



Wigan[♥]
Council

Lift Safety Policy (Housing)

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Policy Name	Lift Safety Policy (Housing)
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1.0 Introduction and Objectives

- 1.1 This policy covers all assets that fall within Wigan Council's Housing Revenue Account (HRA). Public Buildings are covered by their own separate policy.
- 1.2 As a landlord, Wigan 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. Wigan 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 by the Statutory Compliance Team on behalf of Wigan Council and will undertake any servicing, maintenance and repairs as appropriate.
- 1.4 The key objective of this policy is to ensure that Wigan Council, Wigan Councils Senior Management Team (SMT), 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 the wider organisational commitment to driving a health and safety culture amongst staff and contractors. It will be distributed to all relevant members of staff, partners and residents as necessary.

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 premises owned or managed by Wigan Council, or who may be affected by Wigan Councils activities or services.
- 2.2 The policy should be used by all to ensure they understand the obligations placed upon Wigan Council 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 they own or manage. Adherence to this policy is mandatory.
- 2.3 Wigan Council manage domestic properties which have been adapted with living aids such as stairlifts, through floor lifts and

hoists to enable residents to continue to live independently. Wigan 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 Wigan Council has overall governance responsibility for ensuring this policy is fully implemented to ensure compliance with legislation and regulatory standards. As such, Wigan 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, Wigan Council will receive regular updates on its implementation, lift safety performance and non-compliance.
- 3.3 The senior leadership team within the Place Directorate 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 Assistant Director, Property and Assets 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 Statutory Compliance Manager has operational responsibility for the management of lift safety and will be responsible for overseeing the delivery of these programmes. The day-to-day operational delivery will be delegated to the Statutory Compliance & Building Safety Team Manager (Asbestos, Lifts & Legionella), has contract management responsibility and will be responsible for overseeing the delivery of the lift safety programmes.
- 3.6 The Statutory Compliance & Building Safety Team Manager (Asbestos, Legionella & Lifts) is the deputy responsible person who will provide cover to the Compliance Manager in their absence.
- 3.7 Housing Teams will provide support where gaining access to properties is difficult.

3.8 Under the requirements of the Social Housing (Regulation) Act 2023 we have appointed a Senior Health and Safety Consultant as our Health and Safety Lead.

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).
- 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).

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

4.4 **Sanctions** – Failure to discharge 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 judgement from the Regulator of Social Housing.

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).
- 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 properties owned and managed by Wigan 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 Wigan Council acknowledges and accepts its responsibilities and obligations under the legislation outlined in Section 5.

6.2 Wigan 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. Wigan 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 Wigan Council, or where our tenant has installed one and made us aware of it.

6.3 Wigan 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, routine servicing and maintenance.

6.5 All lifts installed in properties Wigan 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 Wigan Council will endeavour to ensure that all lifting equipment will be always in full working order. Where Wigan Council become

aware of a breakdown the contractor will attend within two hours or during the same day in agreement with the user.

- 6.7 Wigan Council will operate robust processes to deal with entrapment situations. In the event of any persons becoming trapped in a lift that Wigan Council are responsible for the lift contractor will attend within one hour.
- 6.8 Wigan 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. Wigan Council will also consider the suitability of prospective residents to ensure the property is appropriate if lifting equipment has been installed.
- 6.11 Wigan 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 Wigan 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 Wigan 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 the contractors' employee and public liability insurances are up to date on an annual basis.
- 6.13 Wigan 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. 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 Wigan 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. Wigan Council will implement any actions identified or lessons learnt to prevent a similar incident occurring again.

7.0 Programmes

- 7.1 **Thorough examinations** – all lifts, 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.
- 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 to ensure it is safe for the next resident. 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.

- 7.3 **Maintenance** - All lifting equipment will be subject to routine servicing and maintenance in line with manufacturers' recommendations and/or any examination schedule.

- 7.4 Wigan 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 Wigan Council will maintain a core asset register of all properties it owns or manages, setting out which properties have lifts which require a thorough examination. Wigan 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 the lifting equipment in place.
- 8.2 Wigan 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 that the programmes remain up to date.
- 8.3 Wigan 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 Wigan Council 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.
- 8.6 Wigan Council will keep all records for at least five years 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.

9.0 Resident Engagement

- 9.1 Wigan Council 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 Wigan Council will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.

10.0 Competent Persons

- 10.1 The Responsible Person and a Deputy Responsible Person as stated in section 3 Roles & Responsibilities will both demonstrate competence through experience and undertake appropriate training, such as the Lift and Escalator Industry Association (LEIA) Practical Management of Lift/Escalator Contract, IOSH Managing Safely Course, Level 4 VRQ Diploma in Asset and Building Management or equivalent, to ensure lift safety programmes are effectively managed.
- 10.2 The Approved Code of Practice for LOLER states:
- You should ensure the person carrying out the 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 Wigan Council will check that our contractors hold the relevant qualifications and accreditations when procured and thereafter on an annual basis. We will evidence these checks and each contractors' certification appropriately.

11.0 Training

11.1 Wigan 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 Wigan 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 into force 01 April 2023. Performance must be reported to the Regulator on an annual basis. Performance KPI's are reported monthly to the senior leadership team.

12.2 Wigan 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 non-compliance are identified. The completion of remedial works is not included.

12.4 Wigan Council will also report the following:-

Data – the total number of:-

- Properties split by category (domestic, communal blocks/schemes, commercial/other);
- Properties on the thorough examination programme;
- Properties not on the thorough examination programme;
- 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 engineers/inspector's recommendations).

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

12.5 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 KPI's.

13.0 Quality Assurance

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

13.2 Wigan 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 Wigan Council's definition of a significant non-compliance is any incident which could possibly result in a potential breach of legislation or regulatory standard, or which causes a risk to health and safety. All non-compliance issues will be reported and escalated as soon as possible and no later the 24 hours after the

incident was identified or of a Council employee or agent becoming aware of it.

- 14.2 Any non-compliance issue identified at an operational level will be formally reported to the Statutory Compliance Manager as detailed in section 3 in the first instance, who will agree an appropriate course of corrective action with the appropriate members of staff.
- 14.3 In cases of serious non-compliance, Wigan 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.
- 14.4 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 issues identified and lessons we have learned to prevent a similar incident occurring again.

15.0 Glossary

- 15.1 This glossary defines key terms used throughout this policy:
- **Examination Scheme** – LOLER permits a scheme of examination drawn up by a competent person, as an alternative to the fixed maximum periods of 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