

Policy Name: Mobility Scooter Policy

1. Policy Summary

- 1.1. This policy sets out a clear framework to manage the use and storage of mobility scooters, powered wheelchairs or vehicles to ensure the health, safety and welfare of staff, tenants, contractors and visitors. This policy applies to all Midland Heart properties. to manage the risks to people whilst ensuring the safety of all people who live, visit or work in any of our properties.

2. Policy Principles

- 2.1. Midland Heart will ensure, so far as is reasonably practicable, that the storage, charging or use of mobility scooters or similar vehicles do not compromise the safety of buildings, or people within them, especially in relation to fire and emergency evacuation.
- 2.2. Unless written permission has been granted by Midland Heart no vehicle is to be stored, used or charged in any Midland Heart property. Written permission will be subject to the findings of risk assessment as specified in this policy and any related procedure.

3. It applies to

- 3.1. All Midland Heart schemes including General Needs, Retirement Living (including Mutual and LSE properties), Specialist Accommodation and Independent Living tenants, and covers the risks associated with the use, storage, and charging of mobility scooters in accordance with all relevant legislation, guidance and best practice.
- 3.2. This includes anyone who has applied for our homes or uses our services.

4. Definitions

- 4.1. **Mobility scooter/wheelchair:** Are defined as an 'invalid carriage' under the Use of Invalid Carriages on the Highways Regulations 1988 under three categories.
- 4.2. **Class 1 vehicle:** Manually operated wheelchairs that are not electrically powered.
- 4.3. **Class 2 vehicle:** Powered Wheelchairs and mobility scooters for pedestrian routes and indoor use, that are limited to a maximum speed of 4mph and do not exceed an unladen weight of 113.4 kg. Class 2 vehicles are not allowed on the public highway and are not required to be registered with the Driver and Vehicle Licensing Agency (DVLA).
- 4.4. **Class 3 vehicles:** powered vehicles, wheelchairs and scooters which are:
 - 4.4.1. Designed to travel up to 8mph and are used on roads/highways and;
 - 4.4.2. Fitted with a device to restrict travel to a maximum speed of 4mph on pedestrian routes and for indoor use.
 - 4.4.3. Class 3 Vehicles must not exceed an unladen weight of 150 kg.
 - 4.4.4. Class 3 vehicles are not classed as motor vehicles, but they are required to be licensed with the DVLA for road use and cannot be operated by anyone below the age of 14.
- 4.5. **Invalid Carriages:** An Invalid Carriage is a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability.

- 4.6. **Communal Area:** Any internal area within a building which is shared or is accessed by more than one tenant e.g. corridors, cupboards, lounges etc.
- 4.7. **Motability scooter storage area:** discrete from general communal areas. They must be designated by Midland Heart for the sole purpose of storing scooters and fulfil all the following criteria:
- 4.7.1. Be clearly labelled as a 'mobility scooter storage area'
 - 4.7.2. Be lockable to minimise the risk of theft or misuse by unauthorised persons
 - 4.7.3. Provide adequate fire separation from escape routes
 - 4.7.4. Have adequate automatic fire detection systems
 - 4.7.5. Contain, or be able to be provided with, suitable electrical supply for the purposes of battery charging
 - 4.7.6. Have adequate natural ventilation

5. Abbreviations

- DVLA Driver and Vehicle Licensing Agency
- PAT Portable Appliance Testing

6. Our Policy

- 6.1. Midland Heart recognises that some tenants, who have mobility issues, may wish to own or use a scooter within our properties. We also recognise the significant risks (e.g. fire, damage to property, personal injury) that mobility scooters pose to our buildings and to the safety of all tenants, staff, visitors and contractors.
- 6.2. Midland Heart recognises that the use of mobility scooters is on the increase due to an increase in the older adult population, the affordability of mobility scooters and an increased number of retailers.
- 6.3. For all rented Midland Heart properties, Midland Heart reserves the right to refuse permission for an individual to store, charge or use any vehicle in any building where it impacts on the health, safety or welfare of any tenant, visitor, member of staff or contractor, or to do so would be a breach of any legal requirements placed on Midland Heart.
- 6.4. For Retirement Living Mutuals / LSE properties, consultation will take place with relevant committee members regarding storage, refusals and alternative options.
- 6.5. Class 3 scooters are also prohibited and cannot be stored within the scheme (either in the individual flats or the communal areas) unless there is a designated scooter store at the scheme. For Mutuals/LSE, each request for a Class 3 must be presented to the Committee and they will review on a case-by-case basis.
- 6.6. Any Class 3 currently in situ can remain as long as a risk assessment is in place, and they are able to store the scooter safely. This restriction starts from June 2024.

7. Policy Procedures

Requesting to store a Motability scooter within a designated scooter place:

All residents to be told at viewing/ sign up/ purchase that no scooters can be stored within communal areas. If scooter can not be stored within property (check in advance) then this cannot be brought to the scheme.

For schemes with designated mobility scooter storage:

Tenant expresses an interest in having a space.

If no spaces are available, tenant will go onto a waiting list (RLO to keep own waiting list)

If a space is available, tenant to complete the mobility Scooter Storage Questionnaire & return to RLO/ scheme manager.

RLO / scheme manager assesses eligibility from data entered on questionnaire.

If space can be allocated, RLO/ scheme manager to populate the details on the LICENCE AGREEMENT and Direct Debit Mandate.

LICENCE AGREEMENT to be checked by RLM before passing to tenant to sign.

RLO/ SM & Tenant decide start date for licence. RLO to explain key terms in licence (such as permitted charging times, fees payable, how to serve notice and keeping the area tidy and free from hazards).

RLO/ SM is to also observe tenant manouvering around the room to check for safety. Complete a risk assessment if any cause for concern.

RLO / SM to photocopy LICENCE AGREEMENT and Direct Debit Mandate. Tenant to retain originals.
RLO to store copies on Paperlite.

RLO/ SM to complete PER ACCOUNT form. RLO / SM to email PER ACCOUNT form and DD mandate to Income Dept.
Income Dept will set up a PER sub account on Northgate and will commence charges of £15 PCM. Income team emails RLO to confirm account has been set up.

RLO/ SM to ensure tenant can access the mobility scooter storage room. If access is key or fob restricted RLO to action.

RLO/ SM to complete daily spot checks on mobility scooter store to check that area is clean and free from hazards.
RLO/ SM to address any concerns with tenants using the facility as and when they arise (i.e. if parking unfairly).

RLO/ SM to audit the mobility scooter store on a 6-monthly basis using audit form.

Audit forms to be stored on S drive.

Non-payment or missed DDs to be addressed with tenants and notice to be served.

Notice can be served by either Midland Heart or tenant using NTQ form provided.

Upon termination, RLO to advise resident to cancel their own DD with bank as this function will not be carried out by Midland Heart.

8. Self-assessment, reporting and compliance

- 8.1. All information held about our tenant or residents must be in line with the Midland Heart Data Protection Policy, Data Protection Procedure and General Data Protection Regulation 2018 (GDPR) guidance.
- 8.2. Midland Heart will ensure that all aspects of this policy and any controls implemented will be regularly monitored to ensure their effectiveness.
 - Weekly/monthly Housekeeping Checks
 - Weekly/monthly Fire Safety Checks
 - Periodic Home checks (visits within tenant properties)
 - Reviews of Fire Risk Assessments
 - Senior Manager Audits

9. Reasonable Adjustment and Support

- 9.1. We understand that some tenants and residents may have difficulty communicating a need or requirement, as such we will always make reasonable adjustments, enabling tenants and residents to request appropriate information, provide what is needed and engage in the process.
- 9.2. There is no prescribed list of reasonable adjustments; the adjustment will depend on the individual's needs. We will discuss the requirements with the person concerned and seek to reach agreement on what may be reasonable in the circumstances.
- 9.3. In the majority of cases, we will be able to agree and deliver the required reasonable adjustment with a minimum of delay. In some cases, we may need to consider in more detail how best to overcome the difficulty or seek advice from expert organisations that can assist with signposting and other forms of support.

10. Related Law & Regulations

Legislation	Main powers
Health and Safety and Work etc. Act 1974	This Act places duties on employers to ensure, as far as reasonably practicable, the health, safety and welfare of employees and others by the employer's undertaking.
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995	This legislation is the legal reporting mechanism by which accidents and dangerous incidents/occurrences including notifiable diseases are notified to the Health and Safety Executive.
Management of Health and Safety Regulations 1999	The Act sets out the general duties which employers have towards employees and members

	of the public, and employees have to themselves and to each other.
The Regulatory Reform (Fire Safety) Order 2005	These Regulations place specific duties on employers to manage fire risks and ensure escape routes are clear at all times, adequate fire protection is provided etc. and to provide a safe environment to employees and others.
Equality Act 2010	This Act provides a framework to ensure that all individuals are treated fairly and are not discriminated against. It places duties on landlords to make reasonable adaptations for disabled persons.
Building Regulations 2010	These regulations place specific duties on building owners to ensure national building standards are in place to any new or refurbished building or where any alterations are made. These include fire provision, access and egress amongst other areas.
Occupiers Liability Act 1984	This Act places duties on occupiers' liability with regards to injuries to persons other than visitors in any premises.
Electricity at Work Regulations 1989	These regulations place duties on employers and occupiers of premises to ensure safe installation, maintenance, testing and operation of hard-wired electrical systems and the use of portable appliances.
The Use of Invalid Carriages on Highway Regulations 1988	These regulations place duties on users of certain types of mobility scooters to be registered with the DVLA, have insurance, and sets out the requirements for using mobility scooters on the highway under the Road Traffic Act 1988.
Contract Law	The tenancy agreement is a legally enforceable agreement which places duties on Midland Heart and its tenants with respect to the maintenance and use of the building and its common parts.
Common Law: Duty of Care and Tort of Negligence	A legal duty of care will arise between individuals e.g. Tenants, staff, contractors and also in certain circumstances with others where there is no direct contractual relationship e.g. visitors, members of the public. Negligence occurs when acts or omissions fall short of what a reasonable person would do to protect another from foreseeable risks of harm, where a duty of care is owed.

11. This policy links to ...

Internal:

- Health and Safety Policy
- Risk Management Policy
- Mobility Scooter Policy
- Accident and Incident Reporting Procedure
- Workplace Procedure
- Anti-Social Behaviour Policy
- Tenant Goods and Storage and Removal Policy and Procedure
- LaCORS Guidance to Fire Safety in residential accommodation
- The Regulatory Reform (Fire Safety) Order 2005
- Care Quality Commission National Minimum Standards (CQC)
- The Equality Act 2010
- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999
- The Occupiers Liability Act 1984
- The Building Regulations 2010
- The Electrical Equipment (Safety) Regulations 1994

External:

This legislation and regulatory framework may change through the lifetime of this policy. The policy remains applicable to any legislative and regulatory framework changes, unless it requires an earlier policy review.