

# Thanet District Council

## **Annex 4: Lift Safety Policy**

### **March 202**



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# Lift Safety Policy

## 1 Introduction

- 1.1 Landlords are responsible for maintaining passenger lifts and for carrying out periodic thorough examinations and inspections to ensure those lifts operate safely. In addition to lifts, landlords have a responsibility to maintain stair lifts and hoists to ensure the safety of their tenants.
- 1.2 TDC own and manage properties that have passenger lifts to assist tenants to and from their homes. In addition to these, the ageing population in the UK means that an increasing number of domestic homes are now being adapted with living aids such as stair lifts and hoists to enable tenants to continue to live independently.

## 2 Scope

- 2.1 TDC must establish a policy which meets the requirements of the Health and Safety at Work etc Act 1974. In addition to this, the policy must provide assurance to TDC that measures are in place to ensure compliance with the Lifting Operation and Lifting Equipment Regulations 1998 (LOLER) and to identify, manage and/or mitigate risks associated with passenger lifts, stair lifts and hoists. TDC must also ensure compliance with lift safety legislation is formally reported at management and Board level, including the details of any non-compliance and planned corrective actions.
- 2.2 The policy is relevant to all TDC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services. It should be used by all to ensure they understand the obligations placed upon TDC to maintain a safe environment for tenants and employees within the home of each tenant and within all non-residential premises or areas of buildings.
- 2.3 The policy is also relevant for maintaining a safe environment for all tenants and employees within all of TDC's properties.

## 3 Regulatory Standards, Legislation and Codes of Practice

- 3.1 Regulatory Standards - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing in April 2012.
- 3.2 Legislation - the principal legislation applicable to this policy is The Health and Safety at Work etc Act 1974 and the Lifting Operation and Lifting Equipment Regulations 1998 (LOLER).
- 3.3 Code of Practice – the principal codes of practice applicable to this policy are:
  - 3.3.1 ACoP L113 - Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 (2<sup>nd</sup> edition 2014).
  - 3.3.2 INDG422 - Thorough examination of lifting equipment: A simple guide for employers (2008).
  - 3.3.3 INDG339 - Thorough examination and testing of lifts: Simple guidance for lift owners (2008).
- 3.4 Sanctions - TDC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge

these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing (RSH).

- 3.5 Tenants and HRA Commercial Sock – TDC will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential lift safety related inspection and remediation works.

#### **4 Additional Legislation**

- 4.1 This lift safety policy also operates in the context of the following additional legislation:

- 4.1.1 The Management of Health and Safety at Work Regulations 1999
- 4.1.2 The Provision and Use of Work Equipment Regulations 1998 (PUWER)
- 4.1.3 The Workplace (Health Safety and Welfare) Regulations 1992
- 4.1.4 The Building Regulations 2004 – Part M
- 4.1.5 Construction (Design and Management) Regulations 2015
- 4.1.6 Disability and Discrimination Act 2005
- 4.1.7 Equality Act 2010
- 4.1.8 Housing Act 2004
- 4.1.9 Landlord and Tenant Act 1985
- 4.1.10 Data Protection Act 2018
- 4.1.11 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- 4.1.12 Homes (Fitness for Human Habitation) Act 2018

#### **5 Obligations**

- 5.1 Landlords are responsible for maintaining passenger lifts and for carrying out periodic thorough examinations and inspections to ensure those lifts operate safely. Section 3 of the Health and Safety at Work etc Act 1974 requires employers, such as landlords, to have responsibility for the health and safety of employees and people using or visiting their premises so far as reasonably practicable.
- 5.2 Passenger lifts in workplaces (for example, offices and communal blocks), which are primarily used by people at work, are subject to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and the Provision and Use of Work Equipment Regulations 1998 (PUWER).
- 5.3 Landlords are required to ensure that all lifts, when in use, are thoroughly examined after substantial and significant changes have been made, at least every six months if the lift is used at any time to carry people (or in accordance with an examination scheme) and following "exceptional circumstances" such as damage to, or failure of, the lift, long periods out of use or a major change in operating conditions which is likely to affect the integrity of the equipment.

- 5.4 Where stair lifts, hoists or through floor lifts have been provided for residents, normally as part of an adaptation, landlords have responsibilities for the safety of all users under Section 3 of the Health and Safety at Work etc Act 1974. These may be adequately discharged by undertaking maintenance, inspection and a 6-monthly thorough examination. LOLER (thorough examination) and PUWER (maintenance and inspection) apply only to stair lifts provided as work equipment for use by employees.
- 5.5 Insurers may impose demands for similarly stringent levels of risk management to cover public liability.

## **6 Statement of Intent**

- 6.1 TDC acknowledges and accepts its responsibilities with regard to lift safety and the inspection and maintenance of lifts, stair lifts and hoists.
- 6.2 All lift, stair lift or hoist equipment in communal areas and any known equipment in tenant's homes is the responsibility of TDC.
- 6.3 TDC will hold accurate records against each property it owns or manages, identifying where there is a lift, stair lift or hoist together with the written examination scheme for each installation.
- 6.4 TDC will appoint/train competent 'responsible persons' responsible for the operation, condition and compliance with all relevant statutory requirements. This will include taking action (within the advised timescales) to remedy any faults or defects identified through routine inspections or insurer's thorough examinations.
- 6.5 TDC will ensure that it meets all of its legal requirements in regard to lift safety operations via a combination of regular inspections, thorough examinations (in conjunction with the organisation's insurers) and periodic routine maintenance of all lifting equipment within properties it owns and manages.
- 6.6 TDC will ensure that all lifts in properties it owns and manages will be fully accessible for disabled users (as per the requirements of the Disability Discrimination Act 2005, the Equality Act 2010, and to the specifications outlined in Part M of the Building Regulations 2004).
- 6.7 TDC will endeavour to ensure that all lifts and lifting equipment in properties are in safe working order at all times. Where TDC becomes aware that lifts or lifting equipment are not operating safely, they will be immediately repaired or decommissioned.
- 6.8 TDC will ensure that there are clear procedures in place and that these procedures are communicated to, and understood by, all relevant staff, for appropriate action in the event of any persons becoming trapped in lifts the organisation owns or manages. TDC staff cannot release any persons trapped in lifts as they are not competent to do so safely, but may provide reassurance until such time as the relevant lift maintenance contractors and/or emergency services arrive, as appropriate. TDC will have a service level agreement or contract in place which includes a performance target for attendance within 1 hour in cases of entrapment.
- 6.9 TDC will ensure that all passenger lifts have an intercom fitted that dials directly to a dedicated call centre. In cases of entrapment call handlers will follow a scripted risk assessment to determine the medical condition of any persons that may be trapped. If there is an urgent concern for a persons' welfare the emergency services will be called and asked to attend immediately.

- 6.10 TDC will ensure that all lifting equipment that is used on sites it owns or manages is thoroughly examined by a competent person before it is commissioned into use and is then subject to periodic examinations in accordance with the equipment's examination scheme.
- 6.11 TDC will ensure that only suitably competent consultants, and engineers undertake works for the organisation in respect of lifts, stair lifts and hoists.
- 6.12 TDC will ensure that a Thorough Examination is carried out on all known aids and adaptations designed for lifting operations, including platform lifts, stair lifts and hoists, in properties it owns and manages. These checks will take place at least annually across all lifting equipment types, or in line with manufacturers' recommendations or following any void works which may impact the installation (provided the lift is not to be removed prior to a new tenancy commencing).
- 6.13 TDC will respond and take remedial action for any defects to aids and adaptations designed for lifting operations identified during regular use in line with the normal provisions for repairs and maintenance. All requests of this nature will be treated as an urgent priority.
- 6.14 TDC will ensure that robust processes and controls are in place to ensure that all remedial works identified through routine maintenance inspections and insurer's inspections are completed within a reasonable timescale commensurate with the risk identified.
- 6.15 TDC will ensure robust processes and controls are in place to ensure that any health and safety incident with regard to lift safety is properly reported as required under RIDDOR. These include defects classed as 'immediately dangerous'.
- 6.16 TDC will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing lifts, stair lifts or hoists.
- 6.17 TDC will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified, whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.18 TDC will establish and maintain a plan of all continuous improvement activity undertaken with regards to lift safety.
- 6.19 TDC will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.20 TDC will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service where appropriate.
- 6.21 TDC will ensure there are effective contract management arrangements in place, in the form of client-led meetings taking place regularly, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 6.22 TDC will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.
- 6.23 TDC will ensure there is a robust process in place for tenants to inform the

organisation if they install any lifting equipment themselves and for these to be added to the risk assessment and inspection programme.

- 6.24 TDC will ensure that there is a robust process in place for the management of immediately dangerous situations identified during the lift safety check.

## **7 Compliance Risk Assessment/Inspection Programmes**

- 7.1 TDC will establish and maintain a risk assessment for lift safety operations. This risk assessment will set out all of the organisation's key lift safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement works and refurbishment projects. This plan will detail any lift installations that may be affected by the works and detail all necessary work required to make safe and reinstate lift installations to ensure that they are safe to use and continue to comply with all relevant legislation and any written examination scheme, including any testing and maintenance.
- 7.3 TDC will carry out a programme of maintenance visits by competent persons to all properties that have a lift, stair lift or hoist and a written examination scheme in place. These programmes will ensure that all maintenance and testing set out in the written examination scheme is fully completed at the times and intervals stated.
- 7.4 TDC will oversee a programme of thorough examinations of passenger lifts by competent contractors appointed by TDC's insurers. This is to ensure that the organisation's responsibilities towards lift safety are being discharged and provide their insurers with adequate assurance around the quality of lift safety management.
- 7.5 TDC will carry out a programme of independent third party quality assurance audits annually to 10% of written examination schemes for lifts (where not included within the insurer's inspection programme) to ensure that all examinations and planned maintenance activities are being fully and robustly implemented and completed. This is additional to inspections carried out by TDC's insurers.
- 7.6 Commercial Stock Assigned to the HRA – TDC will ensure they have records of a lift examination/inspection where properties they own or manage are managed by another person or organisation (i.e. are managed by managing agents) and have lifting equipment in place. These properties will be included on the TDC Lift Safety programme, so a lifting equipment examination record can be requested from the managing agent when required. If the managing agent fails to carry out the thorough examination, TDC will step in and carry out the examination and re-charge the managing agent for the cost of this work.

## **Compliance Follow up Work**

- 8.1 TDC will ensure there is a robust process in place for the management of any follow-up works required following the completion of routine maintenance inspections, or where identified by a competent person, when undertaking required maintenance activities.
- 8.2 TDC will ensure there is a robust process in place for the management of any follow-up works required following the completion of inspections by the organisation's insurers.
- 8.3 TDC will ensure that there is a robust process in place to collate and record details of all remedial works completed against individual installations.
- 8.4 TDC will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to lift safety.

## **9 Record Keeping**

- 9.1 TDC will establish and maintain a core asset register of all properties that have a lift, stair lift or hoist and written examination scheme in place. This register will also hold data against each property asset of the type, age and condition of lift plant in place.
- 9.2 TDC will establish and maintain accurate records of all written examination schemes and any associated remedial works completed and keep these for a period of not less than 5 years. Records should include the person or people responsible for conducting the inspection; any significant findings of inspections; the written examination scheme and its implementation; and the results of any inspection, test or check carried out, together with the dates. This should include details about the state of operation and condition of the installation.
- 9.3 TDC will establish and maintain accurate records of all inspections carried out by their insurers, the findings of these inspections, and records of completed remedial works where identified by insurer's inspections; including dates.
- 9.4 TDC will ensure that records of all inspections and thorough examinations will be available to the Competent Person at all times and that hard copies of records can be produced, if required by the local enforcement authority.
- 9.5 TDC will keep a record of any entrapment incidents and will use these to inform future revisions of Examination Schemes.
- 9.6 TDC will hold and maintain accurate records on the qualifications of all consultants and engineers undertaking lift inspection and maintenance works for the organisation.
- 9.7 TDC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all lift safety related data.

## **10**



## **Key Roles and Responsibilities**

- 10.1 TDC Cabinet will have overall governance responsibility for ensuring the Lift Safety policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such they will formally approve this policy and review it every two years (or sooner if there is a change in regulation, legislation or codes of practice).
- 10.2 TDC's Cabinet will receive regular updates on the implementation of the lift safety policy and performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 The Head of Housing and Planning has strategic responsibility for the management of lift safety and for ensuring compliance is achieved and maintained. They will also oversee the implementation of the lift safety policy.
- 10.4 The Compliance Manager will be responsible for overseeing the delivery of the agreed lift servicing and maintenance programmes, and the prioritisation and implementation of any works arising from the inspections. They are also responsible for overseeing the delivery of service, maintenance and repair programmes to all lifts, stair lifts, and hoists within HRA-assigned property assets owned or managed by TDC.
- 10.5 The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 10.6 TDC's Head of Housing and Planning will be responsible for ensuring the policy is reviewed every two years, and will notify the CMT and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expires in March 2022.
- 10.7 The Head of Housing and Planning will ensure that this policy is saved on the shared drive and distributed to all relevant members of staff.

## **11 Competent Persons**

- 11.1 TDC will ensure that the 'Responsible Person', and the manager(s) with lead responsibility for operational delivery are appropriately competent; will have undertaken appropriate training and have sufficient experience to meet the criteria of a 'competent person' as stated by the Health and Safety Executive (HSE).
- 11.2 TDC will ensure that only suitably competent consultants and contractors, registered members of the Lift and Escalator Industry Association (LEIA) or equivalent, are procured and appointed to undertake risk assessments, prepare written examination schemes and undertake works in respect of lifts, stair lifts and hoists. The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors and for those working within the in-house team to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis.

## **Training**

- 12.1 This policy and the procedures that support it will be subject to a range of training across TDC and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.
- 12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of lift safety but who may not be actively involved in the delivery of the lift safety policy. This will be basic lift safety awareness training.
- 12.3 On the job training will be provided to those employees who will be responsible for managing the programme of lift inspections, planned maintenance and repair works as part of their daily job. The manager(s) with lead responsibility for operational delivery will have undertaken appropriate training and have sufficient experience to meet the criteria of a 'competent person' as stated by the Health and Safety Executive (HSE).
- 12.4 Regular tool box talks will be given to operatives and TDC contractor partners will be required to do this in the form of appropriate lift safety training and evidence the same.
- 12.5 Monitor's briefings will be provided to those employees involved in the monitoring of compliance performance in relation to lift safety.

## **13 Performance Reporting**

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure TDC is able to report on performance in relation to lift safety.
- 13.2 KPI measures will be produced and provided at service level on a monthly basis and to CMT and elected members on a quarterly basis. As a minimum, these KPI measures will include reporting on:
  - Compliance with written examination schemes for lift plant;
  - The number of entrapments within lifts (in month and year to date);
  - The number of current asset numbers with a lift, stairlift or hoist and any changes in this number from the previous month;
  - The number of defects identified by insurer's inspections (in month and year to date);
  - The number of outstanding high and medium level risk actions as identified in insurer's inspection reports;
  - The number of RIDDOR notices issued with regards to lift safety.

## **14 Quality Assurance**

- 14.1 TDC will carry out independent third party quality assurance audits annually to 10% of written examination schemes for lifts (where not included within the insurer's inspection programme) to ensure that all examinations and planned maintenance activities are being fully and robustly implemented and completed. This is additional to inspections carried out by TDC's insurers.
- 14.2 TDC will carry out an independent audit of lift safety at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

## **15 Non-Compliance**

- 15.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to the Head of Housing & Planning in the first instance.
- 15.3 The Head of Housing & Planning will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue and report details of the same to the CMT.
- 15.4 TDC's Head of Housing and Planning will ensure the Cabinet Member for Housing and Safer Neighbourhoods is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 15.5 In cases of a serious non-compliance issue TDC's CMT and Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

## **16 Glossary**

- 16.1 This glossary defines the key terms used throughout this lift safety policy:
  - 16.1.1 LOLER – Lifting Operations and Lifting Equipment Regulations 1998 – regulations which place duties on people and companies who own, operate or have control over lifting equipment.
  - 16.1.2 PUWER – Provision and Use of Work Equipment Regulations 1998 – legislation which places duties on people and companies who own, operate or have control over work equipment. PUWER also places responsibilities on businesses and organisations whose employees use work equipment whether owned by them or not.