



POLICY DOCUMENT

Group Member: Progress Housing Group

Service Area: Property Services

Document Ref No: GRPOLPS06

Subject Title: Lifting Equipment Policy

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1. INTRODUCTION

- 1.1 This document explains our requirements in relation to our statutory obligation to a specified risk and details the scope of activities to be included.
- 1.2 The specific risk relates to the management of lifting equipment.
- 1.3 This document should be used by all employees, customers and stakeholders of Progress Housing Group (the Group) to understand the obligations placed upon the Group to maintain a safe environment for their customers and employees within the home of each customer and within all communal areas of properties. This document should also be used to maintain a safe environment for customers and employees within all the Group non-domestic properties.
- 1.4 This policy will provide assurance to the Group that measures are in place to identify, manage and mitigate risks associated with all lifting equipment.

2. SCOPE OF THE POLICY

- 2.1 The Group has established a policy which meets the requirements for lifting equipment safety under the Landlord and Tenant Act 1985, the Housing Act 2004 and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). In addition to this the policy provides assurance to the Group that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with lifting equipment
- 2.2 The Group ensures compliance with legislation relating to lifting equipment safety is formally reported to the Senior Leadership Team (SLT), Executive Board and Parent Board, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy applies to all companies within the Group and therefore this policy is relevant to all the Group 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 Group to maintain a safe environment for customers and employees within the home of each customer, and within all communal areas of buildings and 'other' properties (owned and managed by the Group).

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3. RESPONSIBILITY

3.1 Key Roles and Responsibilities

- 3.1.1 In order to ensure that this Lifting Equipment Policy, and the supporting is adhered to, the Group will appoint suitably competent personnel to act as the 'Responsible Person' on behalf of the individual Duty Holder and oversee the implementation and review of these documents.
- 3.1.2 **Appointed Duty Holder** – The Director (Property Services) will fulfil the role of the appointed 'Duty Holder' on behalf of the Group in order to ensure the appropriate management of the risks of Lifting Equipment. As a result, the Director (Property Services) will hold responsibility for the implementation of this document, , as well as ensuring compliance is achieved and maintained.
- 3.1.3 **Responsible Persons** – The Head of Compliance, and the Compliance Manager (Mechanical and Electrical (M&E)) shall ensure that there are suitable arrangements in place for the implementation of the Lifting Equipment policy, as well as overseeing the delivery of the agreed inspection and testing programmes and the prioritisation and implementation of any works arising from the inspections.
- 3.1.4 The Parent Board has overall governance responsibility for ensuring the Lifting Equipment Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice.
- 3.1.5 This policy is formally approved Executive Board on behalf of the Parent BoardThe policy will be reviewed every three years (or sooner if there is a change in regulation, legislation or codes of practice).
- 3.1.6 The Boards will receive quarterly updates on the implementation of the Lifting Equipment Policy and 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.
- 3.1.7 SLT will receive at least quarterly reports in respect of lifting equipment management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

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- 3.1.8 The Group has a responsibility to take reasonable steps to avoid acts or omissions, which would be foreseeable as injuring other persons. The Group has a specific responsibility to ensure the safety of others, while using the lift. In particular the Group is responsible for the safe use of the lift, which includes its safe operation, condition (maintenance) and compliance with relevant statutory requirements
- 3.1.9 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.
- 3.1.10 The Development Team will have responsibility for ensuring that any new build or acquired properties are handed over in line with the policy requirements and that all relevant compliance information is accurate and updated on the housing management system.
- 3.1.11 **Third Party Landlords** - In properties where the landlord is responsible for compliance with all statutory legislation, the Group has a duty of care to tenants in these properties to ensure appropriate safety standards are met. the Group will monitor compliance of these parties to ensure that they meet all relevant statutory obligations. To do this we will use the process set out in the Procedure for Managing 3rd Party Landlords' Compliance Activities.
- 3.1.12 UK regulations have an explicit duty on owners of buildings in which lifts are installed, the Group are expected to take reasonably practicable measures to ensure that the premises, including means of access or egress and plant provided for use, are safe and without risk to health. The Group will:
- Identify all lifting equipment and identify and assess the nature and level of risks, including those associated with the actual lifting operation.
 - manage these risks to reduce them as far as reasonably practicable.
 - Take action to reduce the risks which are proportionate
 - Provide information instructions and training to the people who use the equipment except for when the user is not employed by the Group such as care providers, in which case training is the responsibility of the users employer.

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- Introduce an effective thorough examination, inspection and maintenance program.

3.2 Competent Persons

- 3.2.1 The Group will ensure that only suitably competent consultants and contractors, are procured and appointed to undertake servicing of passenger lifts, stairlifts, hoists, specialist baths and other items of lifting equipment.
- 3.2.2 The Compliance Manager (M&E) will check the relevant qualifications of those carrying out this work to ensure that all persons are appropriately qualified and accredited for the work they are carrying out. These checks will be undertaken as part of the procurement process and/or on an annual basis thereafter and evidenced appropriately.

4. POLICY

4.1 Obligations

- 4.1.1 LOLER applies to the use of lifting equipment provided as work equipment and Provision and Use of Work Equipment Regulations (PUWER) 1998 applies to all work equipment which includes lifting equipment
- 4.1.2 All buildings owned or managed by the Group which are classed as a place of work for the Group employees. This includes general needs houses, flats, any rented accommodation, communal areas, garages. Non domestic buildings including offices, shops, schemes, commercial units, community centres.
- 4.1.3 The obligation extends to buildings that the Group manage including leasehold, shared ownership and all tenures including social, affordable, market rent and privately rented accommodation.
- 4.1.4 LOLER does not apply to equipment provided for use by the public such as a lift provided for residents in a block of flats. However, equipment fitted in places with public access is subject to the HSAW Act, and should be thoroughly examined and inspected for safety, using LOLER and PUWER requirements as a guide.

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- 4.1.5 LOLER also does not apply where a tenant purchases equipment for use solely by them at their home, or where equipment has been loaned by a health care or community equipment provider for use by the individual or their family, as it is not defined as work equipment.
- 4.1.6 If there is a need to use lifting equipment during normal working practices, then the employer has a duty to ensure the employee's safety even where they have no control over the condition of the equipment.
- 4.1.7 The Group has a duty of care to ensure the safety of users of lifting equipment and take steps to ensure that the equipment is properly maintained and safe to use i.e. to provide safe equipment and maintain it, so far as is reasonably practicable.
- 4.1.8 The Group will maintain all lifting equipment in compliance with LOLER 1998 to demonstrate a 'duty of care' in this respect.

4.2 Policy Statement

- 4.2.1 The Group acknowledges the risks to health and safety to its stake holders, visitors and the general public, when occupying or visiting the properties within its ownership. The Group has a duty of care to its tenants, operatives, employees and visitors such that they can enter, use, work or reside safely within the properties in their ownership.
- 4.2.2 This policy provides guidance and protection to any employees working or customer living within our properties or anyone else affected by our business activities by working in or visiting one of the Group's properties and using any equipment provided by the Group.
- 4.2.3 This policy is based on a balanced approach that is deliverable and meets legal requirements.
- 4.2.4 Within this policy, we aim to not only meet our legal obligations, but also to incorporate best practice.
- 4.2.5 This policy requires the full co-operation of management and employees at all levels within the Group to ensure its success.

4.3 LOLER Inspection Programmes

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4.3.1 Systems – Any lifting equipment used by an employee at work or by a tenant installed by the Group for lifting or lowering loads and includes its attachments used for anchoring, fixing or supporting is covered by this policy. Load includes a person. Equipment and systems include;-

- Passenger lifts,
- Stair lifts,
- Lifting Platforms
- Through floor lifts
- Medical Equipment including
 - hoist or sling used for lifting people (mobile and fixed)
 - Stand and raising aids
 - variable-height bed
- Bathing equipment i.e. Bath hoists and lifts
- Accessories for lifting, including slings, hooks, eye bolts.

4.3.2 Some items which are not defined as lifting equipment include;-Standing transfer aids, recliner baths and chairs, mattress elevators and lifting cushions.

4.3.3 **Hazards** – The Group recognises that the main hazard in relation to lifts is a breakdown whilst persons are contained within the lift cabin, particularly in the event of fire; and hazardous hoists and stair-lifts resulting in injury to vulnerable users. The Group recognises that the main hazards in relation to lifting equipment are failure;

- Non-identification of lifting equipment
- Failure to control the installation of equipment by third party occupiers i.e. tenants, managing agents, etc.
- Not maintaining lifting equipment in good condition.
- Failure to undertake thorough examinations
- Failure to rectify any defects identified within a suitable timescale.

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4.4 Examinations & Inspection

4.4.1 Thorough Examinations

The Group will have all it's lifting equipment thoroughly examined as follows:

Before using it for the first time – unless the equipment has an EC Declaration of Conformity less than one year old and was not assembled on site. If it was assembled on site, it must be examined by a competent person.

After assembly and before use at each location for equipment that requires assembly or installation before use, eg re-use of stairlifts

Regularly in service - if the equipment is exposed to conditions causing deterioration that is likely to result in dangerous situations.

Following any significant change eg change of use or recommissioning, which may affect the safe operation of the lifting equipment.

The periods for each system type will be described as following;

- Passenger Lifts – Every 6 months.
- Domestic Stairlifts – Every 6 months.
- Hoists and Lifting equipment – Every 6 months.
- Through Floor lifts – Every 6 months

These are the maximum periods between each examination unless there is an examination scheme produced by a competent person in place, which can specify longer or shorter periods depending on the risk of defects arising.

The Group will employ competent contractors to inspect and maintain all form of lifts. The Group will also:

- Ensure that such inspections include an assessment of risk to customers, employees and visitors to the property
- Ensure that such inspections are carried out within the month anniversary date. This date will change only where there has been a change of equipment or through a planned renewal of the lift equipment

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4.4.2 Routine Servicing

Lifting equipment may also need to be serviced at suitable intervals in between thorough examinations, this is to ensure the equipment continues to operate as intended, and risks associated with wear or deterioration are avoided. This is usually where the risk assessment has identified a significant risk from the use of the equipment. If they are required:

- service visits should be as per manufacturer's instructions
- the scope and frequency will be determined by the competent person; or the manufacturers of lifting equipment.

4.4.3 Supplementary Tests

The Group will arrange any supplementary tests as called for by the competent person based on their risk assessment of the lift and lift equipment.

4.5 Compliance Follow up Work

4.5.1 The Group will ensure there is a process in place for the management of any follow-up works required following the completion of an examination or inspection on the lifting equipment

4.5.2 If the competent person finds a defect with the lifting equipment during the thorough examination and/or inspection which in their opinion is, or could become, a danger to people, they will tell the Group immediately and confirm this in the report of thorough examination/inspection.

- The Group will take action to rectify any defect it is told about.
- For defects that need to be rectified within a certain timescale, the Group must repair or replace the defective equipment within the specified time, and not use it after that time unless the defect has been satisfactorily put right.

If the Group are notified of a serious and significant defect (i.e. endanger users), it will immediately take the lifting equipment out of service until the defect has been repaired.

4.5.3 The Group will ensure there is a process in place for the management of any follow-up works required following the

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completion of an examination or inspection of the lifting equipment

- 4.5.4 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all relevant works (see Health & Safety Policy).

4.6 Contract Management

- 4.6.1 Regular contract meetings will be held with all external contractors to review and monitor key performance indicators.
- 4.6.2 An item will be included on the agenda of contract meetings to review all qualifications and competencies of contractors' personnel(in line with those noted in section 3.2.2) for all areas of work they undertake on our behalf.
- 4.6.3 If requested by the contractor, the Group will provide up to date information relating to any relevant compliance areas.

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4.7 Record Keeping

- 4.7.1 The Group will hold and maintain accurate records, as appropriate, against each property or scheme. This will include retaining copies of all lift installations, including insurance details; and all lift service documentation.
- 4.7.2 A compliance management system (C365) will be used to record the details of all LOLER inspections & servicing certificates undertaken on the Group's lifting equipment. This will include the date of the most recent inspection/service and the next event date.
- 4.7.3 The Group will hold and maintain accurate records of all thorough examinations for a period of at least 2 years.

4.8 Communication

- 4.8.1 The Group considers good communication to be an active role of the business, which will assist in it's approach to reducing the risks from lifting equipment, the Group will:
- Advise all customers, and other lift users, through notices displayed in or around the lift, of the procedure to follow during a lift breakdown
 - Advise all customers, and other lift users, through notices displayed in or around the lift, of the procedure to follow when a fire occurs within the lift; the area surrounding the lift; or in the property
 - Provide instructions and training to all relevant employees, so that in the event of a fire within or around a lift or in the property; clear property evacuation instructions are followed

5. REGULATORY STANDARDS, LEGISLATION, AND APPROVED CODES OF PRACTICE

- 5.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Quality & Safety) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 5.2 **Legislation** - the legislation applicable to this policy is the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) and the Landlord and Tenant Act 1985. Section 9A of the Landlord and Tenant

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Act 1985 sets out implied terms as to fitness for human habitation and Section 11 of the Landlord and Tenant Act 1985 implies repairing obligations into short leases.

- 5.3 The Group is the 'Landlord' by virtue of the fact that it owns and manages homes and buildings housing tenants/leaseholders through the tenancy, lease and licence agreement obligations it has with the tenants/leaseholders.
- 5.4 **Code of Practice** – the approved codes of practice applicable to this policy are:
- Approved Codes of Practice (ACoP) [HSE]:
 - HSIS4 How the Lifting Operations and Lifting Equipment Regulations apply to health and social care
 - L113 Safe use of lifting equipment
 - Indg422 Thorough examination of lifting equipment
 - (SAFed) Guidelines on the Thorough Examination and Testing of Lifts 1998
- 5.5 **Sanctions** – The Group acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.
- 5.6 **Tenants** – The Group will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential safety checks to lifting equipment, maintenance and safety related repair works.
- 5.7 **Additional Legislation** - This Lifting Equipment Policy also operates in the context of the following additional legislation:
- Health and Safety at Work Act 1974
 - The Management of Health and Safety at Work Regulations 1999
 - The Workplace (Health Safety & Welfare) Regulations 1992
 - Defective Premises Act 1972
 - Landlord and Tenant Act 1985
 - Social Housing (Regulations) Act 2023

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- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- The Building Regulations for England and Wales (Part P)
- Building (Procedures) (Scotland) Regulations 2004 and the Building (Scotland) Act 2003
- The Housing Act 2004
- The Occupiers' Liability Act 1984
- Provision and Use of Work Equipment Regulations 1998
- Construction, (Design and Management) Regulations 2015
- Data Protection Act 2018

5.8 A process is in place to identify changes to regulation and legislation through the Group's compliance reporting framework, any changes relating to this policy will be highlighted and implemented, including a review of policy and procedural documents.

5.9 This policy also has links to other Group policies, including:

- Health and Safety Policy
- Data Archival, Retention and Disposal Policy
- Reasonable Adjustment policy
- Business Continuity Plan (Dealing with Emergencies)

6. IMPLEMENTATION

6.1 Training

6.1.1 The Group will ensure that all operatives working for, or on behalf of the organisation have the relevant qualifications required for their role.

6.1.2 Group employees will undertake periodic assessments of training needs and resulting programmes of internal and/or external training will be implemented via the Health & Safety team.

6.1.3 All relevant employees involved in the process will have an understanding of lifting equipment safety and their roles and responsibilities in ensuring that full compliance is maintained.

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6.1.4 In order for all employees to fully understand the regulations and obligations placed upon the Group, they will undertake mandatory compliance awareness training and this will be refreshed every 3 years.

6.2 Performance Reporting

6.2.1 Key Performance Indicators (KPI's) measures are established and maintained to ensure that the Group is able to report on performance in relation to lifting equipment.

6.2.2 KPI measures are provided to SLT on a monthly basis. They are also provided to Executive Board and the Health & Safety Steering Group on a quarterly basis. As a minimum these KPI measures include reporting on:

Data – the total number of:

- Properties – split by domestic, communal, commercial and other properties;
- Properties on the lifting equipment inspection programme
- Properties not on the lifting equipment programme
- Compliant properties with a valid 'in date' lifting equipment inspection
- Non-compliant properties where the lifting equipment inspection has expired and is 'out of date'.

Narrative – an explanation of the:

- Current position;
- Corrective action required, if any;
- The completion of any follow up work;
- Properties which are due to be serviced within the next 90 days. This is the early warning system.

6.2.3 Parent Board receives a condensed version of the report provided to SLT and Executive Board on a quarterly basis.

6.2.4 The Group carries out independent third party quality assurance audits of completed services on all passenger lifts annually. This is a 5% sample of the total number of services carried out within a 12 month period.

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6.2.5 The Group commissions an independent audit encompassing all areas of compliance, including lifting equipment, at least once every three years. This audit specifically tests for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues.

6.2.6 The audit also looks at and test processes to ensure that they are being adhered to and are still fit for purpose.

6.3 Non-Compliance / Escalation Process

6.3.1 Any significant non-compliance issue identified will be formally reported to the Director (Property Services) as soon as this is identified.

6.3.2 The Director (Property Services) will agree an appropriate course of corrective action with the Head of Compliance in order to address the non-compliance issue and report details of the same to the Executive Director (Operations, Services and Support) (or the Chief Executive in their absence) within 24 hours.

6.3.3 The Executive Director (Operations, Services and Support) or Chief Executive will ensure the Parent Board is made aware of any non-compliance issue raised in 7.5.1 so they can consider the implications and take action as appropriate, including notification to the Regulator of Social Housing, as necessary.

7. CONSULTATION

7.1 The Consumer Standards set out expectations for the Group to provide tenants with accessible information in respect of the legal obligations and relevant regulatory requirements that Registered Providers must meet in connection with their homes. The Group will:

7.1.1 Ensure that information is available to tenants at sign up, and on the website relevant to their homes and communal areas.

7.1.2 Compliance data is available to tenants on request .

7.2 Colleagues within the organisation have been consulted on this policy.

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8. REVIEW

8.1 This policy will be reviewed following the Group's standard three-year timeframe or as a result of any legislative or regulatory changes.

9. EQUALITY IMPACT ASSESSMENT

9.1 An EIA has been completed for the overarching Property Compliance Policy statement and is in place and this covers this policy.

10. ASSOCIATED POLICIES & PROCEDURES

Document reference	Name of document
EIA01	Equality Impact Assessment
TBC	Lifting Equipment Procedure
GRPROPS23	Procedure For Managing 3rd Party Landlords Compliance Activities