



# Lancaster City Council

## Housing and Property: Council Housing

### Lift Safety Policy

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Prepared by:	PM
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## 1. Introduction and Policy Objectives

- 1.1. Lancaster City Council (Lancaster) is responsible for the maintenance and repairs to homes, communal blocks, Corporate, Commercial, and other properties – referenced as our property portfolio that we own and manage, some of which will contain domestic lifts and passenger lifts. We are responsible for maintaining these lifts and carrying out periodic thorough examinations to ensure they continue to operate safely.
- 1.2. The key objective of this policy is to ensure our Cabinet, Senior Leadership Team (SLT), Chief Officer – Housing and Property, employees, partners and tenants are clear on our legal and regulatory lift safety obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.3. This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors. It will be saved on our shared drive and distributed to all relevant members of staff.

## 2. Scope

- 2.1. This policy is relevant to all our employees, tenants, 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 Lancaster to maintain a safe environment for tenants and employees within the home of each tenant, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.
- 2.3. We own and manage passenger lifts. We also own and manage domestic properties which have been adapted with living aids such as stair lifts and through floor lifts (since December 2020) to enable tenants to continue to live independently. We take responsibility for the lifts which have been installed within our domestic properties which have been installed after December 2020.

## 3. Legislation, Regulatory Standards & Codes of Practice

- 3.1. **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.
- 3.2. **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).
  - The Provision and Use of Work Equipment Regulations 1998 (PUWER).
- 3.3. **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).

3.4. **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).

3.5. **Sanctions** – Failure to discharge our 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. Additional Legislation

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

- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- The Building Regulations 2004 – Part M
- Construction (Design and Management) Regulations 2015
- Disability and Discrimination Act 2005
- Equality Act 2010
- Housing Act 2004
- Landlord and Tenant Act 1985
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1957 (as amended 1984)
- Defective Premises Act 1972

## 5. Obligations

### LOLER and PUWER

5.1. Passenger lifts in workplaces (for example, offices and communal blocks), which are used by people during their course of work, fall within the scope of LOLER. PUWER applies to all work equipment, including lifting equipment

5.2. 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.

### Health and safety at Work Act 1974

- 5.3. 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 tenants).
- 5.4. For tenanted properties with domestic lifts, duties may be adequately discharged by adopting the same provisions as applies to all other lifting equipment by carrying out regular maintenance and servicing.

### Insurance

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

## 6. Statement of Intent

- 6.1. We acknowledge and accept our responsibilities under the legislation outlined in Section 5.
- 6.2. We will adopt the same principles to the management of lifts within domestic properties and will therefore carry out a programme of periodic servicing and maintenance. We will also carry out a programme of thorough examinations.
- 6.3. We will ensure all lifting equipment is subject to a thorough examination before being commissioned into use for the first time.
- 6.4. All lifts that we install in properties we own or manage 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.
- 6.5. We will endeavour to ensure that all lifting equipment will be in full working order at all times. Where we become aware of a breakdown, we will ensure our lift contractor attends within 24 hours.
- 6.6. We will operate robust processes to deal with entrapment situations. In the event of any persons becoming trapped in a lift we are responsible for we will ensure our lift contractor attends within 2 hours.
- 6.7. We will operate a robust process to manage and rectify immediately dangerous situations identified during a lift safety check or any other maintenance work.
- 6.8. All passenger lifts in Independent Living schemes and new blocks 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.

- 6.9. We will operate a robust process to gain access to properties to undertake lift safety inspections and remediation works. Where vulnerability issues are known or identified we will ensure we safeguard their wellbeing.
- 6.10. We will operate effective contract management arrangements with the consultants and contractors responsible for delivering the service, including ensuring contracts/service level agreements 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.
- 6.11. We 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.

## 7. Inspection Programmes

- 7.1. **Thorough examinations** – all passenger lifting equipment 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); or
  - In accordance with our insurer's specification.
- 7.2. **Maintenance** - All lifting equipment will be subject to routine servicing and maintenance in line with manufacturers' recommendations.

## 8. Follow-up Work

- 8.1. We 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 assessment or check).

## 9. Data and Record Keeping

- 9.1. We will maintain a core asset register of all properties we own or manage, setting out which properties have lifts which require a thorough examination. We 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.
- 9.2. We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are added or removed as required from lift safety programmes, and the programme remains up-to-date.
- 9.3. We 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.

9.4. We will keep all records for at least five years and have robust processes and controls in place to maintain appropriate levels of security for all lift safety related data and records.

## 10. Tenant Involvement and Engagement

10.1. We consider good communication essential in the effective delivery of lift safety programmes, therefore we will establish a tenant engagement strategy and communication programme to support tenants in their understanding of lift safety.

10.2. This will assist us in maximising access to carry out periodic servicing and thorough examinations, encourage tenants to report any lift safety concerns, and help us to engage with vulnerable and hard to reach tenants.

10.3. We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

## 11. Key Roles and Responsibilities

11.1. The Cabinet have ultimate responsibility for ensuring compliance with the consumer standard and ensuring tenants are safe in their homes.

11.2. The Cabinet will have governance responsibility for ensuring this policy is fully implemented in order to ensure full compliance with legislation and regulatory standards.

11.3. For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, lift safety performance and non-compliance.

11.4. The Senior Leadership Team (SLT), Chief Officer – Housing and Property 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.

11.5. The Chief Officer – Housing and Property has strategic responsibility for the management of lift safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.

11.6. The Asset and Compliance Manager – Housing & Property (Asset & Compliance Team) has operational responsibility for the management of lift safety and will be responsible for overseeing the delivery of these programmes.

11.7. The Housing and Property Teams will provide support where gaining access to properties is difficult and the legal team will assist and facilitate any legal access process as necessary.

## 12. Competent Persons

- 12.1. An Officer of the Compliance Team will undertake appropriate training, such as the LEIA Practical Management of a Lift/Escalator Contract or IOSH Managing Safely course (or equivalent), If they do not have this already, they will obtain it within 12 months of the approval of this policy or within 12 months of appointment.
- 12.2. The Asset and Compliance Manager (Asset and Compliance Team) has lead responsibility for the management of lift safety and will be responsible for overseeing the delivery of these programmes.
- 12.3. 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.*
- 12.4. 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.
- 12.5. All contractor checks will be undertaken during procurement and then on an annual basis and evidenced appropriately

## 13. Training

- 13.1. We will deliver training on this policy and the procedures that support it, 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.

## 14. Performance Reporting

- 14.1. We will report robust key performance indicator (KPI) measures for lift safety. These will be provided to the Chief Officer – Housing and Property on a monthly basis and Cabinet and SLT on a quarterly basis. As a minimum, we will report:

### Data – the total number of:

- Properties – split by category (domestic, communal blocks and other properties).
- Properties - Corporate & Commercial.
- Properties on the LRA programme.
- Properties not on the LRA programme.
- Properties with a valid and in date LRA.
- Properties without a valid and in date LRA.

- Properties due an LRA within the next 30 days.
- Completed, in-time and overdue follow-up works/actions arising from the programme.

**Narrative - an explanation of the:**

- Current position.
- Corrective action required.
- Anticipated impact of corrective action; 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.

## 15. Quality Assurance

15.1. We 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.

## 16. Non-Compliance/Escalation Process

16.1. Our definition of 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 occurred or becoming aware of it.

16.2. Any non-compliance issue identified at an operational level will be formally reported to the Chief Officer – Housing and Property in the first instance, who will agree an appropriate course of corrective action with the Asset and Compliance Manager (Asset and Compliance Team) alongside the Breaches Policy and report details of the same to SLT / Cabinet.

16.3. In cases of serious non-compliance, SLT and Cabinet consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

## 17. Glossary

17.1. 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; in order 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.
- **LOLER** – Lifting Operations and Lifting Equipment Regulations 1998 – regulations which place duties on people and companies who own, operate or have control over lifting.
- **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.
- **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.