



Lift Safety Policy

Name	Lift Safety Policy
Owner	Strategic Director
Last Review	September 2024
Next Review	September 2026
Consultation ET	N/A
Consultation with Tenants	N/A
Equality Impact Assessment	December 2024
Confidentiality	Low

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1.0 Introduction and Objectives

- 1.1 As a landlord, Gateshead Council is 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 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 Management Team, 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 to meet these obligations.
- 1.3 This policy sets out our responsibilities in complying with The Lifting Operation and Lifting Equipment Regulations 1998 (LOLER) and all other relevant legislation and guidance in respect of lift safety and keeping our customers safe in their homes.

Operating Procedures and Supporting Documentation

- 1.4 This policy should be read in conjunction with the following documents:
 - Lift Safety Operating Procedure.
 - Lift Safety Risk Assessments.
 - Lift Safety Procedure.
 - Lift Safety Management Plan.

2.0 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 Gateshead Council 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 domestic properties which have been adapted with living aids such as stair lifts, through floor lifts and hoists to enable tenants 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.

3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Cabinet 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 Cabinet will receive regular updates on its implementation, lift safety performance and non-compliance.
- 3.3 The Senior Management Team (SMT) 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 Strategic Director 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 Service Director and Service Manager have operational responsibility for the management of lift safety and will be responsible for overseeing the delivery of these programmes.
- 3.6 It is a condition of the tenancy agreement that tenants must allow access for us to carry out works in their home.
- 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 Regulatory Standards, Legislation, Guidance and Approved Codes of Practice

4.1 **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 new consumer standards were introduced on 01 April 2024 and detail the four consumer standards which landlords are required to comply with, including:

- **Safety and Quality Standard** - which requires landlords to provide safe and good quality homes and landlord services to tenants. This includes stock quality; decency; health and safety; repairs, maintenance, and planned improvements; and adaptations.
- **Transparency, Influence and Accountability Standard** - which requires landlords to be open with tenants and treat them with fairness and respect so that tenants can access services, raise complaints when necessary, influence decision making and hold their landlord to account. This standard incorporates Tenant Satisfaction Measure requirements.
- **Neighbourhood and Community Standard** - which requires landlords to engage with other relevant parties so that tenants can live in safe and well-maintained neighbourhoods and feel safe in their homes.
- **Tenancy Standard** - which sets requirements for the fair allocation and letting of homes and for how those tenancies are managed and ended by landlords.

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

4.2 **Legislation** - The principal legislation applicable to this policy is as follows:

- The Health and Safety at Work etc. Act 1974.
- The Lifting Operation and Lifting Equipment Regulations 1998 (LOLER).

4.3 **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).

4.4 **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).

4.5 **Sanctions** - the Council acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that a 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 the Gas Safety Regulations; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)

- 5.1 Passenger lifts in workplaces (for example, offices) which are used by people during their course of work, fall within the scope of LOLER.
- 5.2 LOLER requires landlords to maintain lifts and ensure that they have thorough examinations:
- Before use for the first time (unless the equipment has a Declaration of Conformity less than one year old and the equipment was not assembled on site. If it was assembled on site, it must be examined by a competent person to ensure that the assembly (e.g. a platform lift installed in a building) was completed correctly and safely.
 - 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 12 months if the lift is used at any time to carry people, other than domestic stairlifts which will be checked each year or decreased following risk assessment, every 12 months if the lift is only carrying loads (or in accordance with an examination scheme); and
 - At least annually if the lift is used at any time to carry people, other than a domestic stairlift
 - 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.

Provision and Use of Work Equipment Regulations 1998 (PUWER)

- 5.3 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 properties owned and managed by Gateshead Council (i.e. passenger lifts/stairlifts/through floor lifts) and not mobile lifting equipment.

Health and Safety at Work etc. Act 1974

- 5.4 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).
- 5.5 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).

Insurance

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

6.0 Statement of Intent

- 6.1 The purpose of this policy is to ensure:
- Our homes and other buildings comply with health & safety legislation.
 - Customers are safe in their homes.
 - Customers affected by this policy are treated with respect and empathy.
- 6.2 We acknowledge and accept our responsibilities under the legislation outlined in Section 5.
- 6.3 We 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. We will therefore carry out 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 tenant has installed one and made us aware of it.
- 6.4 We will ensure all lifting equipment is subject to a thorough examination before being commissioned into use for the first time.
- 6.5 All lifting equipment will be subject to a periodic thorough examination and routine servicing and maintenance:
- We will carry out periodic servicing and maintenance to lifts that have been installed by us.
 - The Home Improvement Agency (HIA) will carry out periodic servicing and maintenance to properties where they have installed a lift.
 - We will carry out a thorough examination to all lifts in our properties.
- 6.6 All lifts that we install in properties we 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.
- 6.7 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 of a passenger lift, we will ensure our lift contractor attends within 24 hours. In the case of our high-rise residential buildings, we will report any out of service lifts to the Tyne and Wear Fire and Rescue Service in accordance with the requirements of the building safety act.
- 6.8 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 4 hours.
- 6.9 We will operate a robust process to manage and rectify immediately dangerous situations identified during a lift safety check or any other maintenance work.
- 6.10 All passenger lifts within communal blocks and high-rise 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. It should be noted that not all lifts within public buildings have this function.
- 6.11 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 be shown how to operate the lift safely. We will also consider the suitability of prospective tenants to ensure the property is

appropriate if lifting equipment has been installed. If a suitable tenant cannot be housed and make use of the domestic lift, Gateshead Council will remove the lift.

- 6.12 We will operate a robust process to gain access to properties to undertake thorough examinations, lift safety/servicing visits and follow-on works. Where tenant vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the tenant, whilst ensuring the organisation can gain timely access to any property to be compliant with this policy.
- 6.13 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.
- 6.14 We will establish and maintain a risk assessment for lift safety management and operations, setting out our key lift safety risks and appropriate mitigations.
- 6.15 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.
- 6.16 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.

7.0 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 (unless the equipment has a Declaration of Conformity less than one year old and the equipment was not assembled on site. If it was assembled on site, it must be examined by a competent person to ensure that the assembly (e.g. a platform lift installed in a building) was completed correctly and safely.
 - Every 6 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 If the lift is unavailable for inspection, a non-inspection notice will be issued and the responsible person will arrange another inspection.
- 7.3 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 tenant and in line with the manufacturer's instructions.
- 7.4 Maintenance - All lifting equipment will be subject to routine servicing and maintenance in line with manufacturers' recommendations and/or any examination scheme.
- 7.5 Stair lifts and hoist platforms - We will maintain residents' own lifting equipment. Usually these are fitted as an adaptation, and Gateshead Council being responsible for the maintenance and servicing. In some circumstances these are fitted by the tenants themselves and may not be maintained or serviced. If Gateshead Council is made aware of tenants' own installations, Gateshead Council will provide maintenance to those tenants to enable them to remain mobile within their homes.
- 7.6 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).

8.0 Follow-up Work

- 8.1 We will ensure there is a robust process in place for the management of any follow-up works arising from the lift examination and servicing programmes within appropriate timescales.
- 8.2 Defects or hazards identified during routine examination will be managed in line with the risk that they pose. All defects are reported to the lift servicing contractor for the repair to be undertaken within the following timescales:

Category	Actions Required	Timescale
A. Major defect Danger present, immediate remedial action is required	Lift will be taken out of service immediately and will remain out of service until it has been repaired.	4 hours
B. Minor defect Does not affect the primary function, or the safety features of the lift	Repairs will be carried out as soon as is practicable.	28 days
C. Observation Improvements recommended	Will be considered by the Section Manager Building Safety, external consultant and actioned or scheduled if appropriate.	Internal review

- 8.3 We will, as a minimum, make safe and/or where possible repair all Code A and Code B defects identified by a lift inspection/test. Any further remedial works for Code B defects will be completed within 28 working days and Certificate of Conformity will be issued stating that the installation is in a satisfactory condition. Code C type works will be referred back to the internal mechanical and electrical team to determine what further works, if any, are required.
- 8.4 Where any Code A and Code B defects have been repaired, they will be recorded on the satisfactory EICR to provide an audit of the work completed.
- 8.5 We will review all Code C and Further Investigation observations and determine and take the most appropriate course of action.

9.0 Data and Records

- 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 not omitted 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 All records and data as outlined above will be stored in the GP2/NEC/C365 systems.
- 9.5 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 and servicing programmes.
- 9.6 Where lifts are installed by the Home Improvement Agency, and it has come with an extended warranty and maintenance cover, we will request copies of certification and servicing documents for our records.
- 9.7 We will keep all records for at least five years or for the duration that we own and manage the property/in line with our document retention policy and have robust processes and controls in place to maintain appropriate levels of security for all lift safety related data and records.

10.0 Tenant 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 We will make reasonable adjustments in how we deliver the service to customers homes where a vulnerability would prohibit the service being carried out without adjusting the service. We will also make reasonable adjustments to how we communicate with customers based on their vulnerabilities.
- 10.3 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.
- 10.4 We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

11.0 Competent Persons

- 11.1 The Section Manager Level 4 VRQ Diploma in Asset and Building Management and The Technical 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.
- 11.2 The Approved Code of Practice for LOLER states:
- 11.3 *“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”.*
- 11.4 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. Lift engineers will have a minimum qualification of EAL QCF NVQ Level 3 Diploma or its equivalent in an appropriate discipline.
- 11.5 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.

12.0 Implementation and Training

- 12.1 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.
- 12.2 We will ensure our operatives are fully trained and that the lift maintenance contractor holds relevant accreditations and competencies required (refer to Section 11).

13.0 Performance Reporting

- 13.1 We 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 1st April 2023. Performance must be reported to the Regulator on an annual basis from 1st April 2024; however, we will report internally monthly to SMT and Cabinet. 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.

- 13.2 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.
- 13.3 We will also report the following:

Data - the total number of:

- Properties - split by category (domestic, communal blocks, commercial, 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
- 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.
- Domestic lift servicing programme.

13.4 The full detail of our performance measures for Lift Safety will be outlined in a KPI Definition Document which includes the relevant data sources used for each calculation, the calculation methodology, any exclusions, and the accountable roles for producing and managing the KPIs.

14.0 Quality Assurance

- 14.1 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.
- 14.2 We will appoint a third-party independent auditor to undertake quality assurance audits on a minimum 10% sample of electrical works and supporting documentation annually.

15.0 Significant Non-Compliance and Escalation

- 15.1 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 if a Gateshead Council employee becoming aware of it.
- 15.2 Any non-compliance issue identified at an operational level will be formally reported to the Strategic Director in the first instance, who will agree an appropriate course of corrective action with the Service Director and Service Manager and report details of the same to the SMT.
- 15.3 In cases of serious non-compliance, SMT and Cabinet 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.

16.0 Approval

Strategic Lead: Service Director Repairs and Buildings Maintenance

Name: Ian McLackland

Signed: _____

Date Approved: _____

Strategic Lead: Service Manager Building Safety

Name: Darren Burton

Signed: _____

Date Approved: _____

17.0 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.
- **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 tenants). 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).
- **Insurance** - Insurers may impose demands for similarly stringent levels of risk management to cover public liability.
- **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 equipment.
- **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.
- **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.
- 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 properties owned and managed by us (i.e., passenger/stairlifts/through floor lifts) and not mobile lifting equipment.

18.0 Supporting Information

- Appendix 1 - Additional Legislation.

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.