

Housing Revenue Account

Lift Safety Policy



City of
Stoke-on-Trent

Name	Lift Safety Policy
Owner	Stoke-on-Trent City Council (The Council)
Last Review	September 2023
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Strategic Lead Assistant Director Housing & Community Safety

Sign

Date

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Operational Lead

Director of Uritas

Sign

Date

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Contents

1.0	Introduction and Objectives.....	2
2.0	Scope.....	2
3.0	Roles and Responsibilities	3
4.0	Legislation, Guidance and Regulatory Standards.....	3
5.0	Obligations	4
6.0	Statement of Intent.....	5
7.0	Programmes.....	7
8.0	Data and Records	7
9.0	Resident Engagement.....	8
10.0	Competent Persons	8
11.0	Training.....	9
12.0	Performance Reporting	9
13.0	Quality Assurance	10
14.0	Significant Non-Compliance and Escalation	11
15.0	Glossary.....	11
	Appendix 1- Additional Legislation	12

1.0 Introduction and Objectives

- 1.1 This policy is written and covers all assets that fall within Stoke-on-Trent City Councils (The Council) Housing Revenue Accounting (HRA). Public Buildings are covered by their own separate policy.
- 1.2 As a landlord, The Council is responsible for maintenance and repairs to its homes, communal blocks, and other properties it owns and manages, some of which will contain domestic lifts, passenger lifts and other lifting equipment. The Council is responsible for maintaining these lifts and carrying out periodic thorough examinations to ensure they continue to operate safely.
- 1.3 These obligations are delivered through Unitas Stoke-on-Trent (Unitas), on behalf of the Council and will undertake any servicing, maintenance, and repairs as appropriate.
- 1.4 The key objective of this policy is to ensure The Council, Unitas Board, the Council's Senior Management Team (SMT), Unitas' Senior Leadership Team (SLT), employees, partners, and residents are clear on their legal and regulatory lift safety obligations. This policy provides the framework that staff and partners will operate within to meet these obligations.
- 1.5 This policy forms part of a wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within the Health and Safety Policy). It will be saved on the shared drive and distributed to all relevant members of staff.

2.0 Scope

- 2.1 This policy is relevant to all employees, residents, contractors, stakeholders, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 2.2 The policy should be used by all to ensure they understand the obligations placed upon The Council and Unitas to maintain a safe environment for residents and employees within the home of each resident, and within all communal areas of buildings and other properties owned and/or managed. Adherence to this policy is mandatory.
- 2.3 The Council manage domestic properties which have been adapted with living aids such as stair lifts, through floor lifts and hoists to enable residents to continue to live independently. The Council takes responsibility for the lifts which have been installed within its domestic properties which they have been made aware of.

3.0 Roles and Responsibilities

- 3.1 The Council has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, The Council will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, The Council will receive regular updates on its implementation, lift safety performance and non-compliance.
- 3.3 The Unitas Board and Senior Leadership Team (SLT) will receive monthly performance reports in respect of lift safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Council has overall responsibility for the management of lift safety for all HRA buildings, and Unitas has operational management and delivery responsibility for lift safety.
- 3.5 The Assistant Director of Housing and Community Safety (The Council) has strategic responsibility for the management of lift safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.6 The Electrical Manager (Unitas) has operational responsibility for the management of lift safety and will be responsible for overseeing the delivery of these programmes. The Compliance Manager (Unitas) has contract management responsibility and will be responsible for overseeing the delivery of the lift safety programmes.
- 3.7 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal access process as necessary.

4.0 Legislation, Guidance and Regulatory Standards

- 4.1 **Legislation** - The principal legislation applicable to this policy is as follows:
 - The Health and Safety at Work Act 1974.
 - The Lifting Operation and Lifting Equipment Regulations 1998 (LOLER).
- 4.2 **Approved Code of Practice (ACoP)**–The principal ACoP applicable to this policy is:
 - ACoP L113 - Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 (2nd edition 2014).

4.3 **Guidance** – The principal guidance applicable to this policy is as follows:

- INDG422 - Thorough examination of lifting equipment: A simple guide for employers (2008).
- INDG339 - Thorough examination and testing of lifts: Simple guidance for lift owners (2008).

4.4 **Sanctions** – Failure to discharge The Council's responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under LOLER or PUWER; and via a regulatory notice from the Regulator of Social Housing.

4.5 **Regulatory Standards** – The Council must ensure it complies with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety & Quality Standard is the primary one applicable to this policy. The Social Housing (Regulation) Act will change the way social housing is regulated and may result in future changes to this policy.

5.0 Obligations

5.1 LOLER

Passenger lifts in workplaces (for example, offices) which are used by people during their course of work, fall within the scope of LOLER.

LOLER requires landlords to maintain lifts and ensure that they have thorough examinations:

- Before use for the first time;
- 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 every 12 months if the lift is only carrying loads (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.
- Thorough examination reports must be kept for at least two years.

5.2 **Health and Safety at Work Act 1974**

Section 3 of the Health and Safety at Work Act makes employers, such as landlords, responsible for the health and safety of employees and people using or visiting their premises, so far as reasonably practicable (including residents).

For passenger lifts in communal blocks and for tenanted properties with domestic lifts, duties may be adequately discharged by adopting the same provisions as applies to all other lifting equipment covered by LOLER (carrying out regular maintenance and a six-monthly thorough examination).

5.3 **Provision and Use of Work Equipment Regulations 1998 (PUWER)**

There is some overlap between LOLER and PUWER, which applies to all work equipment, including lifting equipment (such as hoists, lift trucks, elevating work platforms and lifting slings). The scope of this policy includes for lifts which are fixed within HRA properties owned and managed by The Council (i.e., passenger/stairlifts/through floor lifts) and not mobile lifting equipment.

5.4 **Insurance**

Insurers may impose demands for similarly stringent levels of risk management to cover public liability.

6.0 **Statement of Intent**

6.1 The Council acknowledge and accept our responsibilities under the legislation outlined in Section 5.

6.2 The Council will adopt the same principles to the management of lifts within communal blocks and domestic properties as for passenger lifts and any other lifts provided as work equipment. The Council will therefore carry out a programme of periodic servicing and maintenance and thorough examinations to lifts within domestic properties where these have been installed on behalf of The Council, or where our tenant has installed one and made us aware of it.

6.3 The Council will ensure all lifting equipment is subject to a thorough examination before being commissioned into use for the first time.

6.4 All lifting equipment will be subject to a periodic thorough examination and routine servicing and maintenance.

6.5 All lifts installed in properties The Council own or manage will be fully accessible for disabled users, as per the requirements of the Equality Act

2010, and to the specifications outlined in Part M of the Building Regulations 2004.

- 6.6 The Council will endeavour to ensure that all lifting equipment will be always in full working order. Where the Council become aware of a breakdown, the lift contractor will attend within six hours.
- 6.7 The Council will operate robust processes to deal with entrapment situations. In the event of any persons becoming trapped in a lift that The Council are responsible for the lift contractor will attend within one hour.
- 6.8 The Council will operate a robust process to manage and rectify immediately dangerous situations identified during a lift safety check or any other maintenance work.
- 6.9 All passenger lifts will have an intercom that dials directly to a dedicated call centre. Call handlers will contact emergency services if there is an urgent concern for a person's welfare.
- 6.10 All domestic lifts will have a thorough examination/service visit before the property is re-let to ensure it is safe and working correctly at the point the new tenancy commences. The new tenant will also be shown how to operate the lift safely. The Council will also consider the suitability of prospective residents to ensure the property is appropriate if lifting equipment has been installed.
- 6.11 The Council will operate a robust process to gain access to properties to undertake thorough examinations, lift safety/servicing visits and follow-on works. Where resident vulnerability issues are known or identified The Council will ensure to safeguard the wellbeing of the resident, whilst ensuring the organisation can gain timely access to any property to be compliant with this policy.
- 6.12 The Council will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 6.13 The Council will establish and maintain a risk assessment for lift safety management and operations, setting out our key lift safety risks and appropriate mitigations.
- 6.14 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM), a Construction Phase Plan will be in place for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects.

- 6.15 This plan will detail what is required to reinstate lifts affected by the works, to ensure they are safe to use and continue to comply with relevant legislation.
- 6.16 The Council will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to lift safety. The Council will implement any actions identified or lessons learnt to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **Thorough examinations** – all lifting equipment, including domestic lifts, will be subject to a thorough examination:
- Before being commissioned into use for the first time;
 - Every six months if the lift is being used to carry people;
 - Every 12 months if the lift only carries loads;
 - In accordance with an examination scheme (as prepared by a competent person) where there is one in place; or
 - In accordance with our insurer's specification.
- 7.2 All domestic lifts will be subject to a thorough examination before a void property is re-let to ensure it is safe for the next resident.
- 7.3 **Maintenance** - All lifting equipment will be subject to routine servicing and maintenance in line with manufacturers' recommendations and/or any examination scheme.
- 7.4 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of a thorough examination or servicing and maintenance inspection (where the work cannot be completed at the time of the examination or servicing/inspection).

8.0 Data and Records

- 8.1 The Council will maintain a core asset register of all properties owned or managed, setting out which properties have lifts which require a thorough examination. The Council will also set out which properties have lifts which require ongoing servicing and maintenance. This register will also hold data against each property asset of the type, age, and condition of lifting equipment in place.

- 8.2 The Council will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from lift safety programmes and the programme remains up to date.
- 8.3 The Council will hold records of the following against all properties on each programme:
- Thorough examination dates and reports;
 - Servicing and maintenance dates and reports;
 - Any examination schemes in place;
 - Evidence of completed remedial works; and
 - Entrapment incidents.
- 8.4 All records and data as outlined above will be stored in the current management systems.
- 8.5 Where the Council install any stairlifts or other lifts to domestic properties or give approval for or become aware of any installation of such lifts, The Council will add them to the thorough examination and servicing programmes.
- 8.6 The Council will keep all records for at least five years in line with our document retention policy, as well as having robust processes and controls in place to maintain appropriate levels of security for all lift safety related data and records.

9.0 Resident Engagement

- 9.1 The Council consider good communication essential in the effective delivery of lift safety programmes, therefore The Council will establish a resident engagement strategy and communication programme to support residents in their understanding of lift safety.
- 9.2 This will assist in maximising access to carry out periodic servicing and thorough examinations, encourage residents to report any lift safety concerns, and help to engage with vulnerable and hard to reach residents.
- 9.3 The Council will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on The Councils website.

10.0 Competent Persons

- 10.1 The Electrical Manager and Compliance Manager will demonstrate competence through experience and undertake appropriate training, such as

the Lift and Escalator Industry Association (LEIA) Practical Management of a Lift/Escalator Contract, IOSH Managing Safely course, Level 4 VRQ Diploma in Asset and Building Management or equivalent, to ensure lift safety programmes are managed effectively.

10.2 The Approved Code of Practice for LOLER states:

You should ensure that the person carrying out a thorough examination has such appropriate practical and theoretical knowledge and experience of the lifting equipment to be thoroughly examined as will enable them to detect defects or weaknesses and to assess their importance in relation to the safety and continued use of the lifting equipment.

10.3 Therefore, only suitably competent lift consultants and contractors, registered with the Lift and Escalator Industry Association (or equivalent), will be appointed to undertake thorough examinations, risk assessments, prepare examination schemes and undertake lifting equipment works.

10.4 The Council will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

11.0 Training

11.1 The Council will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic lift safety awareness training; and on the job training for those delivering the programme of lift inspections, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.

12.0 Performance Reporting

12.1 The Council will report robust key performance indicator (KPI) measures for lift safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came in to force 01 April 2023. Performance must be reported to the Regulator on an annual basis, however Unitas will report internally to The Council, Unitas Board, and SLT on a regular basis.

12.2 The Council will engage with customers and develop our approach / systems to report to them on a regular basis. The relevant TSM for Lift Safety is defined as follows:

BS05 – Lift Safety Checks: Proportion of homes for which all required communal passenger lift safety checks have been carried out.

12.3 This measure ensures that all individual dwellings that may be at risk because of any non-compliance are identified. The completion of remedial works is not included.

12.4 The Council will also report the following:

Data – the total number of:

- Properties – split by category (domestic, communal blocks and other properties);
- Properties on the thorough examination programme;
- Properties not on the thorough examination;
- Properties with a valid and in date thorough examination;
- Properties without a valid and in date thorough examination;
- Properties due to be examined within the next 30 days; and
- Completed, in-time and overdue follow-up works/actions arising from the programme, split by priority (In relation to this, follow-on works will be completed in line with the engineer's / inspector's recommendations).

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective actions; and
- Progress with completion of follow-up works.

In addition:

- The number of entrapments within lifts (in month and year to date).
- The number of RIDDOR notifications to the HSE with regards to lift safety.
- Domestic lift servicing programme.

13.0 Quality Assurance

13.1 The Council will ensure there is programme of annual third-party quality assurance audits of lifts that are not included on the thorough examination programme.

13.2 The Council will carry out an independent audit of lift safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

14.0 Significant Non-Compliance and Escalation

- 14.1 The Council's definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident was identified, or of a Council or Unitas employee or agent becoming aware of it.
- 14.2 Any non-compliance issue identified at an operational level will be formally reported to the Compliance Manager (Unitas) in the first instance, who will agree an appropriate course of corrective action with the Head of Asset Management and Investment (Unitas) and report details of the same to the SLT.
- 14.3 In cases of serious non-compliance, The Council will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by their regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

15.0 Glossary

- 15.1 This glossary defines key terms used throughout this policy:
- **Examination scheme** – LOLER permits a scheme of examination (examination scheme), drawn up by a competent person, as an alternative to the fixed maximum periods of a thorough examination.
 - **IOSH Managing Safely course** - The Institution of Occupational Safety and Health (IOSH) have designed the IOSH Managing Safely course for managers and supervisors of organisations in virtually all industry sectors, to give them all they need to know to effectively manage health and safety in the workplace.
 - **LEIA** – The Lift and Escalator Industry Association is the trade association and advisory body for the lift and escalator industry.
 - **Thorough examination** - A systematic and detailed examination of the equipment and safety-critical parts, carried out at specified intervals by a competent person who must then complete a written report.

Appendix 1- Additional Legislation

This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Workplace (Health Safety and Welfare) Regulations 1992
- Provision and Use of Work Equipment Regulations 1998 (PUWER)
- Management of Health and Safety at Work Regulations 1999
- Housing Act 2004
- The Occupiers' Liability Act 1984
- Equality Act 2010
- Building Regulations 2010 – Part M
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018