1.2 Participants' mode of access to the LOLER guidance INDG422

Regular access to INDG422 was frequently reported to be via the HSE website. All groups in the sample made good use of the HSE web pages as a source of health and safety information. The HSE web pages were often cited as the only source of LOLER guidance information from participants representing business organisations.

HSE publications were frequently cited as a source of LOLER information, with training organisations reporting regular purchase of HSE publications, and also receiving free-issue leaflets. A small number of participants from training organisations and trade associations reported accessing the LOLER guidance both online and via HSE printed media.

"We have got pretty much every version [leaflets and online access versions], we have got the actual legislation and we have also got the document with the HSE guidance and ACoP with it ..."

3.1.3 Details of knowledge relating to the LOLER topic

Participants reported a generally good knowledge of the LOLER topic, with training organisations and trade associations demonstrating a significant depth of understanding, primarily due to LOLER being a core part of their organisations' operations.

"Obviously because as instructors, ... we need to know it all ..."

Businesses demonstrated a sound working knowledge of the LOLER topic. They suggested that their grasp of the issues was acceptable for their circumstances.

"[LOLER] looks at every single aspect of the lifting activity ... from the type of equipment you use to the training given, all the slings ..., how you operate them ..., testing, inspections, etc."

A number of business organisations revealed limited knowledge of the requirements under LOLER, with this being particularly apparent in small and medium sized businesses.

3.1.4 Awareness of the LOLER guidance INDG422

Participants reported a range of awareness of the specific LOLER guidance document INDG422. Training organisations were generally very familiar with INDG422, primarily because they use it as part of the training materials and course content in LOLER training courses they offered. INDG422 was often supplemented for training purposes with the full LOLER regulations.

"We absolutely are [aware of INDG422] because on some of the courses, we actually have it as part of the course literature that we issue."

Trade associations also offered the view that INDG422, whilst useful, was only part of the picture where LOLER was concerned. The full regulations and Approved Code of Practice (ACoP) were regularly referred to as key documents in the day-to-day business of the trade associations. Compliance with LOLER was reported to be widely promoted by trade associations via articles and weekly updates in communication media.

"... we are well versed in LOLER, it happens to be probably the most thumbed document that we have in the office here alongside PUWER and the Health and Safety at Work Act ..."

"We have a regulation manual if you like, that we give automatically to all new members that join the association and that manual includes a copy of the LOLER ACoP."

Businesses referred to INDG422 as a key document helping them maintain compliance with the regulations by providing information to clarify issues relating to, for example, the frequency of thorough examinations of lifting equipment.

"... we've got forklift trucks, we've got mobile elevated work platforms, ropes, chains, shackles, D-links, and so on, so it [INDG422] is very much part of our operation."

Some smaller businesses revealed a low awareness of the specific guidance document INDG422, but were however aware of the requirements for thorough examinations by competent persons.

"... I didn't know that [INDG422 existed]"

"... I know that you have to have a periodic thorough examination and I think there was a certain amount of training instruction, supervision, ..."

One trade association reported low awareness of INDG422 in industry, based on feedback from their own service engineers.

"Most of my staff came back and said 'well look this is a good document [INDG422] but it's the first time we've seen it really, it's not widely used within the industry in our experience'."

3.2 UNDERSTANDING

3.2.1 Ease of understanding / ability to follow INDG422

Participants reported INDG422 to be both easy to understand and follow. Key aspects of the guidance, for example, explanation of the various responsibilities for duty holders under LOLER were described as clear, and the description of the various accessories for lifting were described as useful. The step-by-step approach of INDG422, aimed at guiding the reader through the various topics described therein, was praised, along with the signposting to further information if so required.

"We find it [INDG422] is quite clear in where the responsibilities lie, what people are supposed to do and how ... they are supposed to do it."

The consensus view across the three different groups (training organisations, trade associations, and businesses) was that INDG422 explained the requirements of the LOLER regulations in such a way that was readily understood by the target audience. Trade associations also offered the view that their members found INDG422 easy to understand.

"... when I initially read it I understood it, I was absolutely fine with what the requirements were ... I read it and understood it and managed to constantly give that advice to our members as well from using your guide, so that's fine."

3.2.2 Amount of information contained in INDG422

Participants were generally in agreement that INDG422 contained sufficient information for the purpose it was designed to fulfil, and praised the signposting to further information to be accessed as appropriate. Some businesses and trade associations reported a lack of detail in certain areas, for example, about inspections and record keeping, but balanced this perceived lack of detail with the need to keep the document brief in order to maintain engagement. It must be noted that further details on this and other topics detailed in INDG422 could be found in the full LOLER regulations document or the LOLER ACoP, both of which are identified in the further reading section of INDG422.

"Yes I mean it is [sufficient information in INDG422], ... we would like a little bit more information about [inspections and record keeping, but] ... you don't want it to be too long because if it's too long people would just get bored very quickly, so you want something that's short, quick, and to the point."

3.2.3 Potential improvements suggested for INDG422

Training organisations had nothing to offer regarding suggested improvements to INDG422. However, trade associations put forward a number of areas for additions to the guidance, primarily based on the finer detail of specific types of lifting equipment that may not obviously be easily categorised as such, for example escalators, and also issues relating to the specific definition of a competent person and responsibilities for thorough examination when a vehicle with lifting equipment on board is hired.

"... LOLER in itself is a fairly good piece of legislation, we can work to it and we can see where it is, perhaps there are certain things such as what is in and what's out, tighten up the process of a competent person, more information on structural design and all the rest of it, but then again you can't go into the whole process can you."

"... effectively they have just included car transporters as lifting equipment where previously they judged it more to be levelling type of equipment ..." "But, for example, escalators [are not formally under LOLER]"

"... because we [our members] rent and lease vehicles, a little bit more information around the obligations for our members on whose responsibility it is to carry out proper maintenance checks, so for example someone rents a vehicle for two or three months, obviously our members can't carry out those regular maintenance checks because the vehicle is not on site ..."

Some clarification of the language in INDG422 was suggested as a potential improvement to help with interpretation and therefore ensure dutyholders are addressing issues beyond the minimum requirements for compliance.

"... it [INDG422] says it [competent person] should have enough [appropriate practical and theoretical knowledge and experience of the lifting equipment ...] ... 'enough' is subjective ... 'appropriate' is subjective ..."

"... those with the mind to comply will comply ... but those with the mind to do the bare minimum, this [INDG422] makes it really easy for them to do the bare minimum."

" One [area for potential improvement] is the definition of the competent person and that is something I suspect is very difficult ..."

Another area of potential improvement cited was that of a more thorough explanation, or a worked example, of a thorough examination scheme and its associated report. This would aid duty holders in generating their own paperwork in line with the requirements of legislation and assure them of meeting their obligations to maintain compliance.

"Schedule 1 of LOLER sets out what information must be in the [thorough examination] report ... It might be an idea to put an example of what a thorough examination report looks like [in INDG422]."

Some concern was voiced from trade associations regarding the practicality of separating LOLER and PUWER in so far as the current situation allows for forklift trucks to be thoroughly examined and certified as safe in terms of the lifting equipment aspects of its operation, but there are other aspects of a forklift truck that if not functioning correctly, would render the vehicle unsafe, for example, its steering and brakes. A solution offered to address this concern was a process along the lines of a Motor Test (MoT) for forklift trucks.

"... where LOLER and PUWER are separate for a lift truck for example, the only statutory requirement is to have the lifting equipment inspected, so you could have that done and get a clean bill of health as far as the thorough examination is concerned, but you could have a truck with defective brakes or steering for example."

"... if there was a set of laid down standards [for a forklift truck MoT] that people adhered to, you know, you'd end up with a safer machine and a more robust process for making sure that they're safe."

More clarity on the factors which may impact upon the frequency of thorough examinations of lifting equipment exposed to conditions potentially causing deterioration, was suggested by larger businesses as a useful addition to INDG422. This would help them in their decision-making regarding frequency of thorough examination for such exposed lifting equipment.

"... I think it [INDG422] should say that all lift equipment has to be examined, rather than saying, you know, that it has to be exposed to conditions causing deterioration. I think that could lead people to say, well you know, we work in a clean factory where it's not going to deteriorate ... It would take the ambiguity away from it, I think it's just, you know, if there was one thing I would change it would maybe be that."

"... there's a general requirement for the cranes, or your forklifts or whatever [to be thoroughly examined] every 12 months, I think it'd be better or it could be clearer that it's not a set 12 months. If you've got your forklifts working in a particularly harsh environment or your slings are rusting quickly or your wire ropes are fraying then you need to do it more often."

Additional information was also requested regarding the degree of defectiveness in lifting equipment that constitutes a serious or imminent risk of personal injury. One participant spoke at length on the subtleties of making such a judgement, referring to the large variety of factors that would influence that type of decision. A further point raised on a similar issue was the requirement for more clarity on the specifics of what constitutes an accessory of lifting equipment.

"What happens if defects are found on lift equipment? ... We have a lot of questions on our course as regards this ... What constitutes a serious or imminent risk of personal injury?"

Medium sized businesses were broadly satisfied with the relevance of INDG422 to their circumstances. However, some suggested more detail on lifting attachments would be welcome, along with links to any potential updates to legislation in order to keep duty holders informed of developments.

"No, I don't think [any modifications to INDG422 are necessary] ... you've got to get things across haven't you so, you know, it's all necessary I think."

"... parts of loads are covered by it [LOLER] and there is a lot, I know that out there in industry there is a lot, of confusion as to what constitutes a lifting attachment and what is actually part of the load."

Smaller businesses offered a similar perspective, suggesting few improvements to INDG422 in terms of its relevance to their circumstances beyond the requirement for more detail regarding small scale lifting equipment and the responsibilities of the various parties involved when hiring lifting equipment.

"Give a little bit more information on the smaller stuff, which is more likely for us, because our lifting, two tonnes is heavy for us ..."

"... because we don't stock a lot of lifting gear, if you're going to hire gear you need, maybe a little bit more information in [INDG422] about that ..."

Additional training materials and pictorial content was also mentioned as two areas that would provide duty holders with useful tools in explaining the contents of INDG422 to the workforce. A number of participants from across the sub-groups in the sample offered the view that no improvements were necessary to INDG422, and it was acceptable for their purposes as it stands.

"I think we accept the fact that there needs to be guidance, there needs to be regulation, and by and large the regulation is sensible and is not too difficult to understand, by and large."

3.2.4 Criticisms of INDG422

Trade associations were the only group that voiced substantial criticism of INDG422, and these criticisms were put forward by less than half of the sub-set of trade associations in the sample of participants. In terms of understanding the guidance document, these trade associations felt that INDG422 was not easy to understand by virtue of the guidance containing a potentially confusing mix of legislation and best practice, containing a combination of LOLER and PUWER regulations. Trade association participants also highlighted the specific wording in INDG422 describing the specification of a competent person as an example of potential confusion, and the possibility of providing opportunity for unscrupulous activities.

"... to be honest it's a fairly confusing mix of legislation and best practice ... and it's indistinct in some cases which is which."

"Because this [specification of a competent person in INDG422] reads as though a competent person 'should, should, and should', so that's legislation, and the bottom one; 'may be employed by a separate company or selected by an employer from members of their own staff', now in the application of the regulations, this particular point is something that an awful lot of less scrupulous operators use to their advantage."

INDG422 was also criticised for not providing sufficient clarity on the principle function of equipment, be it lifting or height adjustment. Certain equipment commonly found in business premises has an element of lifting in its function, however it may not be commonly perceived as lifting equipment per se, for example a dock leveller on the loading bay of a warehouse. Clarity on the examination regime for such equipment was reported to be a useful addition to aid understanding in future issues of INDG422, particularly as the target audience may not be well versed in the conceptual classifications of such equipment.

"... where it says its principle function isn't lifting, ...something like height adjustment [would be clearer], ... rather than to say 'well look it doesn't really lift'."

"... if you and I are involved in this [providing advice on requirements for compliance relating to lifting equipment] day in day out, and we struggle with it [clarity of interpretation] a little bit, you know, those the document [INDG422] is intended for, sort of, at the ground level in warehousing and in industry, you know, they're going to find it even harder so I think the clearer that you can make it the better."

3.3 RELEVANCE AND USE

3.3.1 INDG422 addresses organisations' circumstances

Training organisations reported that INDG422 addresses their circumstances such that it is useful for clarifying the requirements for compliance with the LOLER regulations. INDG422 is used in LOLER training as an aid to assist interpretation of the regulations, however it must be noted that the LOLER courses offered by training organisations cover a wide range of topics beyond thorough examination of lifting equipment.

"One thing you have to be careful of is that people don't view LOLER as just being thorough examination and testing."

Trade associations offered a mixed view when asked whether INDG422 addresses their members' circumstances. Trade associations who represented lifting inspection businesses were satisfied that INDG422 addressed their requirements, however those that represented a sector of industry more generally, for example the logistics industry, suggested that members still required assistance in interpretation of the guidance.

"Well of course [INDG422 addresses our members' requirements], our members are both users of lifting equipment inevitably because of the job they do, but their main commercial role of course is as testers, examiners and certifiers of lifting equipment."

"I mean yes in principle [INDG422 addresses members requirements] but in practice no, and that is the hub of the difficulty; that we have to keep interpreting."

Larger businesses offered a consensus view that INDG422 addressed their organisational circumstances in that it details the requirements of legislation relating to lifting equipment and activities. Participants alluded to cases of 'grey areas' that may not be covered in the guidance, and suggested that such cases would always exist, for example, querying the specific definition of the term 'lifting operation' when carrying out work.

"... one of the debates we get into occasionally is 'when is a lifting operation a lifting operation?', because sometimes you're using equipment in almost a pulling [rather] than a lifting [operation] ..."

Medium sized businesses also offered a consensus view that INDG422 addressed their organisations' circumstances, reporting that it gave clear direction and advice on requirements of legislation relating to lifting equipment. One participant put forward the view that INDG422 may be more useful for specific lifting operations in the construction sector, rather than their own routine day-to-day lifting activities.

"It [INDG422] gives me a clear direction to go, a clear instruction if you like, or clear advice in terms of what I need to do with my forklift trucks, what we need to do with the cranes, what I need to do with the slings, etc. etc. etc."

"I think that it [INDG422] was perhaps more aimed at, and perhaps even useful for, people who do specific lifting operations like perhaps in construction work and that sort of thing."

Small businesses also said that INDG422 addresses their organisations' circumstances in that it explains the requirements in relation to forklift trucks, however some concern was expressed relating to the lack of detail in INDG422 covering smaller lifting equipment, for example, pallet trucks and jacks.

"... it [INDG422] takes care of all the big stuff that you'd normally think about, like the cranes and all that, but a lot of our stuff is smaller stuff, like we use pallet trucks and small lift jacks and that's the thing I've found, that like isn't in there if you know what I mean."

3.3.2 How INDG422 addresses organisations' needs

Training organisations put forward a number of suggestions for how INDG422 addresses organisations' needs including the provision of examples of equipment that requires thorough examination under legislation, and the straightforward explanations contained within INDG422. The guidance document was suggested to be sufficient to maintain compliance in the absence of further guidance, and is regularly drawn upon during courses delivered, therefore suggesting that it is appropriate for the needs of a variety of organisational contexts.

"... it [INDG422] gives examples, it nails it down, it is straight-forward and it explains how it relates to forklifts and everything else."

Trade associations suggested that INDG422 addressed needs by providing information that may not be as easily accessible elsewhere. INDG422 was reported to be wholly applicable to members' businesses, and particularly useful as a training resource that trade associations use to train their members on thorough examinations of lifting equipment.

"... we haven't had any problems where it's not addressing [members' needs], you know, apart from the issues we've highlighted [frequency of examinations definition of a competent person, and responsibilities during long-term lease], but they found it a very useful document."

Larger businesses put forward the consensus view that INDG422 is most useful in terms of its clarification of the requirements to maintain compliance with the LOLER regulations. INDG422 was reported to serve as a general aide memoir on the topic of thorough examinations, and as a source of detail for the frequency of thorough examinations for lifting equipment.

"It's allowed us to move forward with our health and safety over the past few years, as a company we've become far more aware of what we need to be doing, and to have the guidance in front of us we can turn round, got it in black and white, then say 'actually we need to be doing this, we need to make sure that we're doing this', so from that point of view it's done that, it's done that job."

Medium sized businesses offered a variety of reasons regarding how INDG422 addresses their organisations' needs, including clarification of requirements for compliance with the LOLER

regulations, offering support to training provision, and checking that external thorough examiners are offering a comprehensive service in line with legislative requirements.

"... it [INDG422] states exactly on there what needs to be done, what items need to be done, how it's done and what needs to be done in the future on that item."

Further points of note mentioned by participants from medium sized businesses regarding how INDG422 has addressed their needs include the utility of the guidance in providing information to inform management of their responsibilities under the LOLER regulations, and for making the case to management for action and investment on health and safety. One participant suggested INDG422 was of little relevance due to their lifting operations being of a very routine nature.

"... they [management] know all about that [INDG422] because they have to because they're responsible for ensuring that the maintenance is kept up to date ..."

"... I must admit your guidance has come in really useful where I've had other managers from other areas of the company asking me why we're spending money on checking slings and chains etc. every 6 months and can't we just do them every 12 months, and it's a lot easier to wave this piece of guidance in front of them and say 'look, this is what we should be doing', as opposed to digging out LOLER and waving an inch thick book at them and saying 'page 3, reg 4, section 2 says we will do this'. Because as soon, well certainly in this business, as soon as you start quoting reg 3, section 2, paragraph 4, everybody shuts off."

Small businesses also put forward the view that INDG422 helps them by clarifying the requirements of legislation in order for them to maintain compliance. INDG422 was also said to be useful in signposting to further information, ensuring external thorough examiners were delivering a service that is comprehensive, and providing specific information to address queries on whether certain types of equipment, for example man-lifting cages, fall under the LOLER regulations.

"I suppose really just by giving me details and formal confirmation of what it is that we have got to be complying with, and the standards that we have to be meeting."

"We use a cage to lift people up to change lights so I didn't know if that was under that [LOLER] until I read the book ... because when you buy things [lifting cage] they [supplier] don't tell you about these things [applicability of LOLER to equipment], which is a bit confusing ..."

3.3.3 Circumstances in which INDG422 is used

Training organisations reported that they primarily use INDG422 to support training clients on various aspects of lifting operations, and suggested that it was particularly useful in dispelling myths and clarifying the requirements of legislation.

"... what you end up getting is somebody ringing up and going 'I've heard this' and you'll go 'well yes or no', ... or things like that, and you use LOLER [guidance] in that respect to back up your statement."

Trade associations reported using INDG422 on a daily basis as a source of information to enable them to offer advice to members. They also promote INDG422 to clients as a useful guide to the requirements for thorough examination of lifting equipment. Participants suggested that INDG422 has helped inform members of their obligations under the LOLER legislation, and that INDG422 is used for training purposes within the trade associations.

"Yes, it [INDG422] is invaluable to us because we use it on a daily basis and refer to it when advising clients so it is very helpful for us."

"... from what we've had from our members, I mean they feel like it [INDG422] has helped them to sort of manage their risk assessments and ... what they need to do and to be aware of their obligations etc., so that's how they've used it ..."

Large businesses identified INDG422 as useful in clarifying the requirements in order to maintain compliance, particularly in relation to the scheduling of servicing and maintenance for lifting equipment, and as a guide to ensure external thorough examination providers are giving a service that is fit for purpose and ensures compliance. INDG422 was also reported to be used for internal training purposes in large businesses.

"Where the guidance really helps us is looking at scheduling for servicing and maintenance repair of an actual forklift truck ... that's why I looked at this [INDG422] originally, to tell me where we needed it or how the servicing intervals or inspections for insurance purposes were."

Medium sized businesses also reported using INDG422 as an aide memoir to ensure their lifting operations and thorough examinations are of a satisfactory standard in order to maintain compliance with legislation by, for example, checking the frequency of activities undertaken by external providers of the thorough examination service. INDG422 was also reported to be useful in highlighting where the responsibilities lie for daily checks and defect reporting, and as an aid for internal training on lifting equipment.

Small businesses reported using INDG422 to inform the approach necessary to maintain compliance, assist in the development of daily check-sheets for lifting equipment, and as a resource for internal training purposes.

"... it [INDG422] enabled me to ... put together the daily check lists before use for the cranes and forklift truck, I was able to refer to the guidance there to make sure that I had covered everything."

3.3.4 Ease or otherwise of using INDG422

Training organisations expressed the view that they had no difficulties in using INDG422 for its intended purpose. They also reported no difficulties from their clients' perspective, bearing in mind that delegates leave the training courses with good intentions and whether or not those intentions are followed through is beyond the scope of the training organisations' remit to monitor.

"You very rarely keep in touch with people once they've left a course anyway. They are either doing it or, you know, it's like I said, they've all got good intentions when they leave the course, whether they actually implement and do that once they get on site, I really don't know."

Trade associations took the view that whilst clients (and particularly the more junior levels in client organisations) may occasionally have difficulty with certain aspects of the interpretation of the guidance, they were willing to make every effort to assist with any issues regarding clarity of interpretation, and were generally successful in resolving issues. An area where additional advice was often sought from trade associations was reported to be in relation to the distinction between inspections and thorough examinations.

"If you make that [distinction between thorough examination and inspection, and make up of each] as clear as you can, ... I think that's something that ought to be right on the front page because there's an awful lot of confusion in the industry between thorough examination, inspection, and sort of the meaning of both."

Businesses of all sizes reported no specific problems using INDG422 for the purpose it was intended. Some businesses referred to receiving assistance from external health and safety experts to complement the information gained from INDG422 and thus ensure the approach adopted would be sufficient to maintain compliance.

"... once you get that understanding and you know where you're heading ..., the expert's sitting there telling you what you should really be doing, and then it's up to us to put that into a practical working package for the guys to understand and us to comply with."

3.4 STYLE AND PRESENTATION

3.4.1 Layout, design, sequencing of topics

The layout, design, and sequencing of topics that make up INDG422 were praised by participants as being broadly acceptable, appropriate for the topic, and fit for purpose.

"... the presentation of it [INDG422] is absolutely fine, the layout is good, it's to the point, it's bullet pointed, and I've got no problems with that and the further reading section at the end as well is very very useful ..."

"... I think the layout, the design, you know, the way that you've put tables in to explain what sort of lifting equipment should be inspected and how often it should be inspected, the bulleted points and the headings, the sequencing, I'm not sure that there's too much there that could be improved on, I mean it's nice and clear."

"... I personally think it [INDG422] is quite easy to read and it leads you into it quite well, tells you what you should be doing, gives you examples."

3.4.2 Level of detail

The level of detail contained within INDG422 was reported to be generally acceptable and appropriate. Some participants reported insufficient information for certain specific details (as described in 3.2.3 -potential improvements suggested for INDG422). However, participants felt that achieving a usable guidance document such as INDG422 would always require a balance between providing sufficient general information to address the majority of workplace contexts, whilst not making the document overly lengthy such that engagement may be compromised. References towards the end of INDG422 were highlighted as useful sources of further information should the reader require more detail on a particular issue.

3.4.3 Level of language

The level of language used throughout INDG422 was described as suitable, clear, and appropriate for the end-user population at which it is targeted. Almost all participants praised the good balance achieved by HSE in producing a document that was straightforward, simple, and contained no unnecessarily complicated jargon. One participant put forward the view that the language contained in INDG422 may not always be accessible to the entire target audience.

"Well it [INDG422] is certainly clear enough for us. I think it's actually written quite well, it is not dumbed down ... , but equally it doesn't use words that in my view are confusing. I think it is actually quite good."

There's no complicated jargon or other language, and for the average person who isn't a health and safety advisor or a manager or anything, it's perfectly easy to read and perfectly easy to understand it."

"... the language [in INDG422] sometimes is not particularly accessible to the engineer level if you like which is unfortunate."

3.4.4 Potential improvements to INDG422 style and presentation

A number of participants offered suggestions for potential improvements to INDG422 in terms of its style and presentation. The varieties of examples contained in INDG422 were suggested to be insufficient in number, and could be potentially improved by drawing them from a wider variety of business contexts.

"I think it [INDG422] could have and should have a better range of examples."

An appendix covering the major types of lifting equipment commonly found in industry was also suggested as a useful addition in terms of clarifying how the LOLER regulation should be applied to the various types of lifting equipment.

"... there could be an appendix or whatever, just a couple of pages at the back covering the different, you know, major types of equipment and how they see the regulation applying to fork lift trucks for instance."

Additional pictorial content was also suggested as a potential improvement in order to maintain engagement, particularly with the sub-set of the target audience who may have less well-developed literacy skills.

"... I'm just wondering if there's any case for putting into these simple documents perhaps an odd humorous cartoon or a relevant photograph or picture or something because it's alright for some people reading through this, but it can get a bit boring at first read and as you know a picture says a thousand words sometimes, so it's just a thought."

3.5 EFFECT: TIME AND MONEY

Respondents offered a mixed view on the utility of the LOLER guidance document INDG422 in saving time and money. All groups in the sample reported that INDG422 enables the saving of time and money by providing guidance on the requirements for thorough examinations that enable compliance with the regulations. Regular inspections and preventative maintenance of lifting equipment was reported to save both time and money over the long term as lifting equipment stays in service longer, with less equipment being out of use due to undetected defects, therefore maximising the opportunity for organisations to carry out their business with that lifting equipment. Trade associations and medium and large businesses also put forward the view that not complying with legislation is likely to cost a business in the long term due to enforcement action and potentially damaged reputations. Trade associations and medium and large businesses also suggested that the LOLER guidance could have the benefit of saving time and money by preventing accidents, which could be likely to have a financial or time cost impact for businesses.

Small and large (but not medium sized) businesses, and trade associations suggested that the requirements of LOLER as set out in INDG422 regarding thorough examination of lifting equipment cost both time and money, with a particular emphasis on costing time, due to the time required to carry out the thorough examinations, with the lifting equipment being out of service for that time. Small businesses only reported that INDG422 does not save time or money, but has only the effect of improving safety, however they did acknowledge that accidents hold an intrinsic cost for businesses should they occur.

Large businesses and trade associations offered the view that INDG422 can save businesses time due to its providing an accurate summary of the requirements for thorough examination schedules, therefore saving time by not having unnecessary thorough examinations carried out on lifting equipment at a higher frequency than that required by legislation.

3.5.1 Implementing the LOLER guidance INDG422 saves time

Training organisations reported that INDG422 can have the effect of saving time due to reducing undetected defects that may lead to accidents, and therefore minimises lifting equipment downtime. Training operatives using INDG422 could also have the benefit of assisting demonstration of compliance, therefore reducing insurance premiums.

Trade organisations offered the view that INDG422 could save time by its providing a readily accessible source of information to clarify the requirements for compliance. The information contained in INDG422 would save time by, for example, clarifying the requirements of legislation regarding frequency of thorough examinations, and therefore preventing unnecessarily frequent thorough examinations for various classes of lifting equipment.

"... having that guidance would mean that our members don't have to go elsewhere to get legal advice for example, having it all in one very handy useful document will obviously save them time and money ..."

"And those that are having thorough examinations carried out too often could save money by following the guidance and only having them done when they need them." "And there's a lot of companies that will have a twice a year thorough examination when they don't need it, you know, when once a year is sufficient ..."

Large and medium sized businesses reported that implementing the LOLER guidance INDG422 saves time by encouraging regular preventative maintenance to lifting equipment resulting in extending the life of the equipment, and therefore minimising unforeseen lifting equipment breakdowns. Loss of production capacity due to lifting equipment being out of service was the primary reason for the view that INDG422 saves time, by detailing an approach to thorough examinations of lifting equipment that if followed, would minimise equipment breakdowns. Small businesses did not offer this reasoning when probed during the interviews.

"If we have breakdowns to key kit then that's going to impact on our production volumes ... if we're getting the kit checked and we've got preventative maintenance in place, then you're going to get less breakdowns ... It's more or less the same argument, saving money, saving time."

"Well it certainly has had an effect on both time and money, because the time that that piece of equipment is off the road, we're losing out on that and I think we've got something like say 30 units, so for every unit that you've got off the road for an hour for maintenance, if you multiply that, we were twice a year rather than once a year that we needed, so you've saved 30 hours right away and you also then save the money of that side of it and the man hours as well for somebody standing idle, so it has made a big difference that."

"It's another difficult one to quantify really for me, we certainly saved time, in terms of not having the downtime or losing production or moving about time, I don't know, we certainly don't waste any more time by doing the checks ..."

3.5.2 Implementing the LOLER guidance INDG422 costs time

Training organisations did not offer anything of substance regarding how INDG422 may cost time. Participants from this sub-set of the sample used INDG422 on a regular basis as part of training materials on the LOLER topic, therefore generally offered only positive views on the effectiveness of the guidance document. Some participants representing the sub-set of trade associations in the sample suggested that the potential for INDG422 to save time was minimal, and that the reality could be a net cost in terms of time (and money) to implement the recommendations within INDG422.

"I wouldn't have thought it [INDG422] would have saved time or money to be honest. I would have thought probably it's the reverse, I should think it's probably added time and added cost in reality."

Businesses, mainly from the small business sub-set, but also with some representation from medium sized and large businesses felt that implementing the contents of INDG422 costs time in terms of the time taken to carry out daily checks, the time taken to research the topic and become familiar with the process, and in terms of the potential effect of carrying out lifting operations more carefully making workers progress at a slower rate.

"I don't think it's saved any time, it's probably, well, it's difficult to say because, again, there was inspections carried out before LOLER came in but I don't think it has saved time or money, no I don't."

"I suppose that you could argue that we spend a little more time on things now ... [daily checks] ... because we didn't do them before ..."

"Well it shouldn't really cost time because once you're decided, I suppose you've got to design your lifts and do your risk assessments anyway, and once you've done that and you're following the guidelines there should be no real extra time. The extra time is, if you like, what I've spent finding out about LOLER and getting to where I am now."

3.5.3 Implementing the LOLER guidance INDG422 saves money

Training organisations put forward the view that training workers on the LOLER guidance INDG422 could save organisations money by increasing familiarity with the requirements of legislation relating to thorough examination of lifting equipment and carrying out regular checks to identify potential defects that may lead to equipment downtime in the future and fixing them before they lead to a breakdown.

"... if you're maintaining your equipment and using your equipment then ... it'll last longer and cuts down what you're spending on equipment ..., cuts your damages down."

"... from a money saving point of view, ... if you do your checks regularly you'll pick up any faults which ... theoretically will get repaired earlier, which will cost you less."

Trade associations suggested that the implications of not complying with legislation such as LOLER (and INDG422) would be potentially costly for duty holders in terms of enforcement action. The value of a regular preventative maintenance programme was put forward as sufficient reason for the approach to be important to duty holders.

"... we go in and we say well sorry this is legislation, it's not negotiable, you can't pick and choose which crane you want examined today as it were, you have just got to comply and the consequences of not complying could be horrendous for you."

"... some users do regard it [thorough examination] as a necessary evil rather than something that has constructive value in terms of safety but I think there is sufficient evidence to show that there are things that are picked up from time to time in thorough examinations which had they not been picked up could have resulted in a serious accident."

"Well yes, that's right, of course it [regular thorough examination and preventative maintenance programme] would [save time and money over the long term]."

Businesses from the medium sized and large sub-sets of the sample made the point that adherence to INDG422 has the potential to save money in a number of ways, including minimising the risks associated with non-compliance, minimising the potential for unforeseen breakdown of lifting equipment resulting in the equipment being taken out of service for a period of maintenance which may disrupt production, and minimising potential accidents, with their associated costs, by adopting a regular preventative maintenance strategy. Participants representing the small business sub-set of the sample did not offer any of these views.

"Well I think overall if your equipment is well maintained and inspected you're going to save in the long term anyway because you're going to reduce hopefully wear and tear and any accidents that are likely to occur."

"... it's a difficult one to put a figure on, if we can sort of get the minor defects done quicker and we tend not to lead into the big defects, if you know what I mean." "Potentially a lot of money [to correct a significant defect]. If we lost a crane for the day and we were due to unload three containers then you're probably looking at a £5,000 loss in that day, so potentially a lot of money."

"Well I think it's time saved in a sense that if they're aware of all this, as they are, there's less likelihood for a mistake which could cost the company dear if there were to be an accident or an incident involving machinery which hadn't actually been looked at and examined and repaired as it should've been, so there's certainly cost savings in that respect."

3.5.4 Implementing the LOLER guidance INDG422 costs money

Training organisations had nothing to suggest regarding how the LOLER guidance document INDG422 could cost money in terms of the implications of its implementation. Trade associations suggested that the comprehensive approach to thorough examinations detailed in INDG422 could cost money due to the potentially increased resources for implementing the approach, however added to this by saying that the more rigorous approach would likely have implications for driving up safety performance, so therefore the increased investment of resources would be worthwhile.

"I don't know for sure but I think the requirement for thorough examination is more detailed than what went before it ... so I think the end result probably is that there are greater costs."

"... some users do regard it [thorough examination] as a necessary evil rather than something that has constructive value in terms of safety but I think there is sufficient evidence to show that there are things that are picked up from time to time in thorough examinations which had they not been picked up could have resulted in a serious accident."

Small and to some extent large business sub-sets of the sample put forward the view that the LOLER guidance document INDG422 has the potential to cost businesses, primarily due to the cost of implementing the approach to thorough examination as described in INDG422. One participant also felt that INDG422 had a valuable impact beyond improving safety, and did not extrapolate this into saving money (or time) for the organisation.

"Saves time and money? No. I think if anything it costs money. The regime of thorough examinations etc. etc. I mean it costs a lot of money. But, on the other side of the house one hopes that you're not having so many accidents due to malfunctioning lifting equipment."

"... reading them instructions, you do tend to find things that you've missed so you tend to add them on, but as for saving money, probably not, but it's probably just making people safer really."

3.5.5 Difficulty measuring the impact of INDG422 on time and money saved

Training organisations and small and large businesses alluded to the difficulty in actually measuring the impact of the LOLER guidance document INDG422 in terms of time and money. The difficulty in measuring the cost of an accident that was prevented due to adherence to INDG422 was put forward as a rationale for this position. However businesses are familiar with the general consensus that accidents do hold a cost in terms of both time and money. Therefore they appreciated that adhering to the guidance could help them to comply with the legislation which in turn could reduce accidents and therefore save time and money.

"Well it's one of those things, if it prevents something from happening then you never know what the cost would've been had it happened, it's almost impossible to put a value on things that you've prevented from happening."

"I don't know [if] we'd have saved time or money, but only in the event that we'd hopefully reduce any incidents or accidents. That's what it's all about, reducing the incidents and the accidents and protecting our staff and ourselves basically."

3.6 EFFECT: OTHER

3.6.1 Positive effect on the organisation due to INDG422

Participants offered a variety of examples describing where the LOLER guidance INDG422 has had a positive effect on the organisation. Training organisations provided an example of where daily inspections had been introduced in a client organisation, and trade associations offered the view that without INDG422 it would be more challenging for them to offer sound advice to their members. Larger businesses saw the value in INDG422 from a broad perspective as providing a structured approach to managing their lifting equipment and maintaining demonstrable compliance with the LOLER regulations.

"Well I think it gives a ... structured regime for organising the lifting equipment and associated plant ... it's a logical way of demonstrating that everything is in place."

Medium sized businesses were cognisant of the value in the approach to thorough examinations detailed in INDG422, and highlighted aspects of their internal systems that are now more robust due to following the guidance, for example by implementing an improved record keeping system.

"Our system's more robust [due to INDG422] ... I send it [LOLER guidance] out to each site, so it does help me inform each manager and assistant manager."

"... we sort of formally record now, crane checks and fork lift checks a lot more rigorously than we ever did before, it was a bit haphazard before but we do it a lot better now."

"... certainly the defect reporting on the forklift truck and cranes themselves is a lot better."

Small businesses also reported making changes to their internal systems in light of INDG422, introducing improved record keeping and changing procedures to improve safety and maintain compliance.

"... we have introduced a daily check sheet [for cranes and forklift trucks, in light of INDG422]"

3.6.2 Neutral effect on the organisation due to INDG422

A number of participants put forward the view that INDG422 had had no discernable effect on their respective organisations. Trade associations referred to the fact that lifting equipment was being maintained and examined prior to the introduction of the LOLER regulations in 1998, and that legislation could have influenced changes in their clients' organisations rather than the guidance document on its own.

"... it's not as if there was nothing and then there was LOLER."

"... I'm not sure whether the guidance [INDG422] made them [trade association members] change or whether it was just the legislation made them change."

A number of participants from businesses across all the size ranges reported little impact attributable specifically to INDG422, referring to the LOLER ACoP as the primary source of guidance on this topic, and having robust systems in place to ensure compliance prior to the publication of INDG422.

"To be honest our procedures were written using the ACoP I suppose as our main sort of reference whilst we were writing them."

"No I haven't [made any changes to processes in light of INDG422] because most of what was in place before I came here already complied with the requirements of this [INDG422], so we follow it but we haven't really made any significant changes ..."

3.6.3 Planned changes in light of INDG422

Training organisations commented from their perspective that delegates leave LOLER-based training courses with good intentions to implement changes in their respective organisations, but could not comment on whether those good intentions are carried through into actions. Trade associations offered mixed views on whether their members implemented changes in light of INDG422, suggesting that some members may implement changes, with the qualification that actions of this nature were often not reported back to the trade association.

"... most clients probably wouldn't admit to it, but they would quietly go away and look at their procedures and change them perhaps."

"... we would hope that after reading the guidance [INDG422] they [trade association members] will make any changes they felt were necessary to be more compliant."

Participants representing large businesses reported the view that they were not planning any changes to the way they manage lifting equipment policies, processes and procedures in light of INDG422. They offered the view that their internal systems were appropriate to maintain compliance without requiring further guidance from INDG422.

"No [planned changes]. Not unless you change the legislation on us."

"I don't think we have [made any changes to procedures as a result of INDG422], I think we've always been good at keeping up with current health and safety information so it's, maybe we've refined it but other than that it was already in place."

Medium sized businesses considered implementing a variety of changes due to INDG422, including reviewing risk assessments, increased training provision, and reviewing the scope of inventory covered by external suppliers of thorough examination services.

"... I think the only thing that might be planned in relation to this [INDG422] is the fact that I need to look at the risk assessment, review it, update it, and that would be about as far as I'd go at the moment."

Plan to deliver LOLER training to workforce based on guidance. "... I can sort of sit them down and say 'LOLER regs, this is what they are', and I will probably use the leaflet if I can't get any better presentations."

"When they [external thorough examiners] come in and inspect it [crane], ... I'll ensure we're compliant on that [supports and tracks for overhead cranes]"

One participant from the small business sub-set of the sample planned to implement a lifting equipment training programme for employees in light of guidance from INDG422.

"[Lifting equipment training programme will] ... probably planned in the next three months, because it will not happen over night, but it'll be put on our health and safety plan."

3.6.4 How INDG422 has helped organisations

Training organisations offered a clear consensus view that reference to INDG422 helps businesses to maintain compliance with legislation by clarifying the details of requirements for thorough examination of lifting equipment and thus helps maintain a safe working environment.

"... it [INDG422] makes them [businesses] compliant, and it makes a safer environment ..."

Trade associations supported the view that improved detection of defects due to following the guidance contained in INDG422 helps prevent accidents. INDG422 was also reported to clarify

requirements of legislation in order to maintain compliance by providing a simple set of guidance notes more easily understood than the full LOLER regulations documents.

"... historically before this guidance came out we did get a lot of questions around this area of 'how do I maintain my lifting equipment', what do I have to do with my tail lift', but this guide really addresses those issues and I think it's been very positive for our members."

Large businesses suggested that INDG422 offered a good framework from which to structure an approach to managing thorough examinations of lifting equipment in order to maintain compliance with legislation, for example, by assisting interpretation of regulations and clarifying the frequency of thorough examinations.

"Well I think it [INDG422] helps to interpret what the regulations say as it were."

LOLER guidance has helped clarify frequency for external thorough examinations. "...we know exactly when it [thorough examination] is going to be due, we know how long it's going to take and things like this so it's very simple for us."

Medium sized businesses also identified the value in INDG422 as a source of information to ensure compliance in their processes regarding thorough examination of lifting equipment. INDG422 was identified as a useful guide for formalising the process and establishing the frequency of thorough examinations, and as a reference to ensure external suppliers of the thorough examination service were providing all that is necessary under legislation.

"It is useful that way [formalising the process] because in the past I've produced code of practice and guidance notes and so on, but the fact that we've got these HSE publications [INDG422] and they're so basic and concise it's easier to actually hand those out than write up a complete document covering what's already available."

"... it [INDG422] helped me justify it [thorough examination frequency] and it helps me make sure we're as compliant as we can be."

One medium sized business suggested that INDG422 had not helped them as an organisation, referring to senior managements' perception of the increased burden of legislation as a justification for this position.

"Has it [INDG422] helped the organisation? I don't think so really, I think honestly we would, I certainly think if you were to ask the board here, they would look upon it as one more hoop to have to jump through."

Small businesses were also supportive of the view that INDG422 was useful in clarifying the requirements of legislation in order to maintain compliance, for example, by offering detail on legislative requirements for thorough examination of lifting equipment accessories and attachments.

"It [INDG422] stipulated exactly what was, you know, what you needed to do under the legislation, and also [information on] things that actually attach onto the equipment that you use."

3.6.5 Learning as a result of INDG422

Training organisations offered positive views of the learning from INDG422 both for themselves as organisations, and on behalf of their clients, for example by giving clear explanations on practical aspects of jobs that can make a real difference in reducing the risks of accidents in clients' workplaces.

"We learn every day yes, and people who come to us definitely learn."

Trade associations reported a mixed view on new learning specifically attributable to INDG422. A number of participants described a degree of new learning due to the guidance, specifically in relation to the practicalities of maintenance of lifting equipment and the definition of a competent person. However, the opinion was also put forward that some trade association members have difficulty understanding how a document purporting to address thorough examination of lifting equipment can be a useful resource when its scope is less in comparison to members' existing routine service inspections.

"... we do have difficulty with our members from time to time who cannot understand how you can call something a thorough examination when actually their routine service inspection covers more, considerably more than the requirements of this thing called a thorough examination ..."

Large businesses reported little new learning as a result of reading INDG422. The guidance document was said to be useful in the sense that it clarified a number of issues, for example, the frequency of thorough examinations required to maintain compliance, but was not reported to be the unique source of substantial new learning for participants.

"... this is more a summary so I don't think I've learnt anything from it but like I say, it's a good reference to look back to."

"... that [frequency of thorough examinations] was the only thing [I learned from INDG422] ..."

"... I don't think that we've actually really learnt anything new from it [INDG422]. I think we've probably clarified a few things, but not actually found out anything sort of new to go, 'oh yeah, we need to do that'."

Medium sized businesses offered a mixed view regarding the amount of new learning gained as a result of INDG422. New information revealed to some participants included the definition of a competent person, and the detailed specifics of particular crane hardware required to be examined under LOLER. Other participants felt that they had not gained any new learning as a

result of INDG422 specifically themselves, but even in such cases, the participant had passed on new learning to others in the organisation.

"I'm always learning from the guidance that I receive from the HSE and overall I do find it helpful."

"Not from a personal point of view, no [new learning from INDG422], but I think it's certainly helped other people when I've gone through it with them."

Small businesses also offered a mixed view on new learning directly attributable to INDG422. Some felt that they had gained a great deal from the guidance document and suggested that it had had significant impact on the organisation, for example in terms of internal systems development, and the consequences of not adequately maintaining lifting equipment. Other participants reported no new learning from INDG422.

"It [INDG422] has led us down a path where we realise we need to do more to make our systems better."

"... it [INDG422] has actually opened my mind to what actually can go wrong and what could go wrong if you don't follow procedures."

3.6.6 Any additional comments made in relation to the effect of INDG422

The following comments were given by participants during the interviews and it was considered that they did not easily lend themselves to categorisation elsewhere. However the issues raised were felt to be of significant value to the research therefore they are included here for completeness.

Training organisations suggested that INDG422 alone might be unlikely to influence improvements in practices in businesses relating to thorough examination of lifting equipment due to the potentially low awareness of the implications of LOLER, based on their experiences of providing training on the topic. Further to this, the influence of INDG422 on improving practices in industry was suggested to be significantly lower than the effect that an insurance company could generate by increasing premiums levied on businesses.

"I mean from my experience the only way things change is because the insurance company has loaded your insurance premium."

Participants representing trade associations suggested that the thorough examination scheme contained in the LOLER guidance INDG422 was inferior to their own recommended inspection and maintenance regimes due to the fact that the requirements under LOLER only address the lifting aspects of the machinery and not other safety-critical aspects of machinery, for example, the steering and brakes on forklift trucks. It was suggested that their own inspection regime based on both the LOLER and PUWER regulations, similar to an MoT for a forklift truck, offers a more comprehensive approach and addresses additional key aspects of forklift truck safety beyond that offered by the LOLER based thorough examination approach.

"We firmly believe that with something like the fork lift truck where you've got a piece of equipment that's got a lifting side to it but also has automotive sides to it, that you can't just break out the requirements for thorough examination placed by LOLER and separate that from the requirements for other safety inspections that are required by the PUWER regulations."

Participants representing business organisations suggested that larger organisations had the resources to be more familiar with legislation in general and therefore guidance such as INDG422 was more appropriately targeted at smaller organisations. One business participant put forward the view that legislation of this type (LOLER) had the potential to give them competitive advantage due to their finding it easy to comply and demonstrate compliance. This may put them in an advantageous position over competitors who may make less effort to comply with legislation and therefore may experience reduced business due to this lack of compliance over the long term. It was also suggested by businesses that common sense and behaviour were more directly related to preventing accidents than regulations.

"As I say, my view on life is that guidance of this ilk is much more addressed to the smaller organisation who don't have the luxury of having a professional who's paid to know all these things."

"A positive but immeasurable impact at the moment and actually would be beneficial in the longer term is that because we find it relatively easy to comply with all the legislation and also to demonstrate our compliance with it, we know that longer term it will drive our smaller and less compliant competitors out of the industry, so that will help in the longer term."

4 LIMITATIONS

4.1 LIMITATIONS

Qualitative research generates rich and holistic data. The findings from the interviews, whilst comprehensive, present very specific perceptions and attitudes due to the small sample of the available pool of businesses, trade associations, and training organisations. It is not desirable in qualitative research to generalise the findings to the wider population, rather it seeks to generate rich insights into people's attitudes and experience and to understand a particular issue from their perspective. Care should be taken with any potential generalisation of findings from the interviews to a wider population, as the sample size was not intended to be representative of the range of views of businesses, trade associations, and training organisations where LOLER is applicable.

The findings should be considered within the context of the project, which was to obtain a purposive sample and elicit in-depth views of duty holders and other key stakeholders regarding the effect of the guidance document INDG422. However, there emerged a number of useful suggestions, which if implemented, should serve to make the LOLER guidance document INDG422 both clearer and more useful for the target audience.

There is also potential for social desirability bias throughout the interview discussions; as participants may be inclined to provide responses that they felt would satisfy the researchers or the HSE customer for which the research was undertaken. Nevertheless, the research has highlighted positive and less favourable comments suggesting that participants have expressed a balanced view regarding the LOLER guidance document INDG422.

5 CONCLUSION

The LOLER guidance document INDG422 was considered to be fit for purpose by the end-user target audience of training organisations, trade associations, and businesses. Evidence from the twenty interviews points to a number of important aspects of the guidance that ensures it addresses the key issues of thorough examinations of lifting equipment, and helps duty holders primarily by clarifying the requirements so that they can maintain compliance with the LOLER regulations.

The findings suggest that INDG422 has helped some of these organisations save time and money by clarifying their responsibilities under LOLER and telling them what they need to do to comply. Whilst this positive impact of INDG422 in terms of saving time and money was the majority view, it must be noted that a small number of participants said that INDG422 did not save them time or money. Small businesses were the group most likely to report the perception that INDG422 cost them time and money. This was in terms of the time taken to research the topic and implement the thorough examination requirements, and in terms of money to pay for the thorough examinations and the associated time that equipment was out of use.

INDG422 was found to help save time and money in a number of ways. These included: clarifying the requirements to maintain compliance, early identification of defects, and preventative maintenance (thus minimising loss of production), minimising the risk of accidents due to poorly maintained lifting equipment, and minimising the time and money costs of accidents.

Participants in the sample reported that INDG422 enables the saving of time and money by providing guidance on the requirements for thorough examinations that enable compliance with the regulations. Regular inspections and preventative maintenance of lifting equipment was reported to save both time and money over the long term as lifting equipment stays in service longer, with less time out of use due to undetected defects, therefore maximising the opportunity for organisations to carry out their business with that lifting equipment. Further to this, preventing accidents would also be likely to have a financial or time benefit for businesses, and not complying with legislation would be likely to cost businesses in the long term due to enforcement action and potentially damaged reputations.

Large and medium sized businesses reported that INDG422 saves time and money via regular preventative maintenance to lifting equipment resulting in equipment staying in service longer, and therefore minimising unforeseen breakdowns. Loss of production capacity due to lifting equipment being out of service was the primary reason for the view that INDG422 saves time. Businesses also suggested that by following INDG422, businesses minimise the risks associated with non-compliance, which would have time and cost implications. Small businesses however did not offer this reasoning.

Large businesses and trade associations also said that INDG422 could save time because it provides clarity on the requirements for thorough examination schedules, thus saving time by preventing unnecessary thorough examinations from being carried out on lifting equipment. Smaller businesses were less inclined to identify admin related savings, whereas larger businesses and trade associations were more aware that the guidance summarises the LOLER requirements so that it is not necessary to read the full legislation. However, although smaller businesses did identify that the guidance clarifies the requirements of the legislation, they did not relate this to saving time.

In respect of the awareness of INDG422, participants were generally well aware of its existence. The majority of participants demonstrated a good knowledge of the LOLER topic and the detailed requirements of thorough examinations of lifting equipment as detailed in INDG422. However, small businesses were less aware of both the topic itself and the specific requirements for thorough examinations.

Participants generally found INDG422 easy to follow and understand. However they made suggestions regarding additional detail or clarity in some areas. For example, more detailed lists of equipment and accessories; inclusion of additional training materials; clarity regarding who a competent person is; inclusion of worked examples and pictures; and clarity with respect to some duties.

INDG422 was found to be both relevant and useful to all participants, although there was variety in the extent of relevance and usefulness reported. All participants used INDG422 to clarify the requirements of the LOLER regulations regarding thorough examination of lifting equipment. This was the purpose for which the guidance document was designed, so it could be concluded that INDG422 is achieving its aims. However some trade associations were concerned about the practicalities of interpreting the various regulations and their relevance to particular organisational contexts.

The style and presentation of INDG422 was widely considered to be acceptable, comprehensible, and usable. The reference section at the back of INDG422 was highlighted by a large number of participants as helpful in their search for more detail when required.

The majority of participants made the link between reducing accidents and reducing costs to the business in the long term. Maintaining a safe working environment by following INDG422 can help organisations formalise processes and provide an approach to an aspect of business that could be applied to other areas in principle. The value of demonstrating commitment to the workforce by providing them with a safe environment and safe equipment should pay dividends in terms of a reciprocal commitment from the workforce in using that equipment safely and reporting defects as soon as they are found. By engendering a culture where the lifting equipment is considered to be fundamental to workers' safety, increased buy-in could be expected from staff who may then show increased job satisfaction and potentially productivity as they feel that they are being well looked after by their employers. If they then move towards identifying and reporting defects more readily, then the business should benefit due to early corrective action being taken, therefore minimising equipment downtime and maximising the potential to use the lifting equipment to generate revenue.

Overall, this research was a valuable exercise, enabling a clearer understanding of how the INDG422 guidance document is perceived and used by businesses and other stakeholders, and how it is perceived to save organisations time and money. INDG422 was said to be a key reference document that provides information and clarity on the various issues surrounding thorough examination of lifting equipment, helping organisations understand their duties under the legislation, and providing practical examples of how best to comply.

Whilst the outcomes of this research are generally positive, it must be noted that there are a number of additions suggested by participants that would make the LOLER guidance document INDG422 even better, and could more readily help businesses save time and money. These additions would streamline the decision making process when considering thorough examination of lifting equipment, and may help businesses make the right decision, appropriate to their circumstances, more quickly.

During this research a number of points were raised by participants, that if implemented, would result in a guidance document even more in tune with the end-user requirements. These include:

- More detail on equipment that does and does not fall under LOLER
- More detail concerning the frequency of thorough examinations
- A more rigorous definition of a competent person to carry out thorough examinations
- An example of a thorough examination scheme and its associated report
- More detail on the responsibilities of the various parties when hiring lifting equipment
- More pictures to facilitate understanding and maintain engagement
- Draw examples from a wider range of organisational contexts
- Include additional training materials as a resource for cascading learning

It is suggested that consideration is given to these points when reviewing and updating INDG422.

6 REFERENCES

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7 APPENDICES

7.1 INTERVIEW SCHEDULE FOR BUSINESSES AND TRAINING ORGANISATIONS

Background

- HSE would like to know how the simplified LOLER (Lifting Operations and Lifting Equipment Regulations) guidance has been perceived and used by businesses. We are conducting this survey to find out whether this guidance has been useful to you, and to find out whether there is anything HSE can do to improve it.
- Your organisation is one of 30 businesses participating in this research. We would really appreciate honest answers, as this is crucial for the research to make a difference.
- All data gathered in this study will be treated in confidence, and findings will only be published without identifying which individuals and organisations participated.
- The interview will last no longer than 30 minutes.
- For research purposes only, and with your permission, we would like to audio-record your telephone interview so that we can have an accurate record of our discussion. Only members of the Work Psychology team at HSL will listen to the recording and we will store all your information in a secure locked cabinet that only we have access to, and destroy it after the research project.
- Any questions before we start?

Introduction

- Introductions, thanks for participation, names, positions, experience.
- Check background details of company: number of employees, sector, activities, products, services, and applicability of LOLER to their organisations.

Questions on the simplified LOLER guidance

Awareness

- Are you aware of the LOLER guidance (INDG422)?
- Have you received a leaflet?
- Have you accessed the guidance online?

If interviewee not aware of LOLER guidance, ask who else in the organisation is responsible for lifting equipment, and look to arrange a further interview.

- How did you first find out about the LOLER guidance?
Probe: Internet, Trade Association, HSE Inspector, Local Authority, HSE Website, Industry contacts, Maintenance/Service organisations, H&S Consultant, Insurance company, other?
- Could you tell me what you know about the guidance?

Understanding

- What do you think about the style and presentation of the information in the LOLER guidance leaflet?
Probe: Layout, design, sequencing of topics, level of detail?
- How clear did you find the language in the LOLER guidance?
Probe: Level of language?
- How easy was it for you to understand what the LOLER guidance was saying?
Probe: Why? (Get example) What? (Get example)
- Could you tell me what you liked most about the LOLER guidance?
Probe: Why?
- Could you tell me what you liked least about the LOLER guidance?
Probe: Why?
- Could you follow the guidance?
- What do you think about the amount of information in the guidance/
- Could the guidance be improved in any way?
Probe: Language, Content, Presentation?

Relevance

- Does the LOLER guidance address the specific lifting operations and equipment in your workplace?
- How has the LOLER guidance addressed the needs of your workplace?
Probe: Relevance to your workplace?
- Are there any gaps in the information contained in the guidance?
Probe: What would you add / remove?
How would you improve it?

Use

- Have you used the LOLER guidance in your workplace?
Probe: How? What circumstances meant you needed to use the guidance?
Probe: When have you used it? (Get example)
- Did you find the LOLER guidance easy to use in your workplace?
Probe: What difficulties are there (if any) in implementing the guidance?

Effect

- How has the information in the LOLER guidance helped you?
- As a result of using the guidance, have you made any specific changes to your procedures that relate to lifting equipment?
Probe: What were the changes?
How did the changes impact on the business?
If no changes have been made, do you plan to make changes? (And if so, what changes? Get example)
- What effect has the simplified LOLER guidance had on your organisation?

Probe: Time saved?
Money saved?
Any other positive (or negative) impact on organisational resources?

- Did you learn anything new from the guidance?
- Is there anything else you would like to add regarding how the simplified LOLER guidance (INDG422) has impacted on your business?

7.2 INTERVIEW SCHEDULE FOR TRADE ASSOCIATIONS

Background

- HSE would like to know how the simplified LOLER (Lifting Operations and Lifting Equipment Regulations) guidance has been perceived and used by businesses. We are conducting this survey to find out whether this guidance has been useful to you, and to find out whether there is anything HSE can do to improve it.
- Your organisation is one of 30 organisations participating in this research. We would really appreciate honest answers, as this is crucial for the research to make a difference.
- All data gathered in this study will be treated in confidence, and findings will only be published without identifying which individuals and organisations participated.
- The interview will last no longer than 30 minutes.
- For research purposes only, and with your permission, we would like to audio-record your telephone interview so that we can have an accurate record of our discussion. Only members of the Work Psychology team at HSL will listen to the recording and we will store all your information in a secure locked cabinet that only we have access to, and destroy it after the research project.
- Any questions before we start?

Introduction

- Introductions, thanks for participation, names, positions, experience.
- Check background details: number of employees, sector, activities, products, services, and applicability of LOLER to their organisations.

Questions on the simplified LOLER guidance

Awareness

- Are you / your members aware of the LOLER guidance (INDG422)?
- Have you received a leaflet?
- Have you accessed the guidance online?

If interviewee not aware of LOLER guidance, ask who else in the organisation is responsible for lifting equipment, and look to arrange a further interview.

- How have you promoted the LOLER guidance?
- How did you first find out about the LOLER guidance?
Probe: Internet, Trade Association, HSE Inspector, Local Authority, HSE Website, Industry contacts, Maintenance/Service organisations, H&S Consultant, Insurance company, other?
- Could you tell me what you know about the guidance?

Understanding

- What do you think about the style and presentation of the information in the LOLER guidance leaflet?
Probe: Layout, design, sequencing of topics, level of detail?

- How clear did you find the language in the LOLER guidance?
Probe: Level of language?
- How easy was it for you to understand what the LOLER guidance was saying?
Probe: Why? (Get example) What? (Get example)
- Could you tell me what you liked most about the LOLER guidance?
Probe: Why?
- Could you tell me what you liked least about the LOLER guidance?
Probe: Why?
- Could you follow the guidance?
- What do you think about the amount of information in the guidance?
- Could the guidance be improved in any way?
Probe: Language, Content, Presentation?

Relevance

- Does the LOLER guidance address the specific lifting operations and equipment in your members' workplaces?
- How has the LOLER guidance addressed the needs of your members' workplaces?
Probe: Relevance to your members' workplaces?
- Are there any gaps in the information contained in the guidance?
Probe: What would you add / remove?
How would you improve it?

Use

- How does your organisation use the LOLER guidance?
Probe: When have you used it? (Get example)
Probe: What support do you give your members with the LOLER guidance?
- Did your members find the LOLER guidance easy to use in their workplaces?
Probe: What difficulties are there (if any) in implementing the guidance?

Effect

- How has the information in the LOLER guidance helped you / your members?
- As a result of using the guidance, have your members made any specific changes to their procedures that relate to lifting equipment?
Probe: What were the changes?
How did the changes impact on their businesses?
If no changes have been made, do your members plan to make changes? (And if so, what changes? Get example)
- What effect has the simplified LOLER guidance had on your / your members' organisation?
Probe: Time saved?
Money saved?
Any other positive (or negative) impact on organisational resources?
- Did you / your members learn anything new from the guidance?
- Is there anything else you would like to add regarding how the simplified LOLER guidance (INDG422) has impacted on your members' businesses?

Evaluation of the simplified lifting operations and lifting equipment leaflet (LOLER)

The simplification of LOLER (Lifting Operations and Lifting Equipment Regulations 1998) is part of HSE's third Simplification Plan to reduce unnecessary administrative burdens from health and safety legislation. The LOLER mini-guidance leaflet on thorough examination of lifting equipment (INDG422) was produced as a consequence of the Better Regulation initiative and the HSE Simplification Plan. This leaflet, entitled 'Guide to Thorough Examination of Lifting Equipment' covers all examinations of lifting equipment including inspection of the lifting mechanisms of forklift trucks. It was intended for anyone with lifting equipment to help them to understand what 'thorough examination' means in practice.

INDG422 (issued June 2008) provides advice on the options dutyholders have under LOLER relating to the requirement for thorough examination and inspection of lifting equipment and explains the benefits of having an examination scheme. This simplified leaflet aims to reduce administrative costs for the requirement to examine, and record the examinations of, lifting equipment as part of HSE's 2008 simplification plan.

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