

A PRACTICAL GUIDE FOR THE AMUSEMENT AND FAIRGROUND INDUSTRY



Amusement Device
Industry Standard
Certificate of Competency



**Voluntary conformity
assessments of persons:**

**Standards, processes, and
procedures**

What is a voluntary conformity assessment of persons?

Conformity assessment schemes of persons can be set up as voluntary 'self-regulation' for compliance or for commercial marketing purposes such as to improve market perception for an organisation or individual.



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Conformity assessment is the name generally given to the processes used to demonstrate that products, processes, services, persons, systems or bodies meet specific requirements. For the purposes of this guide however, there are a number of definitions which will assist you in differentiating certification of persons from other forms of certification that you understand. In particular, the following definitions are of importance:

Certification process

All activities by which a certification body establishes that a person fulfils specified competence requirements, including application, evaluation, decision on certification, surveillance and recertification, use of certificates and logos/ marks.

Certification scheme

Specific certification requirements related to specified categories of persons to which the same particular standards and rules, and the same procedures apply. As a consequence, conformity assessment of persons, in truth, can be carried out by a first, second or third party

First party conformity assessment or self-declaration

The person that operates and maintains the device declares that they conform to specific standards or requirements and produces relevant materials to show evidence of that fact.

Second party conformity assessment carried out by the owner

A person or organisation that has a direct interest in verifying the performance of a person operating or maintaining their amusement device carries out this conformity assessment. This might be an owner of a park who takes the necessary steps to verify that the characteristics of the operation and maintenance comply with specific technical standards or specifications.

Third party conformity assessment carried out by an independent body

An organisation which is independent of the owner carries out the conformity assessment usually called certification. This provides the highest level of assurance. Although conformity assessment and standardisation are separate activities, they are closely related. This will largely depend on the existence of unambiguous specifications or standards against which a person can be assessed.

This guide is intended for the owner/ manager and operator and maintenance personnel of fairground equipment and amusement devices – to be hereinafter referred to as a Client/ candidate. A Client/ candidate can be described as each person who interacts directly with this class of device. A Client / candidate typically include, but are not limited to:

Build up personnel

Maintenance personnel

An Operator/ attendant

Pull down personnel



Voluntary Conformity Assessment of Persons and legislation within the industry

Voluntary Conformity Assessment of persons (VCAP) in this industry has been devised for the reasons already mentioned, but the main basis of this **VCAP** is due to the fact that while it is understood that a Conformity assessment/ Document of Compliance – through a third party inspection - is the responsibility of the owner/ operator due to specific UK and EU harmonised legislative frameworks, there is, although while being a mandatory requirement within the HSW Act for manufacturers of amusement devices and fairground equipment, no such harmonised framework for this industry.

While the manufacturer needs to identify the applicable national legislation, guidance and requirements on standards, and may choose between different procedures depending on the National and EU applicable legislation and classification of this type of machinery (though currently still excluded and absent from both a national and European legal framework), means, that there is no such option within this industry imposing a **mandatory** requirement for the involvement of an authorised third party, specifically a notified body to carry out a conformity assessment of persons in the operation and maintenance of such devices. There is though a

general statutory reference made within UK Health and Safety legislation and regulations that those operating and maintaining such equipment are to be trained and deemed to be competent in the safe operation and maintenance of these devices.

Regulatory Bodies and its 'Code' application

This means that while in 2018, the industry welcomed the adoption of three European standards for amusement rides and devices EN 13814- 1, EN 13814-2 and EN13814-3. These standards are unfortunately not harmonised, as the equipment for use in fairgrounds and amusement parks as already mentioned does not fall under any national and EU legislation framework.

For the UK and its regulatory body – HSE for the purposes of this document – this has meant that the application of the 2014 Regulator's Code is the 'go to' guide for their regulatory activities in this industry. This however means that Regulators (HSE) can also interact with specific sectors to rely on such voluntary assessments as a method of allowing a specific industry sector to regulate itself as an alternative approach to enable compliance with general Health and Safety legal requirements.

Information Point

Generally speaking each machinery regulation or directive includes a number of essential requirements the machinery must meet before being placed on the market and describes the conformity assessment procedure. With amusement devices and fairground equipment (machinery) it's not that straightforward

Why is a voluntary conformity assessment of persons necessary?

It is important to demonstrate that on the balance of probability, the discharge of a client's mandatory legal duty of care and skill in the safe operation and maintenance of an amusement device for the entertainment of the General Public has been met.



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Safety performance and reliability

Conformity assessment of persons will and should play an important role in ensuring safety, confidence of regulators, business and consumers on the standard of operation and maintenance of amusement devices available for the entertainment of the general public.

Owners receive proof through conformity assessment of persons about the assured competency of operation and maintenance regarding the safety, performance and reliability of the services provided. Moreover, this gives them access to staff whose services of consistency are recognised and reliable quality and safety.

Regulators can verify the compliance with health, safety and environmental requirements and protect the population from unnecessary risks safeguarding the public and building public confidence.

Insurers are provided with the confirmation that risks and relevant health and safety considerations have been properly managed.

Investors are able to trust that industry-wide best-practice has been applied and their investment is as secure as it can be.

ADISCC

ADISCC understands that the ability for an operator/ owner to be able to physically show interested parties an industry and Enforcement Authority recognised level of competency in the operation, attendance and maintenance of an amusement device which ensures that certified persons are optimally qualified for their tasks is an effective way of satisfying, on the balance of probability, the discharge of their mandatory legal duty of care and skill in the safe operation of an amusement device for the entertainment of the General Public.

Certification by the ADISCC Scheme is to confirm that those certified persons, owners and organisations employing persons in the operation, attendance and maintenance of amusement devices are aware of, and comply with, this discharge of their legal duties subject to the national Health and Safety and Consumer Rights Regulations which is the proof for the objective qualification of competence of the persons..

ADISCC intends to operate and undergo accreditation according to EN ISO/IEC 17024: 2012 by the national accreditation body for the United Kingdom, UKAS (United Kingdom Accreditation Service)



ADISCC Provide and deliver conformity assessments of competence in the voluntary sphere of certification of person's working and operating in the UK amusement device industry.

Conformity assessment of persons - Service delivery by ADISCC

This section helps establish requirements and guidance for a Client/ candidate working with ADISCC who will carry out this voluntary assessment of an individual for work related purposes in accordance with necessary industry and assessment standards.



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As with any new idea, the development of 'The ADISCC Certification Scheme' follows the classic principles of Idea Generation, Idea Screening, Concept Development and Testing, Marketing Strategy and business analysis, Service Development, Test Marketing, and Service Launch. That is;

ADISCC offers, as its scope, Conformity Assessments for the certification of persons. The schemes will generally lead to an accredited industry standard certificate of competency or equivalent and, following initial assessment and action planning, the subsequent assessment and certification will be through a systematic program of work-based surveillance and regular re-certification. Direct assessment, supervision of practice, and access to peer-reviewed industry resources will support the achievement of competences. Scheme design involved the planning, primarily for individuals rather than groups, a mix of observation and document assessment opportunities matching the component units in the certification of persons or other valid goals of Clients.

To build this efficient standard, useful to both a client and ADISCC, the assessment process has been divided into four stages:

- Agreement procedures
- Pre-assessment procedures
- Assessment delivery
- Post assessment review

In brief:

Agreement procedures describe mutual responsibilities and obligations of a client and ADISCC, as well as the format of the agreement and a description of what must be covered in the agreement; documenting the agreement between a client and ADISCC through a written statement of work, or contract, as appropriate.

Pre-assessment procedures cover:

- Identifying what needs to be assessed and how, together with choosing the criteria for valuating success and having a clear defined expectation of the utility of the process
- Determining whether there are conflicting interests that need to be balanced
- Providing a clear rationale for the assessment

Assessment delivery covers all phases of preparing for and carrying out the assessment.

Post-assessment review evaluates the assessment process and the assessment results to determine whether the outcomes, consequences and utility of the assessment are consistent with the assessment needs, whether the goals are met and what changes in the assessment process should be adopted for future use by a client.



Conformity assessment of persons - Service delivery

In Detail - Agreement Procedure

Agreement

There shall be an agreement between a client and ADISCC. The agreement shall identify relevant information regarding the service and specify all of the respective obligations and responsibilities of each party. Both a client and ADISCC shall ensure that the agreement is appropriately documented.

Client responsibilities

A client shall engage in the assessment process and shall:

- Communicate its assessment needs to ADISCC, and if necessary, cooperate with ADISCC to clarify the assessment need;
- Request information from ADISCC confirming the evidence that supports the inferences made from the assessment results, or explaining how such information will be collected
- Comply with all requirements in the agreement with ADISCC, including those related to informed consent or other basis for collection and processing of personal data, security and protection of copyright materials;
- Accept responsibility for meeting legal and regulatory requirements regarding assessments
- Execute its responsibilities in a manner that is consistent with best practice and relevant professional standards

- Ensure that assessment participants have given appropriate informed consent or there is another basis for collection and processing personal data based on a clear understanding of what is expected of them and what will occur

- Protect the security and confidentiality of assessment information, including assessment participants' personal data, within the client/ candidate's control

Competence and training

A Client/ candidate shall seek to ensure that any person working under its control who has a role in the assessment process has the necessary competence or receives sufficient training to be competent

Anticipating outcomes and consequences

A client/ candidate shall work together with ADISCC to identify the likely significant outcomes and consequences of the assessment process, together with the risks and utilities associated with it. When appropriate and feasible, a Client/ candidate, together with ADISCC, shall decide how best to respond to such outcomes and consequences.

ADISCC will help their clients achieve their full potential and confirm their discharge of legal duties through Quality training provision and Conformity Assessments, Certification of persons and the evaluation of recognition of prior learning



Conformity assessment of persons - Service delivery

In Detail - Pre-assessment procedures

Identification of assessment needs

A client shall provide ADISCC with its assessment needs and all relevant documentation that is available

A client shall identify a preliminary list of assessment needs which shall include, but not be limited to:

- the purpose(s) of the assessment;
- who is to be assessed;
- relevant demographics and other appropriate information on those to be assessed where appropriate

If that information is not sufficient to determine appropriate assessment procedures and methods, a client and ADISCC may need to agree on an additional process to define them.

Assessment services agreement

A client shall reach agreement with ADISCC regarding the specifications of the assessment service.

These specifications shall include:

- scope of the assessment service;
- duration of the assessment service;
- details of the assessment and procedures and methods used;
- analysis procedures applied to the assessment measures;
- appropriate reporting of results of the assessment

- respective roles, obligations and responsibilities of the client and ADISCC;
- information on data privacy and security, ownership of intellectual property and assessment data, data storage and data deletion;
- statement of compliance with relevant laws standards and regulations;
- nature and frequency of monitoring and periodic review procedures necessary to ensure the quality of the assessment and to ensure that it meets necessary professional requirements, and takes legal and regulatory requirements into account;
- nature of the feedback and the way in which it will be provided and under whose responsibility it falls;
- identification of costs;
- identification of accessibility needs, what measures are available and required, and how such accessibility determinations are to be implemented by either the client or ADISCC, or both.

A Client/ candidate and ADISCC shall include in their agreement provisions the process of a post-assessment review*. The specifications of this review shall include a statement of the competences required for the people carrying out the review; and what will be reviewed and when it will be reviewed.

***NOTE:** This review within the context of carrying out a Conformity assessment of persons under ISO 17024 is known as the Certification Committee.



Conformity assessment of persons - Service delivery

In Detail - Assessment delivery

Steps

Assessment delivery by ADISCC includes seven identifiable steps:

- planning the assessment;
- informing relevant stakeholders;
- conducting the assessment;
- interpreting the results;
- preparing and providing reports;
- providing feedback;
- continuous evaluation of the assessment process.

Planning the assessment - Assessment plan

A Client / candidate shall reach an agreement with ADISCC on a plan for the assessment delivery, specifying, but not limited to:

- individual(s) to be assessed;
- people, materials, equipment and facilities needed to carry out and monitor the assessment;
- a process for providing information about the assessment methods and procedures to enable the participants to prepare where appropriate;
- people's respective responsibilities and competence for carrying out and monitoring the assessment;
- process for managing people, information, assessment materials
- fairness of treatment of all participants

- assessment procedures and methods (single or multiple);
- other factors that might affect or influence decisions about the assessment, its utility and the availability and appropriateness of alternative assessment methods;
- assessment participant feedback is to be provided, the nature of the feedback and how and where it is to be made available to assessment participants.

Materials, data and documentation related to the assessments shall be handled in a way that is consistent with the assessment service agreement and professional best practice.

Assessment participants' rights

A Client/ candidate shall ensure that:

- assessment participants' rights are recognised and respected, and that the procedures and timelines to initiate and resolve complaints and (formal) appeals are documented;
- assessment participants are treated in a consistent manner, with appropriate accommodations given for any special needs;
- assessment results and personal data are treated according to applicable requirements regarding data privacy;
- the rights of assessment participants are communicated to them.

NOTE: When feedback is provided it shall be defined within the context of law, national professional guidelines and cultural and organisational customs.



Conformity assessment of persons - Service delivery

In Detail - Informing assessment participants

Provision of information

A Client/ candidate shall provide to the relevant parties any information that has been agreed upon. This information should include:

- reasons why the assessment participant is being assessed and the intended use of the information obtained, including how the results will be used and how data will be managed;
- the consequences of participating, withdrawing from or not participating in the assessment so that the assessment participants can make an informed choice how personal data will be stored, who is responsible for the data, how long it will be stored and who will have access to it;
- how the assessment participant can obtain help in preparation for an assessment where appropriate and dealing with queries, difficulties or problems that might arise during the assessment;
- what steps to follow if the assessment participant has language problems or special needs, needs or requests reassessment;
- what procedures are in place for an assessment participant, a group or an organisation to file a complaint or grievance and to appeal the results of an assessment;
- any other rights and responsibilities that the assessment participant has in the assessment process.

Use of personal data

In relation to the use of personal data of the assessment participant, a Client/ candidate shall participate in the development of a communication document describing the basis for collection (e.g. informed consent, legitimate interest) for the kind of assessment being used, the type of data being collected and the procedures being used.

In addition, a Client/ candidate shall specify what is communicated to the participant about the basis and use of personal data and who is responsible for such communications.

A Client/ candidate shall communicate with the assessment participant, before or at the start of the assessment, regarding what personal data are to be collected from or relating to the assessment participant and how it will be used by the client.

Unless ADISCC is acting as data controller, the client shall instruct ADISCC on their use of personal data and any communication they should make to assessment participants. This will include, among others:

The Client/ candidate shall designate who is to receive the assessment results and reports.





Conformity assessment of persons - Service delivery

In Detail - Confidentiality and anonymity

Important

A Client/ candidate shall inform, either directly or through ADISCC, the assessment participant about the confidentiality of the data they are asked to provide and the conditions of anonymity relating to the reporting of the results.

Conducting the assessment

The Client/ candidate, through ADISCC, shall ensure that appropriate conditions are arranged for assessment administration, whether it be through face-to-face or remote procedures.

Appropriate provision for assessment participant support shall be provided and relevant guidance issued to encourage the use of settings that are conducive to a fair and reliable assessment.

The Client/ candidate shall ensure that its employees who have a role in the assessment process follow the procedures and practices provided by ADISCC, including provision of accommodations for special needs where appropriate and necessary.

Appropriate measures shall be taken to ensure robust, tamper-proof and accurate recording of the assessment data to ensure that the results can be trusted.

Interpreting and using results

When needed, the Client/ candidate should seek guidance from ADISCC on how results are to be interpreted and used, including the preparation of reports shared with assessment participants and other stakeholders

Providing feedback

The assessment participant shall have been notified during the assessment participant communication process that feedback will be provided, the nature of the feedback, and how it will be provided.

Feedback shall include accurate and relevant information that enables the assessment participant to understand the initial assessment results and how these results are to be used.

In the feedback to be provided, the Client/ candidate shall work with ADISCC to ensure that a competent person is made available to discuss results with the assessment participant in a constructive and supportive manner.





Conformity assessment of persons - Service delivery

In Detail - Evaluating the assessment

ADISCC strongly suggest that the Client/ candidate shall carry out its responsibilities for monitoring the quality of the assessment data and the assessment process by ensuring that it:

- Reviews information indicating that errors or problems might have occurred, or the need for changes or other adjustments in the assessment process and, when errors are identified, takes steps to minimise any adverse consequences;

Post-assessment review - generic

The Client/ candidate shall work with ADISCC to carry out the review that should include, but not be limited to, the following items:

- objectives of the assessment and the extent to which they were met;
- those parts of the assessment that went as planned and those that did not.
- opportunities to improve the efficiency or effectiveness, or both, of the assessment;
- opportunities to improve the standardisation, reliability, validity and fairness of the assessment;
- consequences, both intended and unintended, as well as the impacts of the assessment for the organisation and the assessment participants;
- procedures used for integration of assessment data (e.g. for use in a decision process, to re-evaluate the appropriateness of weight given to data sources);
- the level of understanding of reports by end users and implications for improving the quality of reports;
- the manner in which reports were used by end users;
- those parts of the assessment that resulted in a positive candidate experience and those that did not, to identify measures for improvements



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Post-assessment review – ISO: 17024 – 2012 specific

The decision-making process for an ADISCC Certificate of Competency

Purpose

The purpose of this procedure is to formalise the decision-making process of ADISCC in the context of the Certification of Persons working within the Amusement Device Industry. This is achieved through an ISO standard requirement to form what is known as a Certification Committee.

This committee (CC) is made up of persons who have not had direct involvement with the assessment, and therefore can give an impartial opinion and decision on the conformity assessment carried out by the ADISCC assessor – known as the certification file.

The CC meets to examine and give its opinion on each submitted certification file by reviewing.

- Assessment reports,
- Significant events regarding the certification process that occurred during the assessment,
- When applicable, cases of severe or repeated non-compliance concerning the applicable procedures by candidates to be certified by ADISCC,
- Any appeals or complaints



ADISCC adhere to the highest standards of ethical and professional conduct

CLOSING REMARKS

Standards are closely related to any conformity assessment activity. They are often at the basis of conformity assessment procedures by providing clear requirements against which products, services, persons or processes can be assessed.

As has been shown in this guide, for most sectors of industry and business harmonised standards can be used by manufacturers, conformity assessment bodies and public authorities to assess the conformity of a product or service, or person within relevant national and EU legal frameworks.

Furthermore, as expressed in this guide the duty of care and skill in the safe operation and maintenance of an amusement device for the entertainment of the General Public derives from the “duties to take reasonable practical steps” being referenced to in:

- Section 6, paragraph (1A) of the HSW Act (1974),
- Sections 7, 8 and 9 of PUWER (1998),

That is, the duties referenced in this sentence are general statutory legal duties. These statutory legal duties are further underpinned by UK common law “duties of care” regarding

- Safe plant and equipment,
- Safe system of working
- Safe working practices
- Competent staff

This has meant that while the industry welcomed the adoption of three European standards for amusement rides and devices (EN 13814-1, EN 13814-2 and EN 13814-3). These standards are not harmonised.

As expressed, this is simply down to the fact that the regulation of fairground and amusement park equipment is excluded from any UK, or EU legislation framework.

So while the essential legal requirements in the UK remain the same as the equivalent EU law owing to the continued exclusion of any harmonised legal framework, the presumption of compliance within the relevant general requirements of Health and Safety legislation required by this industry even with the welcomed EN: 13814 standards still remains a voluntary decision on how this is best achieved.

As a consequence, a person to show proof of competency in truth can be carried out by a first, second or third party.

To finish, a recent impact assessment by ANEC in 2021 found that, the majority of interviewed stakeholders agreed that the specific equipment for use in fairgrounds and/or amusement parks and its use require clarification. For all stakeholder types (national authorities, notified bodies, manufacturers, consumer organisations, workers associations and market surveillance authorities), most agreed that the exclusion on specific equipment for use in fairgrounds and/or amusement parks should be removed.

This is the reason for this Voluntary Conformity Assessment Scheme, as we agree with the above.

Disclaimer: Whilst we have endeavoured to ensure that the information in this guide is correct, no warranty, express or implied, is given as to the guides accuracy, timeliness, completeness or fitness for a particular purpose and we do not accept any liability for errors or omissions.

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Management of Health and Safety at Work Regulations 1999
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