

How the Lifting Operations and Lifting Equipment Regulations apply to health and social care

HSE information sheet

Health Services Information Sheet No 4(rev1)

Introduction

This information sheet gives advice to employers, the self-employed, employees and equipment providers in the health and social care sector. It will help them understand the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

LOLER is aimed at ensuring that all lifting operations are properly planned, lifting equipment is used in a safe manner and that, where necessary, it is thoroughly examined at suitable intervals by a competent person.

This information sheet does not aim to be comprehensive. It specifically addresses those parts of the Regulations which have proved difficult for those working in the health and social care sector, and provides detailed interpretation for equipment commonly in use. Details of the complete Regulations, Approved Code of Practice and guidance can be found in the 'References' section.¹

What moving and handling equipment used in health and social care is covered by LOLER?

To decide whether LOLER applies you need to answer two questions – is it work equipment and, if so, is it lifting equipment?

Is it 'work equipment'?

The fact that equipment is designed to lift or lower a load does not automatically mean that LOLER applies. The equipment has to be defined as 'work equipment', which is defined in the Provision and Use of Work Equipment Regulations 1998 (PUWER)² as 'any machinery appliance, apparatus, tool or installation for use at work (whether exclusively or not)'.

Generally, any equipment used by an employee at work will be covered by this definition. In health and social care settings the main **exceptions** will be:

- where a member of the public (eg a user of care services) purchases equipment for their use at home, as it is not defined as work equipment;
- where equipment has been loaned by an employer or community equipment provider for individuals **solely** to be used by themselves, family or unpaid carers, as it is not defined as work equipment during the loan period.

In these cases LOLER will not apply. However, in the latter case the more general duties under the Health and Safety At Work etc Act 1974 section 3 (to provide safe equipment and maintain it, so far as is reasonably practicable) will apply.³

If so, is it 'lifting equipment'?

The definition of a 'lifting operation' in LOLER is 'an operation concerned with the lifting or lowering of a load'. It applies to equipment which lifts or lowers loads **as a principal function**. Much equipment in health and social care premises has an element of lifting as part of its normal operation, for example a variable-height bed or dentist's chair. However, the principal function of these items is as a bed or chair, and not as a device for lifting or lowering of loads. Height adjustability alone does not mean that LOLER applies to the equipment.

The Annex at the end of this information sheet gives a list of common work equipment found in health and social care, and advice on whether it should be considered to be lifting equipment.

Where equipment is **not** defined as lifting equipment, if it is used at work the provisions of PUWER will still apply, ie:

- suitable for the intended use;
- safe for use, maintained in a safe condition and, in certain circumstances, inspected to ensure this remains the case;
- used only by people who have received adequate information, instruction and training;
- accompanied by suitable safety measures, eg protective devices, markings and warning.

Is a thorough examination always needed if LOLER applies?

Thorough examination may be needed at several points during the life of lifting equipment:

- on initial use or following installation;
- periodically during its life;
- following certain exceptional circumstances.

Before you use any item of lifting equipment for the first time, unless you have received physical evidence that a thorough examination has been carried out showing it is safe to use, it should be thoroughly examined.

The extent of the thorough examination will depend on an assessment of the risks based on the type of lifting equipment, where it is installed and how it is to be used. Where a piece of lifting equipment's safety depends on the installation conditions, it needs to be thoroughly examined initially to ensure that it is installed and safe to operate before it is put into service for the first time.

Periodic thorough examinations during the life of the equipment may not always be required. They are only required for lifting equipment exposed to conditions which cause deterioration likely to result in dangerous situations (ie likely to result in a serious or fatal injury). The interval between periodic thorough examinations should be in line with the intervals given in the Regulations:

- 6 months or less for equipment lifting people and lifting accessories;
- 12 months or less for other lifting equipment; or
- as specified in a dedicated scheme of examination; and
- each time exceptional circumstances liable to jeopardise the safety of the lifting equipment have occurred.

When assessing the need and the extent of periodic thorough examination of equipment, you need to consider the following:

- the extent of likely injury if the equipment failed;
- the capabilities or vulnerabilities of the people using the equipment;
- the design of the equipment, how and where the equipment is installed and how the equipment is used;
- the manufacturer's instructions.

Completing a thorough examination

A competent person must determine the scope of the thorough examination. They should have enough

practical and theoretical knowledge and experience of the lifting equipment to detect defects or weaknesses, and assess how important they are in relation to the safety and continued use of the equipment.

In respect of thorough examination of accessories, such as slings, the person should have sufficient understanding and ability to identify any wear, deterioration or damage to such equipment.

There may be sufficient in-house expertise to appoint a competent person. This is particularly likely with the simpler and lower-risk devices and accessories. An employee nominated to carry out this work should not generally be the same person who performs routine maintenance, as they would be responsible for assessing their own work. Competent persons should be able to act with impartiality and independence. The employer should consider independent verification of any 'in-house' competent person's work.

Recording and reporting the outcomes of thorough examinations

The person carrying out the thorough examination must make a written report of the thorough examination and must notify the employer of any defect, which in their opinion is or could become a danger to people.

Schedule 1 of LOLER details the information to be contained in the written report of thorough examination. Where a defect involving an existing or imminent risk of serious personal injury is identified during thorough examination, the person making the report should send a copy as soon as practicable to the relevant enforcing authority.

Inspections and routine maintenance

Under LOLER, lifting equipment may need to be inspected at suitable intervals between thorough examinations. This is usually where your risk assessment has identified a significant risk from use of the equipment. If inspections are required:

- their scope and frequency will depend on the opinion of the competent person or the manufacturer's instructions;
- their requirements should be included in any thorough examination scheme;
- they would normally include visual and functional checks.

Routine maintenance typically involves checking and replacing worn or damaged parts, lubrication, and making routine adjustments. This is to ensure the equipment continues to operate as intended, and risks associated with wear or deterioration are avoided.

Annex: Identifying lifting equipment

This table only applies when the equipment is 'work equipment' for the purposes of LOLER.

Equipment	Defined as lifting equipment or lifting accessory?	Risk of injury?	Thorough examination required?
Lifting hoists (mobile) 	Yes, equipment	Yes, failure can result in serious injury or worse	Yes, a thorough examination at intervals of 6 months or less, or in accordance with a written scheme
Lifting hoists (fixed/ceiling) 	Yes, equipment	Yes, failure can result in serious injury or worse	Yes, a thorough examination at intervals of 6 months or less, or in accordance with a written scheme
Stand and raising aids 	Yes, equipment	Yes, failure can result in serious injury or worse	Yes, a thorough examination at intervals of 6 months or less, or in accordance with a written scheme
Slings 	Yes, accessory	Yes, failure can result in serious injury or worse	Yes, a thorough examination at intervals of 6 months or less, or in accordance with a written scheme
Bath hoist – a device which lifts and lowers a person from outside the bath into the bath 	Yes, equipment	Yes, failure can result in serious injury or worse	Yes, a thorough examination at intervals of 6 months or less, or in accordance with a written scheme

Equipment	Defined as lifting equipment or lifting accessory?	Risk of injury?	Thorough examination required?
Bath lift – a device which raises and lowers a person within the confines of the bath 	Yes, equipment	Yes, failure can result in serious injury or worse	Yes, a thorough examination at intervals of 6 months or less, or in accordance with a written scheme
Lifting platforms 	Yes, equipment	Yes, failure can result in serious injury or worse	Yes, a thorough examination at intervals of 6 months or less, or in accordance with a written scheme
Stair lift 	Yes, equipment	Yes, failure can result in serious injury or worse	Yes, a thorough examination at intervals of 6 months or less, or in accordance with a written scheme
Standing transfer aid 	No	N/A	No, but the requirements under PUWER to adequately maintain the equipment will still apply
Recliner baths – height-adjustable baths 	No	N/A	No, but the requirements under PUWER to adequately maintain the equipment will still apply
Riser recliner chairs 	No	N/A	No, but the requirements under PUWER to adequately maintain the equipment will still apply

Equipment	Defined as lifting equipment or lifting accessory?	Risk of injury?	Thorough examination required?
Profiling beds and trolleys 	No	N/A	No, but the requirements under PUWER to adequately maintain the equipment will still apply
Pillow risers 	No	N/A	No, but the requirements under PUWER to adequately maintain the equipment will still apply
Active mattresses 	No	N/A	No, but the requirements under PUWER to adequately maintain the equipment will still apply
Mattress elevator 	No	N/A	No, but the requirements under PUWER to adequately maintain the equipment will still apply
Lifting cushion 	No	N/A	No, but the requirements under PUWER to adequately maintain the equipment will still apply

References

- 1 *Safe use of lifting equipment. Lifting Operations and Lifting Equipment Regulations 1998. Approved Code of Practice and guidance L113* HSE Books 1998 ISBN 978 0 7176 1628 2
www.hse.gov.uk/pubns/books/l113.htm
- 2 *Safe use of work equipment. Provision and Use of Work Equipment Regulations 1998. Approved Code of Practice and guidance L22 (Third edition)* HSE Books 2008 ISBN 978 0 7176 6295 1
www.hse.gov.uk/pubns/books/l22.htm
- 3 *Health and Safety at Work etc Act 1974 (c.37)*
The Stationery Office 1974 ISBN 978 0 10 543774 1

Further reading

LOLER 98: Lifting Operations and Lifting Equipment Regulations (LOLER) 1998: Open learning guidance
HSE Books 1999 ISBN 978 0 7176 2464 5

Simple guide to the Lifting Operations and Lifting Equipment Regulations 1998 Leaflet INDG290 HSE Books 1999 www.hse.gov.uk/pubns/indg290.htm

Simple guide to the Provision and Use of Work Equipment Regulations 1998 Leaflet INDG291 HSE Books 2008 www.hse.gov.uk/pubns/indg291.htm

Thorough examination of lifting equipment: A simple guide for employers Leaflet INDG422 HSE Books 2008 www.hse.gov.uk/pubns/indg422.htm

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

This publication is available at:
www.hse.gov.uk/pubns/hsis4.htm

You can find more advice at:
www.hse.gov.uk/healthservices/index.htm

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