



Protocol for Provisional Overriding of Safety Systems

ALLMI Guidance Note 023

1. Who the guidance is aimed at:

- Persons carrying out servicing and repairs of loader cranes and their Employers.
- Persons and organisations that own and operate loader cranes.

***Note:** In various incidents involving loader cranes (including fatalities), the non-function, incorrect function, or overriding of safety systems has been a factor. In all cases, ignorance on the part of the Employer (or other party under scrutiny) has proven to be no defence and, in some cases, has contributed to a conclusion that systemic failings on the part of the Employer were causal factors.*

2. What the law says:

Some non-exhaustive examples influencing the tone of this guidance include: -

- Section 2 (2)(a) of the Health & Safety at Work etc. Act 1974 states:

(2) Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends in particular -

(a) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;

- Section 8 of the Health & Safety at Work etc. Act 1974 states:

No person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of any of the relevant statutory provisions.

- Regulation 10 of the Provision & Use of Work Equipment Regulations (PUWER) 1998 states:

(1) Every employer shall ensure that an item of work equipment conforms at all times with any essential requirements, other than requirements which, at the time of its being first supplied or put into service in any place in which these Regulations apply, did not apply to work equipment of its type.

3. Some examples of how the above may be contravened:

- That an Employer, knowingly or otherwise, may have loader cranes operating within their fleet with safety systems overridden or bypassed.
- That an Operator of a loader crane may have overridden or bypassed a safety device in the belief it will improve the performance of the loader crane, and/or to circumvent a system fault temporarily.
- That a Service Repairer (or an Operator under the instruction of a Service Repairer) may carry out a temporary override or bypass due to a system fault, with the sole intention of permitting “limp-home” or recovery of the loader crane back to its depot; yet there is inadequate audit trail to ensure the system is subsequently repaired and all safety systems have been fully re-instated.

4. Points which all parties should be aware of:

- Any safety device, feature or system on a loader crane is fitted by the Manufacturer to ensure it conforms to the Essential Health & Safety Requirements of the Machinery Directive, enacted in the United Kingdom through the Supply of Machinery (Safety) Regulations 2011 (as amended). ***If these are not fully working then the machine is not fit for its intended purpose.***
- It is the obligation of the owner or user of the equipment (i.e. the Employer in most cases) to ensure they have appropriate processes in place to verify that these systems are working as intended at all times, and that they are being used. As a minimum, Operators should include a check of each safety feature or function as part of the pre-use checks they carry out at the start of each working day or shift, or when taking the machine over for the first time (e.g. mid-shift); and it should be documented that these have been done. In turn, Employers should ensure they have a documented system of periodic monitoring in place to verify the efficacy and integrity of such checks.
- In the event of a technical fault arising with a safety system, it is invariably going to be the case that it is not always reasonably practicable for an Employer or Service Repairer to effect an immediate repair in-situ. For example, the geographical location of the loader crane at that point in time, the availability / location of spare parts, or the difficulty of an immediate diagnosis may prevent this. In such cases, it is not uncommon for the Service Repairer to either carry out or sanction a temporary override or bypass of some or all of the safety system, ***solely in order*** to permit the loader crane to be stowed for travel and returned to its base.
- With the exception of inspection and testing by suitably qualified and competent personnel, such as those typically employed by a Service Repairer, the above example ***is the only foreseeable scenario under which such an override or bypass may be reasonably considered*** and, even then, due consideration should be given by the parties concerned to ensure the Operator and any other persons are not likely to be placed under any risk in doing so.
- It is therefore strongly recommended that any Employer has a documented agreement and process in place with all Service Repairers they use and with their own Operators, etc., to ensure all parties understand the extent of their obligations under such a scenario. This is specifically with regard to what can or cannot be done with the loader crane whilst it is in the overridden or bypassed state.
- It is equally strongly recommended that all Service Repairers have a similar system of audit trail in place and a clear policy with their Customers to ensure all parties understand the extent of their obligations under such a scenario.
- It is recommended on the ALLMI Thorough Examiner Course (and elsewhere) that Sealing Pliers are uniquely numbered or otherwise traceable to each Service Engineer, so there is audit trail on who last set, adjusted or sealed any valves, etc.
- A significant number of occasions where issues are encountered with safety systems are due to a lack of training or understanding on the part of the Operator. Employers can help negate this by ensuring that the Manufacturer's Handbook (or an appropriate abbreviated guide) is in the vehicle cab at all times, and that product familiarisation training of sufficient duration and detail has been provided. Compared to the expense of downtime, such training will be an investment, not a cost.

5. Further sources of reference:

Health & Safety at Work etc. Act 1974

L113 – LOLER Approved Code of Practice – Edition 2: 2014

L22 – PUWER Approved Code of Practice – Edition 4: 2014

ALLMI/CPA Best Practice Guide: Safe Use of Lorry Loaders: 2010

BS7121 Series, Safe Use of Cranes, notably Parts 2-1: 2012, Part 2-4: 2013 and Part 4: 2010

Please note that whilst the practices and recommendations contained within this guidance are not exhaustive, membership of ALLMI gives a de-facto acceptance of the need for compliance on all matters of this nature, the checking of which will be incorporated into future membership audit questionnaires.

Disclaimer: *This note is for guidance only; it should be studied and the information applied with the assistance of expert advice if necessary. Every effort has been made to ensure the accuracy of the information provided, but no legal liability can be accepted by ALLMI for any errors or omissions, nor for any consequences thereof.*