

Tenant and Leaseholder Services

Lift Safety Policy

1.0 Introduction

1.1

Landlords are responsible for maintaining passenger lifts in residential blocks 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 through floor lifts to ensure the safety of their tenants.

1.2

TDC owns and manages properties that have passenger lifts. In addition to these, TDC manages a number of domestic homes that are now being adapted with living aids such as stair lifts and through floor lifts to enable tenants to continue to live independently.

2.0 Scope

2.1

This policy meets the requirements of the Health and Safety at Work etc Act 1974 and Lifting Operation and Lifting Equipment Regulations 1998 (LOLER). This 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.

3.0 Regulatory Standards, Legislation, and Approved 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:

- ACoP L113 - Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 (2nd edition 2014).
- 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).

3.4 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, .

Tenants and leaseholders - TDC will use the legal remedies available should any resident refuse access to carry out essential Lift Safety related inspections and remediation works

4.0 Additional Legislation

4.1

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

- The Management of Health and Safety at Work Regulations 1999
- The Provision and Use of Work Equipment Regulations 1998 (PUWER)
- 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 (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018
- Building safety Act 2022

TDC will ensure that only suitably competent Gas Safe accredited engineers undertake gas works. Section 11 of this policy sets out the competency required to carry out safety checks for other heating types.

5.0 Obligations

5.1

TDC acknowledges and accepts its responsibilities with regard to lift safety and the inspection and maintenance of lifts, stair lifts and through floor lifts

5.2

Passenger lifts in workplaces (for example, 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 passenger lifts in use, are thoroughly examined in the following situations:

- 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).
- following "exceptional circumstances" such as damage to, or failure of
- After 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, 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, 6 monthly inspections and a yearly 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

TDC will appoint 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.

5.6

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.

5.7

TDC will ensure that there are clear procedures in place for appropriate action in the event of any persons becoming trapped in lifts the organisation owns or manages. TDC will ensure that all passenger lifts have an intercom fitted that dials directly to a dedicated call centre.

5.8

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.

5.9

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'.

5.10

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

5.11

TDC will ensure that any high rise passenger lift that will be out of service for more than 24hrs will be reported to Kent Fire and Rescue, as per the obligations of the Building Safety Act 2022.

5.12

Portable specialist lifting equipment (including ceiling track hoists) will not be fitted or maintained by TDC as these are either a tenant's responsibility, or that of KCC Social Services.

6.0 Compliance Follow up Work

6.1

There is a robust process in place for the management of any follow-up works required following the completion of routine maintenance inspections or LOLER inspections.

6.2

There is a robust process in place to collate and record details of all remedial works completed against individual installations.

7.0 Record Keeping

7.1

TDC maintains a core asset register of all properties that have a lift, stair lift or through floor lift and written examination scheme in place. 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.

7.2

TDC will 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.

7.3

TDC will keep a record of any entrapment incidents and will use these to inform future revisions of Examination Schemes.

7.4

TDC will hold and maintain accurate records on the qualifications of all consultants and engineers undertaking lift inspection and maintenance works for the organisation.

8.0 Key Roles and Responsibilities

8.1

The Head of Tenant and Leaseholder Services has strategic responsibility for the management of lift safety and for ensuring compliance is achieved and maintained.

8.2

The Building Safety and 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

8.3

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.

8.4

TDC's Head of Tenant and Leaseholder Services 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.

9.0 Competent Persons

9.1

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 LOLER/scheme for Passenger lifts, stairlifts and Through floor lifts The number of entrapments within lifts (in month and year to date).
- The number of outstanding high and medium level risk actions as identified in insurer’s inspection reports.

10.0 Quality Assurance

10.1

Internal audit will test the compliance of lift safety every 5 years or more frequently if necessary.

11.0 Glossary of Terms

This glossary defines the key terms used throughout this lift safety policy:

12.1 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.

12.2 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.

12.0 Document Control

Date	Version	Action	Amendments
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January 2024		Policy draft	
		EIA	
		Policy approved for adoption by cabinet	