



## HOUSING COMPLIANCE (LIFT SAFETY) POLICY

<b>Date of policy</b>	April <del>2024</del> <u>2024</u>
<b>Date for review</b>	<del>April 2024</del> <u>March 2027</u>
<b>Policy owner</b>	Director of Housing and Operations, Folkestone & Hythe District Council
<b>Approved by</b>	<b>Pending</b>
<b>Risk register rating</b>	Medium
<b>Associated documents</b>	FHDC Lift Safety procedure

<b>Revision history</b> (internal FHDC officer use only)			
<b>Version</b>	<b>Date</b>	<b>Revision description</b>	<b>Policy/revision author</b>
V1.0	March 2020	Document created	Lee Woods (Pennington Choices)
V2.0	March 2021	Re-branding; update of key roles and responsibilities in line with FHDC structure	John Holman, Assistant Director (Housing); Jonathan Hicks, Policy & Performance Specialist
V2.1 (draft)	November 2023	Changes made to reflect current working practises.	Keith Deane, Compliance Senior Specialist; Jonathan Hicks, Performance Specialist
V2.2 (draft)	January 2024	3.4 updated to reflect new powers by the Regulator; 6.18/19	Jonathan Hicks, Performance Specialist

		added Controlled Access.	
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<b>NEW POLICY / POLICY REVIEW</b>	
New policy	
Early review – change in legislation	
Early review – significant changes in practice	
Review due – significant changes	
Review due – minor changes	YES
Other reason	

<b>Reason for new policy / summary of changes</b>
To ensure the accountability for managing this policy reflects the current working practices of the housing and compliance team

<b>CONSULTATION</b>	
List of people/roles who have been consulted	Date
TBC	

<b>EQUALITY IMPACT ASSESSMENT</b>	Completed	Date
	Yes	28 April 2021

<b>DISSEMINATION</b>		
Role	Awareness	Essential
Compliance team		YES
All housing staff	YES	

<b>TRAINING</b>		
Role	Trainer	Date completed
Compliance Specialists	Compliance Senior Specialist	September 2021

<b>MONITORING AND COMPLIANCE</b>		
Method	Responsibility	Frequency
Internal audit review	EK Audit partnership	Annually or as required

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## **1. Purpose of the Policy**

- 1.1 Landlords are responsible for maintaining passenger lifts and for carrying out examinations and inspections to ensure those lifts operate safely. In addition to lifts, landlords also have a responsibility to maintain stair lifts and hoists to ensure the safety of their tenants in their homes.
- 1.2 Folkestone & Hythe District Council (hereafter referred to as 'the Council') own and manage properties that have passenger lifts and, in addition to these, a number of domestic homes that have been adapted with living aids such as stair lifts and hoists to enable tenants to continue to live independently.

## **2. Policy Objectives and Scope**

- 2.1 The Council must establish a policy which meets the requirements of the Health and Safety at Work Act 1974. In addition to this, the policy must provide assurance that measures are in place to ensure compliance with the Lifting Operation and Lifting Equipment Regulations 1998 (LOLER) and to identify, manage and/or mitigate risks associated with passenger lifts, stair lifts and hoists.
- 2.2 The Council must also ensure that compliance with lift safety legislation is formally reported to the Council's Corporate Leadership Team and Cabinet (where appropriate), including the details of any non-compliance and planned corrective actions.
- 2.3 This policy is relevant to all Council 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.
- 2.4 It should be used by all to ensure they understand the obligations placed upon the Council to maintain a safe environment within the home of each tenant and within all non-residential premises or communal buildings.

## **3. Legal/Regulatory Framework**

- 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 (RSH).
- 3.2 **Legislation** - the principal legislation applicable to this policy is The Health and Safety at Work 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:

- 3.3.1 ACoP L113 - Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 (2nd edition 2014).
- 3.3.2 INDG422 - Thorough examination of lifting equipment: A simple guide for employers (2008).
- 3.3.3 INDG339 - Thorough examination and testing of lifts: Simple guidance for lift owners (2008).

### 3.4 Sanctions

3.4.1 The Council 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, and/or prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 ~~and via a serious detriment judgement from the Regulator of Social Housing (RSH).~~

3.4.2 In addition, the Regulator of Social Housing has powers to proactively intervene where landlords are performing badly on consumer issues (including non-compliance with building safety measures) and may conduct routine inspections to investigate systematic issues.

3.5 **Tenants and Leaseholders** – The Council will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential lift safety related inspection and remediation works.

### 3.6 Additional legislation

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

## 4. Responsibility

- 4.1 The Council's Cabinet will have overall governance responsibility for ensuring the Lift Safety Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. The Council's Cabinet will formally approve this policy and review it every ~~two~~three years (or sooner if there is a change in regulation, legislation or codes of practice).
- 4.2 The Council's Director of Housing and Operations has strategic responsibility for the management of lift safety and for ensuring compliance is achieved and maintained. ~~The Director will also oversee the implementation of the lift safety policy.~~
- 4.3 The Council's ~~Director of Housing and Operations~~ Assets Lead Manager will oversee the implementation of the Lift Safety Policy and the delivery of service, maintenance and repair programmes to all lifts, stair lifts, and hoists within property assets owned or managed by the Council.
- ~~4.4 The Council's Senior 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. The Director is also responsible for overseeing the delivery of service, maintenance and repair programmes to all lifts, stair lifts, and hoists within property assets owned or managed by The Council.~~
- 4.54 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.~~
- 4.65 The Council's ~~Director of Housing and Operations~~ Chief Officer for Housing will be responsible for ensuring the policy is reviewed every ~~two~~three years, and will notify the Corporate Leadership Team (CLT) and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review.

### 4.76 Competent Persons

- 4.76.1 The Council will ensure that the 'Responsible Person', and the manager(s) with lead responsibility for operational delivery are appropriately competent; will have undertaken appropriate training and have sufficient experience to meet the criteria of a 'competent person' as stated by the Health and Safety Executive (HSE).
- 4.76.2 The Council will ensure that only suitably competent consultants and contractors, registered members of the Lift and Escalator Industry Association (LEIA) or equivalent, are procured and appointed to undertake risk assessments, prepare written examination schemes and undertake works in respect of lifts, stair lifts and hoists.

- 4.76.3 The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors and for those working within the in-house team to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis.

## **The Policy**

### **5. Obligations**

- 5.1 Landlords are responsible for maintaining passenger lifts and for carrying out periodic thorough examinations and inspections to ensure those lifts operate safely. Section 3 of the Health and Safety at Work Act 1974 requires employers, such as landlords, to have responsibility for the health and safety of employees and people using or visiting their premises so far as reasonably practicable.
- 5.2 Passenger lifts in workplaces (for example, offices and 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 lifts, when in use, are thoroughly examined 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) 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.
- 5.4 Where stair lifts, hoists 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 Act 1974. These may be adequately discharged by undertaking maintenance, inspection and a 6-monthly 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 Insurers may impose demands for similarly stringent levels of risk management to cover public liability.

## 6. Statement of Intent

- 6.1 The Council acknowledges and accepts its responsibilities with regard to lift safety and the inspection and maintenance of lifts, stair lifts and hoists.
- 6.2 All lift, stair lift or hoist equipment in communal areas and any known equipment in tenant's homes is the responsibility of the Council.
- 6.3 The Council will hold accurate records against each property it owns or manages, identifying where there is a lift, stair lift or hoist together with the written examination scheme for each installation.
- ~~6.4 The Council will appoint/train 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.~~
- 6.4 The Council 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.
- 6.5 The Council will ensure that all lifts in properties it owns and manages 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 The Council will endeavour to ensure that all lifts and lifting equipment in properties and workplaces it owns and manages will be in full working order at all times. Where the organisation becomes aware that lifts or lifting equipment are not operating as they should, emergency repairs orders will be issued to remedy faults as quickly as possible.
- 6.7 The Council will ensure that there are clear procedures in place and that these procedures are communicated to, and understood by, all relevant staff, for appropriate action in the event of any persons becoming trapped in lifts the organisation owns or manages. The Council staff cannot release any persons trapped in lifts as they are not competent to do so safely but may provide reassurance until such time as the relevant lift maintenance contractors and/or emergency services arrive, as appropriate. The Council will have a service level agreement with lift maintenance service providers that ensures an emergency response in cases of entrapment.
- 6.8 The Council has some passenger lifts that have an intercom fitted that dials directly to a dedicated call centre. In cases of entrapment in these lifts call



handlers will follow a scripted risk assessment to determine the medical condition of any persons that may be trapped. If there is an urgent concern for a person's welfare the emergency services will be called and asked to attend immediately.

- 6.9 The Council will ensure that all lifting equipment that is used on sites it owns or manages is thoroughly examined by a competent person before it is commissioned into use and is then subject to periodic examinations in accordance with the equipment's examination scheme.
- 6.10 The Council will ensure that only suitably competent ~~consultants, and~~ engineers undertake works ~~for the organisation~~ in respect of lifts, stair lifts and hoists. Consultants will be employed to undertake visual inspections and audits, for quality assurance purposes, and liaise with the engineers as appropriate.
- 6.11 The Council will ensure that a thorough examination is carried out on all known aids and adaptations designed for lifting operations, including platform lifts, stair lifts and hoists, in properties it owns and manages. These checks will take place every six months across all lifting equipment types. These checks may also take place more frequently if required to be in line with manufacturers' recommendations, or following any void works which may impact the installation (provided the lift is not to be removed prior to a new tenancy commencing).
- 6.12 The Council 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. All requests of this nature will be treated as an urgent priority.
- 6.13 The Council will ensure that robust processes and controls are in place to ensure that all remedial works identified through routine maintenance inspections and insurer's inspections are completed within a reasonable timescale commensurate with the risk identified.
- 6.14 The Council 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'.
- 6.15 The Council will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing lifts, stair lifts or hoists.
- 6.16 The Council will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.

6.17 The Council will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service and ensure that all contractors' employee and public liability insurances are up to date on an annual basis.

6.18 The Council will have a robust controlled access procedure in place should any tenant refuse access to carry out essential safety related inspection and/or remediation works. The Council will make every effort to obtain access giving reasonable notice, and before the inspection/certificate is due to expire. However, if access has still not been granted, or in cases of emergency, we will take enforcement action to gain entry to the property if necessary. This may mean undertaking a 'controlled entry'.

6.19 Where a controlled entry is required, a locksmith appointed by the Council will gain entry to the property and change the lock. Work will be completed with or without the tenant's presence and the tenant will be recharged for the work.

## **7. Compliance Risk Assessment/Inspection Programmes**

7.1 The Council will establish and maintain a risk assessment for lift safety operations. This risk assessment will set out all of the organisation's key lift safety risks together with appropriate mitigations.

7.2 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and annually thereafter), component replacement works and refurbishment projects. This plan will detail any lift installations that may be affected by the works and detail all necessary work required to make safe and reinstate lift installations to ensure that they are safe to use and continue to comply with all relevant legislation and any written examination scheme, including any testing and maintenance.

7.3 The Council will carry out a programme of maintenance visits by competent persons to all properties that have a lift, stair lift or hoist and a written examination scheme in place. These programmes will ensure that all maintenance and testing set out in the written examination scheme is fully completed at the times and intervals stated.

7.4 The Council will oversee a programme of thorough examinations of passenger lifts by competent contractors appointed by the Council's insurers. This is to ensure that the organisation's responsibilities towards lift safety are being discharged and provide its insurers with adequate assurance around the quality of lift safety management.

7.5 The Council will carry out a programme of independent third-party quality assurance audits annually to 10 per cent of written examination schemes for lifts (where not included within the insurer's inspection programme) to ensure that all examinations and planned maintenance activities are being fully and robustly implemented and completed. This is additional to inspections carried out by the Council's insurers.

~~7.6 **Commercial Stock Assigned to the HRA** The Council will ensure it has records of a lift examination/inspection where properties it owns or manages are managed by people or organisations other than The Council (i.e. are managed by managing agents) and have lifting equipment in place. These properties will be included on the Council's Lift Safety programme, so a lifting equipment examination record can be requested from the managing agent when required. If the managing agent fails to carry out the thorough examination, The Council will step in and carry out the examination and re-charge the managing agent for the cost of this work.~~

## **8. Compliance Follow-up Work**

8.1 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of routine maintenance inspections, or where identified by a competent person, when undertaking required maintenance activities.

8.2 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of inspections by the organisation's insurers.

8.3 The Council will ensure that there is a robust process in place to collate and record details of all remedial works completed against individual installations.

8.4 The Council will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to lift safety.

## **Key controls and reporting**

### **9. Record Keeping**

- 9.1 The Council will establish and maintain a core asset register of all properties that have a lift, stair lift or hoist and written examination scheme in place. This register will also hold data against each property asset of the type, age and condition of lift plant in place.
- 9.2 The Council 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. This should include details about the state of operation and condition of the installation.
- 9.3 The Council will establish and maintain accurate records of all inspections carried out by its insurers, the findings of these inspections, and records of completed remedial works, where identified by insurer's inspections; including dates.
- 9.4 The Council will ensure that records of all inspections and thorough examinations will be available to the Competent Person at all times and that hard copies of records can be produced, if required by the local enforcement authority.
- 9.5 The Council will keep a record of any entrapment incidents and will use these to inform future revisions of Examination Schemes.
- 9.6 The Council will hold and maintain accurate records on the qualifications of all consultants and engineers undertaking lift inspection and maintenance works for the organisation.
- 9.7 The Council will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all lift safety related data.

### **10. Performance Reporting**

- 10.1 Robust performance indicator measures will be established and maintained to ensure the Council is able to report on performance in relation to lift safety.
- 10.2 Performance measures will be produced and provided at Corporate Leadership Team (CLT) and Cabinet as part of the reporting cycle, as required. As a minimum these measures will include reporting on:

- ~~• Compliance with written examination schemes for lift plant;~~
- ~~• 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;~~
- ~~• The number of RIDDOR notices issued with regards to lift safety.~~
- Communal (passenger) lifts with a valid insurance check (LOLER). This is the level of compliance expressed as a number and/or as a percentage

10.3 Performance will be monitored by the Housing team and may also include:

- Communal (passenger) lifts with a completed service; expressed as a number and/or as a percentage
- Domestic (individual) lifts with a valid insurance check; expressed as a number and/or as a percentage
- Domestic (individual) lifts with a completed service; expressed as a number and/or as a percentage

10.4 In addition, performance reporting may also include (where necessary) written narrative on the current position, mitigating circumstances and/or progress on corrective action.

## **11. Quality Assurance**

- 11.1 The Council will carry out independent third-party quality assurance audits annually to a minimum of 10 per cent of written examination schemes for lifts (where not included within the insurer's inspection programme) to ensure that all examinations and planned maintenance activities are being fully and robustly implemented and completed. This is in addition to inspections carried out by the Council's insurers.
- 11.2 The Council will carry out an independent audit of lift safety at least once every ~~two~~-three years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

## **12. Non-Compliance/ Escalation Process**

- 12.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety.
- 12.2 Any non-compliance issue identified at an operational level will be formally reported to the Council's Director of Housing and Operations as part of the monthly reporting cycle.

12.3 The Council's Director of Housing and Operations will agree an appropriate course of corrective action to address the non-compliance issue and report details of the same to the Corporate Leadership Team.

12.4 The Director of Housing and Operations will ensure Corporate Leadership Team (CLT) and/or the appropriate Cabinet Member(s) ~~The Council's Cabinet Member for Housing, Transport and Special Projects~~ is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

~~12.5 In cases of a serious non-compliance issue the Corporate Leadership Team and The Council's Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.~~

### **13. Training**

13.1 The Council will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This policy and the procedures that support it will be subject to a range of training across The Council and will involve all relevant stakeholders. The training will be bespoke tailored to the individual stakeholders and refresher training will be provided as appropriate.

13.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of lift safety but who may not be actively involved in the delivery of the lift safety policy. This will be basic lift safety awareness training.

~~13.3 On-the-job training will be provided to those employees who will be responsible for managing the programme of lift inspections, planned maintenance and repair works as part of their daily job. The manager(s) with lead responsibility for operational delivery will have undertaken appropriate training and have sufficient experience to meet the criteria of a 'competent person' as stated by the Health and Safety Executive (HSE).~~

~~13.4 Regular 'tool-box talks' will be given to operatives and the Council's contractor partners will be required to do this in the form of appropriate lift safety training and evidence the same.~~

### **14 Equality and Diversity**

14.1 An Equality Impact Assessment has been carried out to determine whether the policy would have an impact on any member of staff, tenants or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Adherence to the policy provides the same level of

protection for all building users and no impacts have been identified that would adversely affect one group more than any other.

14.2 Where a tenant has or may have a protected characteristic under the Equality Act 2010, and in particular, where the tenant may be disabled, have mental health issues, language or learning difficulties, the Council will make reasonable adjustments to the delivery of its services, to take specific needs into account.