Havebury Homes

Lift Safety Policy (HS 058)

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1. Introduction and Objectives

1.1. As a landlord, we are responsible for maintenance and repairs to our homes, communal blocks, and other properties we own and manage, some of which will contain domestic lifts, passenger lifts and other lifting equipment. We are responsible for maintaining these lifts and conducting periodic thorough examinations to ensure they continue to operate safely.

1.2. The key objective of this policy is to ensure our Board, Leadership Team, employees, partners, and residents 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 (as detailed within our Health and Safety Policy). 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, 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 Havebury 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 we own and/or manage. Adherence to this policy is mandatory.

2.3. We own and 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. We take responsibility for the lifts which have been installed within our domestic properties which we have been made aware of.

3. Roles and Responsibilities

3.1. The Board has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Board 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 Board will receive regular updates on its implementation, lift safety performance and non-compliance.

3.3. The Leadership Team 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 Director of Operations has strategic responsibility for the management of lift safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.

3.5. The Assistant Director of Asset Management has operational responsibility for the management of lift safety and will be responsible for overseeing the delivery of these programmes.

3.6. Other operational teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal access process, as necessary.

3.7. Under the requirements of the Social Housing (Regulation) Act 2023 we have appointed the Chief Executive as our Health and Safety Lead for property compliance.

4. 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).
- The Provision and Use of Work Equipment Regulations 1998 (PUWER).

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).
- ACoP L22 – Safe use of work equipment: Provision and Use of Work Equipment Regulations 1998 (4th 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 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.

4.5. **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.

4.6. The Social Housing (Regulation) Act 2023 changes the way social housing is regulated and may result in future changes to this policy.

5. Obligations

5.1. LOLER

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.

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. Provision and Use of Work Equipment Regulations 1998 (PUWER)

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

- Suitable for the intended use.
- Safe for use, maintained in a safe condition and inspected to ensure it is correctly installed and does not subsequently deteriorate.
- Used only by people who have received adequate information, instruction, and training.
- Accompanied by suitable health and safety measures, such as protective devices and controls. These will normally include guarding, emergency stop devices, adequate means of isolation from sources of energy, clearly visible markings, and warning devices.
- Used in accordance with specific requirements, for mobile work equipment and power presses.

5.3. 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, as 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).

5.4. Insurance

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 Sections 4 and 5.

6.2. We will adopt the same principles to the management of lifts within domestic properties as for passenger lifts and any other lifts provided as work equipment. We will therefore conduct a programme of periodic servicing and maintenance and thorough examinations to lifts within domestic properties where these have been installed by us, or where our resident has installed one and made us aware of it.

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

6.5. 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.

6.6. 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.

6.7. 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 two hours.

6.8. We will operate a robust process to manage and rectify immediately dangerous situations identified during a lift safety check or any other maintenance work.

6.9. 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 left in a property when it becomes void will have a thorough examination/service visit before the property is re-let in order to ensure it is safe fand working correctly at the point the new tenancy commences. The new tenant will also be shown how to operate the lift safely. We will also consider the suitability of prospective residents to ensure the property is appropriate if lifting equipment has been installed (in accordance with our Lettings Policy). All new tenants to have a PCFRA completed by the Supported team

6.11. We 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 we will ensure we safeguard the wellbeing of the resident.

6.12. We will operate effective contract management arrangements with the 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.

6.13. We 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. 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.

6.15. 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, and we will take action to ensure any issues identified and lessons we have learned to prevent a similar incident occurring again.

7. 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 in order 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. 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 examination or servicing/inspection).

8. Data and Records

8.1. 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.

8.2. We 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. 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.

8.4. All records and data as outlined above will be stored in the CX and Keystone systems.

8.5. Where we install any stairlifts or other lifts to domestic properties or give approval for or become aware of any installation of such lifts, we will add them to the thorough examination , servicing programmes and refer to the supported team to complete a PCFRA.

8.6. We will keep all records for at least five years or as per Havebury's data retention policy or the minimum legal requirement, whichever is greater, and have robust processes and controls in place to maintain appropriate levels of security for all lift safety related data and records.

9. Resident Engagement

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

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

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

10. Competent Persons

10.1. The Mechanical Contract Lead will 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. We 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. Training

We 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. Performance Reporting

12.1. We will report key performance indicator (KPI) measures for lift safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came into force on 1 April 2023 and must be reported to the RSH on an annual basis.

12.2. We will report to the following, lift safety performance:

Report recipient	Frequency
Regulator of Social Housing	Annual
Leadership Team	Monthly
Board	Quarterly

12.3. We 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).

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.

13. Quality Assurance

13.1. We 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. We will conduct 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. Significant Non-Compliance and Escalation

14.1. Our 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 occurred, or of a Havebury employee becoming aware of it.

14.2. Any non-compliance issue identified at an operational level will be formally reported to the Head of Compliance in the first instance, who will agree an appropriate course of corrective action with the Assistant Director of Assets and report details of the same to the Leadership Team.

14.3. In cases of serious non-compliance, Leadership Team and Board 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. Glossary

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
- Social Housing (Regulation) Act 2023