

Policy:

Housing Lift Safety Policy

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Control Schedule

Policy Owner:	Paul Ingram, Head of Housing Assets		
Policy Author:	Stuart Campbell, Housing Safety and Compliance Manager		
Approved By:	Cabinet		
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Policy Statement

1. As a landlord, Ashford Borough Council (ABC) is responsible for the maintenance and repairs to its homes and other buildings it owns and manages, some of which will contain domestic lifts, passenger lifts and other lifting equipment.
2. This policy sets out how we will meet our obligations under the Lifting Operation and Lifting Equipment Regulations 1998 (LOLER) and the Provision and Use of Work Equipment Regulations 1998 (PUWER) to maintain lifts within homes we own and manage and to carry out periodic inspections and thorough examinations to ensure they continue to operate safely .

Scope of the policy

3. This policy applies to housing assets that are owned and managed by Ashford Borough Council, both socially rented housing and properties used as temporary or move-on accommodation. These include blocks of domestic flats, Independent Living Schemes and supported housing schemes.
4. This policy does not cover temporary accommodation that is used by Ashford Borough Council but owned and managed by others. Lift safety obligations in those buildings rest with the organisations that own and manage those buildings. It does not cover other buildings owned and managed by ABC, which are covered by our corporate Lift Safety Policy.
5. 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.
6. The policy should be used by all to ensure they understand the obligations placed upon the 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 we own and/or manage. Adherence to this policy is mandatory and it is supported by robust procedures.

Relationship with other existing policies

7. This policy should be read alongside our corporate Lift Safety Policy and the Housing Lift Safety Procedure.
8. This policy forms part of our wider organisational commitment to driving a positive health and safety culture amongst staff, contractors and for our tenants (as detailed within our corporate Health and Safety Policy).

Legal Framework

9. This policy ensures we fulfil our statutory and regulatory obligations under the following principal legislation and regulations:

- Health and Safety at Work Act 1974
- Lifting Operation and Lifting Equipment Regulations 1998 (LOLER)
- Provision and Use of Work Equipment Regulations 1998 (PUWER)
- Safety and Quality Consumer Standard 2024

10. The principal approved codes of practice and guidance applicable to this policy are as follows:

- 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).

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

- Management of Health and Safety at Work Regulations 1999
- Workplace (Health Safety and Welfare) Regulations 1992
- Construction (Design and Management) Regulations 2015
- Disability and Discrimination Act 2005
- Equality Act 2010
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013
- (RIDDOR)

Key Roles and Responsibilities

12. The Chief Executive has overall responsibility for lift safety management within Ashford Borough Council.

13. The Assistant Director of Housing has overall strategic responsibility for lift safety in relation to our housing assets.

14. The Head of Housing Assets is the operational lead for housing assets lift safety and compliance.

15. The Compliance Manager is responsible for the operational delivery of this policy.

Obligations

LOLER and PUWER

16. 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. LOLER may also apply in domestic homes where carers visit as this is classed as a place of work.
17. As a landlord, under LOLER we are required 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 passenger 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 of use, or a major change in operating conditions which is likely to affect the integrity of the equipment.

Health and Safety at Work Act 1974

18. 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).

Insurance

19. Insurers may impose demands for similarly stringent levels of risk management to cover public liability. LOLER requires landlords to maintain lifts and ensure that they have thorough examinations.

Statement of Intent

20. We acknowledge and accept our responsibilities under the legislation outlined above.
21. We will ensure all lifting equipment is subject to a thorough examination before being commissioned into use for the first time.
22. All lifting equipment will be subject to a periodic thorough examination and routine servicing and maintenance where the responsibility to carry out this function sits with us.
23. We will commission a suitable lift consultant to carry out LOLER inspections. Currently this is provided through the Council's insurer.

24. All lifts installed in properties we own or manage will be specified, designed and installed to meet applicable accessibility standards and the requirements of the Equality Act 2010 and Part M of the Building Regulations 2010, so far as reasonably practicable.'
25. We will endeavour to ensure that all lifting equipment will be always in full working order.
26. We will operate robust processes to deal with entrapment situations
27. We will operate a robust process to manage and rectify immediate dangerous situations identified during a lift safety check or any other maintenance work.
28. Lifting equipment installed in our domestic properties by Kent County Council will be serviced and maintained by ABC where this responsibility sits with us. We will carry out LOLER inspections of all lifts installed in our properties by us or Kent County Council.
29. We will comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) for all maintenance works.
30. 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.
31. We will ensure there is a robust process in place to gain access to domestic homes to carry out LOLER inspections.

Inspection Programmes

Thorough examinations

32. 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); or in accordance with our insurer's specification.

Maintenance

33. All lifting equipment that is our responsibility will be subject to routine servicing and maintenance in line with the manufacturers' recommendations and/or the examination scheme.

Follow-up work

34. We will ensure there is a robust process in place for managing any required follow-up works following the completion of a thorough examination or servicing and maintenance inspection (where the work cannot be completed at the time of the check).

Competent Persons

35. Only suitably qualified competent lift consultants and contractors will be appointed to undertake thorough examinations, risk assessments, prepare examination schemes and undertake lifting equipment works.

Non-Compliance/Escalation

36. 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.
37. Any non-compliance issue identified at an operational level will be formally reported to the Head of Housing Assets in the first instance, who will agree an appropriate course of corrective action with the Assistant Director of Housing. Issues should be reported within 24 hours of the issue being known.
38. In cases of serious non-compliance, the Chief Executive will 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. In such instances, the issue will also be reported to the appropriate Member Committee.

Data and Records

39. We will maintain a core asset register of all properties we own or manage setting out which properties have lifts and/or lifting equipment which must be maintained.
40. We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from lift safety programmes and the programme remains up to date.
41. We will hold lift safety inspection dates and inspection records against each property we own or manage. We will keep all lift safety records and data for the duration that we own and manage the property/in line with our document retention policy and will have robust processes and controls in place to maintain appropriate levels of security for all lift safety related data.

Performance Reporting

42. We will report robust key performance indicator (KPI) measures for lift safety compliance. These will be collected monthly and quarterly and reported internally and externally and as required by the Regulator of Social Housing.

Quality Assurance

43. We will ensure there is programme of annual third-party quality assurance audits of lifts that are not included on the thorough examination programme.
44. 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

Resident Engagement

45. We consider good communication, feedback and consultation essential in the effective delivery of lift safety programmes. We will work in collaboration with our involved residents to use a variety of ways to communicate clearly and transparently with our residents to understand performance and involve them to help shape services around compliance.

Vulnerabilities

46. We will ensure that we take resident vulnerabilities into account when carrying out any inspections, maintenance, or servicing.

Equalities Impact Assessment

47. We are committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. We, in delivering this policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
48. The Public Sector Equality Duty is a duty on us and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.
49. An Equality Impact Assessment has been undertaken to assess the impact this policy will have on affected persons with protected characteristics. The review concluded that there were no known adverse impacts on any persons with protected characteristics.

Review of Policy

50. This policy will be updated every three years or sooner in the event of any major legislative or operational changes.

