

Health and Safety and Thorough Lift Examinations

A Thorough Examination not an Insurance Inspection

There is almost a myth in our industry, and that is, lifts require Insurance inspections every six months.

Part of the many legislative documents relevant to lift installation is the LOLER [Lifting Operations and Lifting Equipment Regulations 1998]

Here is where we get our first grey area when discussing lifts in residential properties. The Regulation states

Regulation 9 of LOLER requires that all lifts provided for use in work activities are thoroughly examined by a competent person at regular intervals.

It could be argued that residential blocks do not fall within this description (for use in work activities) and therefore is a thorough examination required?

If you are a lift owner or someone responsible for the safe operation of a lift used at work, such as a facilities manager or supervisor, you are a 'duty holder' under LOLER. This means that you have a legal responsibility to ensure that the lift is thoroughly examined and that it is safe to use. (If you are the owner of a lift used primarily by members of the public, you may also find this guidance helps you to comply with more general health and safety legal duties under the Health and Safety at Work, etc. Act 1974.)

It should be noted that in most residential buildings some members of the public do use the lifts, these being visitors to the building such as tradesmen, postal workers, etc. and therefore the rule would appear to apply.

Our advice would always be that any level of safety is advisable and the duty holder of the lift should always look to operate a best practice. Property Managers would be best advised to inform the building owner to undertake the examinations and demonstrate a safe working practice with regards lift safety.

By working within the guidance of any Regulation, should the need arise the duty holder would be able to demonstrate that they have undertaken the necessary steps to provide safe equipment.

What is a thorough examination?

A thorough examination is a systematic and detailed examination of the lift and all its associated equipment by a competent person.

Its aim is to detect any defects which are, or might become, dangerous, and for the competent person to report them to the duty holder and, if appropriate, the enforcing authority (the Health and Safety Executive or local authority) so that appropriate remedial action can be taken.

The crucial component of that sentence is **by a competent person**

Selecting a competent person

A competent person is someone who has sufficient technical and practical knowledge of the lift to be able to detect any defects and assess how significant they are. It is also important that the competent person is sufficiently independent and impartial to allow them to make an objective assessment of the lift. For this reason, it is not advisable for the same person who performs routine maintenance to carry out the thorough examination, as they are then responsible for assessing their own work. This is where the shift to the thorough examinations being undertaken by insurance companies started to develop.

In recent years, many lift consultancies have undertaken the examinations on behalf of their clients. They certainly fulfil the requirement of a competent person and in many cases, have a greater knowledge of the myriad of lift designs installed in the UK lift market.

You can use someone from an external company or someone from within your own organisation to act as the competent person as long as they meet the above criteria.

We would recommend that if anyone is inspecting equipment as a competent person, then the employer is also duty bound to satisfy themselves that the correct qualifications and experience are held by that person.

To determine the extent of the thorough examination, the competent person will assess the risks, considering factors such as where the lift will be used, the frequency of use, age and condition, the weight of loads to be lifted, etc.

A thorough examination may include some testing if the competent person considers it to be necessary.

The competent person will normally determine what tests are required, taking account of the relevant guidance and standards, and duty holders are recommended to insist on this approach.

A thorough examination should not be confused with preventive maintenance, although they have some elements in common. Preventive maintenance usually involves replacing worn or damaged parts, topping up fluid levels and making routine adjustments to ensure risks are avoided.

Thorough examination should include the following:

- landing and car doors and their interlocks;
- worm and other gearing;
- main drive system components;
- governors;
- safety gear;
- suspension ropes;
- suspension chains;
- overload detection devices;
- electrical devices (including earthing, earth bonding, safety devices, selection of fuses, etc.);
- braking systems (including buffers and overspeed devices); and
- hydraulics.

This list is not exhaustive.

More detailed guidance can be found in the Safety Assessment Federation's (SAFed) Lift guidelines.

The role of the duty holder

As the duty holder, you are legally responsible for ensuring that the lift is safe to use and that it is thoroughly examined.

These responsibilities include:

- maintaining the lift so that it is safe to use;
- selecting and instructing the competent person;
- ensuring that the lift is examined at statutory intervals (every 6 or 12 months) or in accordance with an examination scheme drawn up by a competent person;
- keeping the competent person informed of any changes in the lift operating conditions which may affect the risk assessment;
- making relevant documentation available to the competent person, e.g., manufacturer's instructions and maintenance records;
- acting promptly to remedy any defects;
- ensuring that all documentation complies with the Regulations; and
- record keeping.

The thorough examination

Lifts when in use should be 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, every 12 months if it only carries loads, 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.

Note: When first installed, new lifts do not require any initial thorough examination as long as they have been manufactured and installed in accordance with the Current Lifts Regulations and have a current declaration of conformity, i.e., made not more than 12 months before.

A new lift is one where:

- no lift previously existed;
- an existing lift has been completely replaced; or
- only the existing guide rails and their fixings or the fixings alone have been retained

As an alternative to thorough examinations at statutory intervals, the competent person may draw up an 'examination scheme'. The scheme may specify periods which are different from the statutory intervals, but this must be based on a rigorous assessment of the risks. An examination scheme may be particularly appropriate if you have a lift which is used infrequently for light loads.

Action following notification of defects

The competent person is legally required to notify you as soon as possible, following a thorough examination, of any defects which are or could soon become, dangerous. **If you are notified of a serious and significant defect you should immediately take the lift out of service until the fault has been addressed. If you do not take the lift out of operation, you will be in breach of the law.** The competent person may also notify you of defects which need to be made good within a certain

timescale. **In this case, you should take steps to have the defective equipment repaired or replaced within the specified time, and not use the lift after that time unless the defect has been satisfactorily remedied. 4 of 5 pages Health and Safety Executive Thorough examination and testing of lifts Documentation.**

The competent person is legally required to send you a written and signed report of the thorough examination as soon as practicable. This should normally be within 28 days, but if there is a serious defect which needs to be addressed you should expect to receive the report much sooner. If the competent person identifies a defect which presents an 'existing or imminent risk of serious personal injury' they are also legally required to send a copy of the report to the enforcing authority.

By law, the report must contain certain information, specified in Schedule 1 of LOLER. In summary, it should:

- identify the equipment examined (serial number, make, etc.), the employer and the premises;
- give the date of the last thorough examination and specify when the next one should take place;
- specify the safe working load of the lift;
- give the reason for the thorough examination (i.e., following installation, according to an examination scheme, statutory interval, etc.);
- identify any defect which is or may become a danger to people;
- give the details of any repair, renewal or alteration required to remedy the defect and the date by which it should be undertaken;
- give details of any tests carried out;
- give details of the person carrying out the report and the person validating the report on their behalf.

If the report does not contain all the information above, you should not accept it, as this may place you in breach of the law. Try to resolve the matter with the competent person, but if this is unsuccessful, you should contact your local enforcing authority for advice.

Record keeping

You are legally required to ensure that reports of thorough examination are kept available for consideration by health and safety inspectors for at least two years or until the next report, whichever is longer.

They may be kept electronically as long as you can provide a written report if necessary. If you have chosen to have your lift examined according to an examination scheme, you must ensure that you can produce a written scheme for inspection if necessary.