



Lift Safety Policy

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1. Introduction

- 1.1 Dover District Council (“the Council”) are responsible for maintaining and repairing properties within its Housing Revenue Account (HRA) including its shared areas. The Council are responsible for maintaining and repairing lifts and lifting equipment which it has installed. Lifting and Operation of Lifting Equipment Regulations (LOLER) 1998 has been applied to this Policy to ensure lifting equipment compliance for safety and correct operation.

2. Definitions

- 2.1 For the purposes of this policy:
- ‘We’, ‘ours’, ‘us’ and ‘landlord’ refers to Dover District Council. We are the landlord because we own and manage homes through the HRA tenancy agreement.
 - ‘Staff’ refers to members of staff who provide housing related services for us, including housing management, housing options, strategic housing, and property services.
 - ‘Contractors’ refers to third party organisations who provide housing-related services on our behalf.
 - ‘Tenants’ refers to an individual or individuals who have an active tenancy agreement with the Council and live in and rent a Council-owned property.
 - ‘Lift’ refers to any lift, stair lift, through floor lift, passenger lift or hoist equipment which we install and own.

3. Policy purpose and scope

- 3.1 The purpose of this Policy and its associated procedures is to set out how the Council will maintain and repair all Council owned lifts and carry out periodic thorough examinations and inspections to ensure those lifts operate safely. We have a responsibility for any lift, stair lift, through floor lift, passenger lift or hoist equipment which we install and own. We aim to provide assurance that there are measures to identify, manage and/or mitigate risks associated with all council owned lifting equipment installations through compliance with all relevant safety legislation.
- 3.2 We will only maintain and repair non-Council owned lifts where we have agreed in writing to do so.
- 3.3 We are responsible for maintenance and repairs to our buildings within our Housing Revenue Account (HRA), this includes Council properties with an active tenancy agreement, void/empty properties, and internal and external shared areas of properties owned or partially owned by the Council.

- 3.4 This policy and associated procedures must be used by all Council staff and contractors working on the Council's behalf to ensure they understand the obligations placed upon the Council to maintain a safe environment for tenants within their homes.
- 3.5 The Policy should be read alongside the following policies:
- Vulnerable Tenant Policy
 - Disabled Adaptations Policy

4. Policy aims

- 4.1 The aim of the Policy is to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas (shared areas); the specific aims of the Policy are:
1. Council owned lifting equipment is well maintained to reduce the risk of harm or property damage.
 2. Where installed, tenants have reliable access to stairlifts, through floor lifts and hoists and understand their rights in relation to this Policy, including the frequency of inspections.
 3. Council staff are clear and confident about our responsibilities and procedures relating to lift safety.
 4. The lifespan of council owned lifts is optimized through proper maintenance.
 5. Establish a system to record inspections, tests and maintenance activities to monitor compliance.

5. Legal duties

Legal duties owed to employees

- 5.1 Health and Safety at Work Act 1974 is the primary piece of legislation covering occupational health and safety. The Act requires employers to ensure their work environments are safe and free from risks to health. It sets out the duties which:
- Employers have towards employees and members of the public.
 - Employees have to themselves and to each other.
- 5.2 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) is the law that requires employers, and other people in charge of work premises to inform the Health and Safety Executive (HSE) or relevant enforcing authority that a work-related accident or incident has happened. This is so that the HSE can respond to ensure compliance with health and safety law, we must report and keep records of all:

- work-related fatalities
- work-related reportable injuries
- diagnosed cases of reportable occupational diseases
- certain dangerous occurrences (incidents with the potential to cause harm).

Legal duties owed or applied to tenants

5.3 Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) places duties on people and companies who own, operate or have control over lifting equipment. In most cases this does not apply to people who are not at work, therefore there is no legal obligation to apply LOLER to domestic lifts within the internal areas of HRA properties. However, these requirements are applied to this Policy to adequately discharge our duties, we will thoroughly examine lifts which we have installed in internal and shared areas:

- Before first use (unless there is a valid Declaration of Conformity made less than 12 months earlier).
- At least every six months where the lift is used to carry people
- 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 equipment.

If appropriate for the purpose, these lifts will be inspected by a competent person at suitable intervals between thorough examinations.

5.4 The Housing Act 2004 introduces the Housing Health and Safety Rating System (HHSRS) which identifies whether any specified hazards are present and categorises those hazards according to objective criteria. A hazard is any risk of harm to the health or safety of an actual or potential occupier of accommodation that arises from a deficiency in the dwelling, building or land in the vicinity.

5.5 The Homes (Fitness for Human Habitation) Act 2018 requires all landlords to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout.

5.6 The Social Housing (Regulation) Act 2023 introduced new rules that social housing landlords must comply with regarding the safety and quality of homes. The revised consumer standards set a requirement for social housing landlords to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal (shared) areas. Registered providers must also provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal (shared) areas for which they are responsible.

Additional legislation and codes of practice

5.7 This Policy also operates in the context of, but is not limited to:

- Equality Act 2010
- The Building Regulations 2010 – Part M
- Corporate Manslaughter and Corporate Homicide Act 2007
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- Construction (Design and Management) Regulations 2015
- Housing Act 2004
- Landlord and Tenant Act 1985
- Data Protection Act 2018
- The Lift Regulations 2016
- Defective Premises Act 1972

5.8 The principal codes of practice applicable to this policy are:

- ACoP L113 - Safe use of lifting equipment: Lifting Operations and Lifting Equipment Regulations 1998 (2nd edition 2014).
- INDG474 – Lifting equipment at work (a brief guide)
- INDG339 - Thorough examination and testing of lifts: Simple guidance for lift owners (2008).

6. Policy statements

6.1 We 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 we own or manage.
- All passenger lifts have an autodialler fitted that dials directly to a call centre. In cases of entrapment 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 persons' welfare the emergency services will be called and asked to attend immediately.
- Robust processes and controls are in place with our approved contractors to manage works to void and occupied properties that may affect existing lifts.

6.2 It is the tenant's responsibility to inform the Council if they install any lifting equipment themselves, this is in accordance with our tenancy agreement.

6.3 We will endeavour to ensure that all lifts in its properties and shared areas are always in full working order. Where we become aware that lifts or lifting equipment are not operating as they should, repairs orders will be issued to remedy faults as quickly as possible.

- 6.4 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. We will have a service level agreement that ensures a minimal response time in cases of entrapment.

Roles and responsibilities

- 6.5 Staff are responsible for complying with safety legislation, this Policy, and associated processes when maintaining and inspecting Council owned lifts applicable under this Policy. Staff are also responsible for attending training when required as appropriate for their role.
- 6.6 The housing management team will provide key support in gaining access into properties where access is proving difficult in accordance with our tenancy agreement.
- 6.7 Contractors are responsible for complying with all relevant safety legislation in force at the time.
- 6.8 Cabinet will receive regular updates on the implementation of the Policy and lift safety performance, along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice. This is the same report detailed in paragraphs 6.26 and 6.27.
- 6.9 The Head of Property Assets has strategic responsibility for the management of lift safety and for ensuring compliance is achieved and maintained, they will:
- Oversee the implementation of the Policy.
 - Be responsible for overseeing the delivery of the agreed inspection programme.
 - Prioritise and implement any works arising from the inspections.
- 6.10 As per the Social Housing (Regulations) Act 2023 (amending the Housing and Regeneration Act 2008), our designated health and safety lead has the following responsibilities in relation to the health and safety of tenants:
- Monitoring compliance with health and safety requirements.
 - Assessing risks of failing to comply with these requirements.
 - Assessing hazards under the Housing Act 2004
 - Notifying the Regulator of Social Housing about:
 - Risks of material failures.
 - Actual material failures.
 - Providing advice to the responsible body as to how we should address these risks and failures to ensure compliance.

Information on our designated health and safety lead is available on our website.

Inspection Programmes

- 6.11 We will meet all our legal requirements regarding lift safety via a combination of thorough examinations (in conjunction with the organisation's insurers) and periodic routine maintenance of all lifting equipment within properties we own and manage.
- 6.12 All relevant compliance documentation for new builds will be provided to us at handover.
- 6.13 We will oversee a programme of thorough examinations (as determined by LOLER, see para 5.3) of passenger lifts by competent contractors appointed by our insurers. This is to ensure that our responsibilities towards lift safety are being discharged and provides our insurers with adequate assurance around the quality of lift safety management.
- 6.14 We will carry out a programme of maintenance visits by competent persons to all lifting equipment within our properties which we are responsible for. These programmes will ensure that all maintenance and testing carried out by our approved contractors is fully completed at the times and intervals stated.
- 6.15 We will implement data reconciliation process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, to ensure that properties are not omitted from the inspection programme, and to ensure the programme remains up to date.
- 6.16 Access to properties
- Our tenancy agreement outlines that tenants must allow staff, contractor operatives, or agents acting on our behalf to enter the property at reasonable hours on requests for the purposes of inspecting the property or carrying out any works including lifting equipment checks. Unless otherwise agreed or in an emergency, or we are investigating alleged tenancy breaches, we will give tenants at least 24 hours' notice.
 - In accordance with our Vulnerable Tenant Policy, if the tenant's vulnerability is preventing the Council from entering the property to complete repairs and maintenance, we will work with the tenant to make adjustments that are reasonable and justified while allowing us to carry out the work and safeguard the tenant.

Follow up work

- 6.17 We will ensure that robust processes and controls are in place to ensure that all remedial works identified through routine maintenance and insurer's thorough examinations are completed within a reasonable timescale commensurate with the risk identified.
- 6.18 We will ensure robust processes and controls are in place for the management of immediately dangerous situations identified from any reported incident.

Competency and compliance

- 6.19 We will appoint competent approved contractors to carry out routine maintenance to ensure compliance with all relevant statutory requirements. This will include taking action (within the advised timescales) to remedy any faults or defects identified through the LOLER thorough examinations.
- 6.20 We will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 6.21 The Property Assets team will check relevant qualifications 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 and evidenced appropriately.
- 6.22 We will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service where appropriate.

Record keeping

- 6.23 We will endeavour to hold:
- accurate records against each property we own or manage, identifying where there is a lift, stair lift or hoist together with the written examination scheme for each installation.
 - accurate records on the qualifications of all consultants and engineers undertaking lift inspection and maintenance works for the organisation.
- 6.24 We will establish and maintain:
- accurate records of all maintenance documentation and any associated remedial works completed and keep these for a period stipulated by section 11 of LOLER or not less than 5 years.
 - accurate records of all thorough examinations carried out by their insurers, the findings of these inspections, and records of completed remedial works identified by insurer's inspections, including dates.
- 6.25 We will ensure that records of all maintenance and thorough examinations will always be available to the Competent Person and that hard copies of records can be produced, if required by the local enforcement authority.

Performance reporting

- 6.26 Robust key performance indicator (KPI) measures will be established and maintained to ensure we are able to report on performance in relation to lift safety.
- 6.27 KPI measures will be produced and provided to the Corporate Management Team (CMT) and Cabinet on a quarterly basis. These KPI measures may include reporting on the number

of current asset numbers with a lift, stairlift, through floor lifts or hoist and any changes in this number from the previous month.

Quality Assurance

- 6.28 We will appoint an independent competent person and/or consultant to complete an audit of compliance at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

Non-compliance/escalation process

- 6.29 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, including RIDDOR (see para 5.2).
- 6.30 Any non-compliance issue identified at an operational level will be formally reported to the Head of Property Assets and the Designated Health and Safety Lead in the first instance.
- 6.31 Head of Property Assets will agree an appropriate course of corrective action with the relevant operational team(s) to address the non-compliance issue and report details of the same to the CMT.
- 6.32 CMT will ensure the Portfolio Holder for Housing, Skills and Education is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

7. Implementation, monitoring and review

- 7.1 Monitoring is necessary to ensure that the Council delivers the aims and objectives set out in this Policy. Senior Managers will be responsible for ensuring that staff are complying with this Policy and national guidance on lift safety.
- 7.2 Staff will be provided with procedures to ensure that they comply with the Policy provisions and both legislation and regulation. The procedures will also ensure that staff are providing a consistent approach to lift safety.
- 7.3 This Policy will be reviewed every three years, or in response to relevant changes in legislation, organisational structure, development of good practice, or to address operational issues.
- 7.4 Any minor amendments required will be made by Officers of the Council. Any significant amendments required as a result of changes to legislation or regulation, or Council operations, will be approved by the Council's cabinet. Where significant changes are required, relevant Officers and teams will be consulted before these are implemented.

8. Complaints

8.1 The Council's definition of a complaint is:

“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or a group of residents.”

8.2 The Council takes complaints made about any service it provides, officers who work for the Council or contractors who provide our services, seriously. If a tenant wishes to make a complaint about the service they have received, a Council officer or contractor, they can be made:

- In writing (letter or email)
- Using our online complaint form
- Using the Council's Complaint Leaflets (these are available at the Council's office reception, or our residents can request them to be posted)
- Via telephone; or
- In person by an appointment

8.3 Reasonable adjustments will be made during the complaints process for vulnerable residents (please see our Vulnerable Tenant Policy).

8.4 All complaints received will be dealt with in accordance with the Council's Complaints Policy and Procedure. More information about how to make a complaint can be found on our website: [If you are unhappy \(dover.gov.uk\)](https://www.dover.gov.uk).

9. Equality, diversity and inclusion

9.1 The Council is committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of race, age, disability, gender, sexual orientation, religion, belief, financial status, and any other difference that can lead to discrimination or unfair treatment considering the principles of the Equality Act 2010. Please see our Equality Policy for more details.

9.2 A full Equality Impact Assessment (EIA) was conducted for this policy in accordance with our Public Sector Equality Duty (PSED) when carrying out our duties (s149 of Equality Act 2010). The overall impact for each characteristic is deemed to be positive. Where potential negative impacts to individuals have been identified, particularly in relation to age and disability, mitigative actions have been documented on the EIA.

10. Data protection and confidentiality

- 10.1 We process personal data in compliance with data protection legislation including the Data Protection Act 2018 & General Data Protection Regulation 2016. All processing of personal data will be done in line with the data protection principles and where appropriate the necessary exemption applied.
- 10.2 Full details of how we store and use personal information about our residents can be found on our website and in our privacy statement at www.dover.gov.uk/privacy. This will also contain contact information if you have any questions or require assistance from the data protection/information governance team.

11. Version control

Approval date	TBC
Approved by	Cabinet
Policy owner	Property Services
Scheduled review	TBC

Policy controls sheet		
Date	Summary of change	Author and approver
		Author: Approver(s):