

Housing Asbestos Policy

Version control

Avoid referring to printed versions of this document. Printed versions may be out of date.

Owner/responsibility for compliance		Head of Housing Technical Services	
Status (draft / approved and live)		Approved and live	
Version no:	Date approved:	Approved by:	Summary of changes made to each version:
1.1		Cabinet	New policy

1 Introduction

- 1.1 This policy is to support Swindon Borough Council ('the Council') in its function as a landlord to provide safe and effective housing management.
- 1.2 The Council is responsible for repairs and maintenance to our homes, communal blocks and other properties we own and manage, many of which will have been constructed using asbestos containing materials. As such, the Council has a legal 'Duty to Manage' asbestos in these buildings.
- 1.3 Domestic properties or buildings built or refurbished prior to the year 2000 may contain asbestos. If a material containing asbestos is disturbed or damaged, it can release asbestos fibres into the air which are a danger to health if inhaled. Workers who carry out repairs and maintenance work are at particular risk, however, building occupants could also be put at risk.
- 1.4 This policy is to ensure our Cabinet, Corporate Management Team, colleagues, partners and tenants are clear on our legal and regulatory asbestos management safety obligations. This policy provides the framework our colleagues and partners will operate to meet these obligations.
- 1.5 In developing this policy residents' and partnering agencies' views and feedback have been considered. An Equalities Impact Assessment has been carried out and there are no adverse implications.
- 1.6 The results of the Equalities Impact Assessment have been considered and there are no adverse implications or if there were these have been considered and mitigated.

2 Equality and diversity statement

- 2.1 Swindon Borough Council is intent on ensuring people or communities do not face

discrimination or social exclusion due to socio-economic deprivation, or any of the following protected characteristics:

- Age
- Disability
- Sex
- Marriage & civil partnership
- Race
- Religion or belief
- Sexual orientation
- Gender reassignment
- Pregnancy & maternity

3 Legislation and guidance

3.1 The legislation and guidance applicable to this policy includes the following:

- Landlord and Tenant Act 1985.
- Control of Asbestos Regulations 2012
- Approved Code of Practice: Approved Code of Practice (ACOP) Managing and Working with Asbestos L143 (Second Edition) 2013
- The Hazardous Waste (England and Wales) Regulations 2005 (as amended)
- Control of Substances Hazardous to Health Regulations (COSHH) 2002
- Hazardous Waste (England & Wales) Regulations 2005 (as amended)
- Housing Health and Safety Rating System introduced under Part 1 of the Housing Act 2004.
- Social Housing (Regulation) Act 2023.
- Awaab's Law.
- Regulatory Reform (Fire Safety) Order 2005.
- The Building Regulations 2010.
- Construction, Design, and Management (CDM) Regulations 2015.
- Defective Premises Act 1972.
- Workplace (Health Safety and Welfare) Regulations 1992.
- Provision and Use of Work Equipment Regulations 1998.
- Data Protection Act 2018.
- Personal Protective Equipment at Work (Amendment) Regulations 2022.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Equality Act 2010

3.2 The following guidance is applicable to this policy:

- HSE guidance HSG 227 – *“A comprehensive guide to Managing Asbestos in premises”*
- HSE guidance – *“The Duty to Manage asbestos in buildings”*

- HSE guidance HSG264 – “Asbestos: The survey Guide”
- HSE guidance HSG 247 – “Asbestos: The licensed contractors’ guide”
- HSE guidance HSG 248 – “Asbestos: The analysts’ guide for sampling, analysis and clearance procedures”.

4 Scope

- 4.1 The Council has an overarching Asbestos Policy that applies to all Council properties (e.g., housing, offices, public buildings, leisure centres etc.). The key aim and objective of this policy is to set out the Council’s Housing approach to ensure asbestos containing materials are suitably managed at all levels throughout, and everyone understands their duty in contributing to the effective management of asbestos containing materials (ACMs).
- 4.2 This policy also applies to any property which is leased by or managed as social housing stock or used for the purposes of Temporary Accommodation for those experiencing homelessness, for which the Council owes a statutory accommodation duty.
- 4.3 This includes domestic dwellings (houses and flats), communal areas of any blocks containing such properties, Sheltered Housing, Supported Housing, and Temporary Housing schemes.
- 4.4 The policy applies to all our colleagues, tenants, contractors, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities.

5 Roles and responsibilities

The table below highlights the key responsibilities:

Function /Task	Responsibility
Overall duty to ensure the organisation has enough funding, resource and systems in place to achieve and maintain statutory compliance.	Chief Executive Officer
Appoint a responsible person(s) to monitor the asbestos safety compliance position.	Corporate Directors
Responsible person for monitoring the asbestos compliance position.	Director of Housing
Apply this policy throughout the council and ensure any service delivery partner complies with it.	Relevant Heads of Service & Directors
Provide robust reporting around asbestos safety compliance to the Council’s Corporate Management Team. Reviewing budgets to ensure financial resources available.	Relevant Heads of Service & Directors
Strategic responsibility for the management of asbestos safety and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.	Service Lead Compliance
Operational responsibility for the management of asbestos safety; will be responsible for overseeing the delivery of these programmes.	Specialist Compliance Officer- Asbestos
Aid the service delivery function in gaining access to properties	Tenancy and other

	frontline Housing teams
Applications to the Courts to provide access	Enforcement team/Legal team

Competent persons

- 5.1 The Service Lead Compliance will hold a P405 'The Management of Asbestos in Buildings', P402 'Survey and Sampling Strategies', or equivalent qualification. If they do not have one of these, they will obtain this within 12 months of the approval of this policy.
- 5.2 Only competent contractors (as per HSG264) will carry out asbestos management surveys and asbestos reinspections. The Council will require surveyors to hold the P402 qualification and to be able to demonstrate they have sufficient experience to be competent in carrying out surveys and reinspections.
- 5.3 Only competent Licensed Asbestos Removal Contractors will carry out all work on notifiable non-licensed asbestos work or licensed asbestos work.
- 5.4 The Service Lead Compliance will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis.
- 5.5 Our operations in-house maintenance teams (DLO) as well as other colleagues who may encounter asbestos containing materials through their work or who supervise, manage or influence the work, and external contractors are 'asbestos awareness' trained.
- 5.6 Asbestos awareness training will be undertaken as part of the induction period, initiated by the Operational Manager for DLO maintenance operatives. Asbestos awareness refresher training will be carried out annually in the form of training sessions or an e-learning modules, via an external UKATA approved training provider annually.
- 5.7 For other colleagues, specific training is provided according to their level of interaction with asbestos.

6 Obligations

- 6.1 There are various health and safety regulations that directly, or indirectly, place duties on employers in relation to asbestos. This policy takes into account the following legislation and regulations:

Health and Safety at Work etc. Act 1974 (HSWA)

- 6.2 This requires an employer to conduct their work in such a way that their employees will not be exposed to health and safety risks, and to provide information to other persons about their workplace which might affect their health and safety.

Management of Health and Safety at Work Regulations 1999

- 6.3 This requires employers to assess the risks to the health and safety of themselves, employees and persons not in their employment arising out of or in connection with the conduct of their business, and to make appropriate arrangements for protecting those people's health and safety.

Construction (Design and Management) Regulations 2015

- 6.4 This requires the client to pass on information about the state or condition of any premises (including the presence of hazardous materials, such as asbestos) to the Principal Designer/Contractor before any work commences and to ensure that the health and safety file is available for inspection by any person who needs the information.

The Control of Asbestos Regulations (CAR) 2012

- 6.5 This requires an employer to prevent the exposure of his employees to asbestos, or where this is not practicable, to reduce the exposure to As Low as Reasonably Practical (ALARP). This Regulation also places a duty on employers in occupation of premises to manage the risk from asbestos in those premises. This mandates that the Council has a legal obligation under Regulation 4 'Duty to manage asbestos in non-domestic properties and as the Duty Holder the Council is required to:
- Take reasonable steps to find materials likely to contain asbestos.
 - Assume asbestos is present if the property was built prior to the year 2000. If built after the year 2000 asbestos is unlikely to be present and no further action will be required.
 - Keep an up-to-date record (an asbestos register) of the location and the condition of the asbestos containing materials and presumed asbestos containing materials and keep it up to date.
 - Provide information on location and condition of asbestos containing materials to people who may disturb them and those who occupy the premises.
 - Monitor the condition of asbestos containing materials and presumed asbestos containing material.
 - Assess the risk of the likelihood of anyone being exposed to asbestos fibres from these materials.
 - Prepare an 'Asbestos Management Plan' that sets out how the Council will manage the risk from ACMs, and review and monitor its implementation.

7 Statement of intent

- 7.1 The Council acknowledges the responsibilities under CAR 2012: Regulation 4 and recognises that the main hazard in relation to asbestos is the non-identification of ACMs.
- 7.2 This places a duty on all staff and contractors who may disturb asbestos to:
- Carry out on-site risk assessments, to establish the likelihood of asbestos being disturbed.
 - Check the asbestos register, and if there's a risk asbestos may be disturbed request

an appropriate survey.

- Act on the findings of any survey before any work is carried out.

7.3 To fully comply with CAR 2012, the Council will have an approved 'Housing Asbestos Policy' and 'Asbestos Management Plan' and will maintain an up-to-date asbestos register.

7.4 The Council will ensure a fair and consistent approach to asbestos management in Council properties.

8 Approach

8.1 Asbestos inspections are generally not required for buildings constructed after 2000 because asbestos was banned in the UK in 1999, and modern building materials are expected to be asbestos-free. However, exceptions may exist such as when imported materials are used from countries with different regulations, or if the building has had refurbishments involving older materials. Although this is not expected within the Council's property portfolio, if there is strong evidence that a post 2000 building may have suspected imported materials or refurbishments using older materials, this building may be subject to asbestos inspection as laid out in the policy.

8.2 The risks associated with exposure to asbestos fibres are well documented, especially in relation to the construction and maintenance industries. To fulfil its duties under the Health and Safety at Work etc. Act, 1974, the Management of Health and Safety at Work Regulations 1999 and the Control of Asbestos Regulations 2012 (CAR 2012), the Council is committed to reducing these risks.

8.3 The Council will use all available means, as-per our Access Policy, within the terms of the tenancy and lease agreement should any resident or shared owner refuse access to carry out essential asbestos-related remediation works or inspections where no asbestos data/ management survey is held on our asbestos register.

8.4 In conjunction with the Council's Corporate Health and Safety team, any RIDDOR notification or near misses in relation to asbestos safety will be investigated, and the Council will take action to address any issues identified or learnt to prevent similar actions from happening again.

Programme

Non-domestic properties (communal blocks/supported schemes)

8.5 All non-domestic properties that we own or manage (within the scope set out in 'Policy Scope' 2.1), built prior to the year 2000, will have an asbestos management survey that is compliant with CAR 2012 (i.e. all surveys will be dated after 2012, when this legislation came into effect). Thereafter, we will maintain a programme of asbestos re-inspections for all properties that contain ACMs (known or presumed) or where we cannot confirm there are no ACMs present.

- 8.6 Re-inspections will either be annual or in accordance with the risk level as identified by the previous survey. The Council will not re-inspect any properties where the initial asbestos management survey confirms that there are no ACMs.

Domestic Properties

- 8.7 The Council will review the asbestos register and any existing asbestos survey information prior to carrying out any responsive, void, or planned maintenance works which may involve working on or adjacent to any ACMs within a domestic property. This is to ensure that any ACMs likely to pose a risk are identified prior to works commencing and are managed and dealt with appropriately.
- 8.8 Where intrusive works are to be undertaken a refurbishment survey will be completed. Where there is no record of asbestos related information for domestic properties, a survey will be undertaken ahead of any works taking place should the contractor work within proximity of potential ACM.
- 8.9 Any newly acquired dwelling/property constructed pre 2000 will have a management survey carried out, and the results added to the asbestos register.

Repairs / planned maintenance

- 8.10 The Council will review existing asbestos survey information prior to carrying out any intrusive void work, day-to-day repairs, planned maintenance or refurbishment work. Where there is no asbestos information, prior to the work taking place, the Council will commission either a Controlled refurbishment survey or demolition survey to the areas of the property that are likely to be disturbed as part of the proposed works.

8.11 Refurbishment and demolition work

The Council will carry out a controlled refurbishment survey prior to any refurbishment or a demolition survey prior to any demolition work. If the refurbishment works are restricted to small areas e.g., new kitchen, roofing or bathroom replacement, then the Council will commission a targeted controlled refurbishment survey prior to any intrusive building work starting.

Follow-up work

- 8.12 Where asbestos is positively identified, and removal, sealing or encapsulation is recommended as part of a management recommendation, this will be carried out as follows:
- Non-licensed works (as defined in Regulation 2 of CAR 2012) The licenced In-House (DLO) Asbestos team or a Licenced Asbestos Removal Contractor (LARC) must be appointed if ACMs are present and liable to be worked upon or disturbed.
 - Notifiable non-licensed works (as defined in Regulation 2 of the CAR 2012) – will be undertaken by the licenced In-House (DLO) Asbestos team or a Licensed Asbestos Removal Contractor (LARC) licensed by the Health and Safety Executive in compliance with CAR 2012.

- Licensed works (as defined in Regulation 2 of CAR 2012) – will be undertaken by the licenced In-House (DLO) Asbestos team or a LARC licensed by the Health and Safety Executive in compliance with CAR 2012.

9 Data and records

- 9.1 The Council will maintain a core asset register of all properties we own or manage, setting out which properties are and are not required to be included on the asbestos re-inspection programme.
- 9.2 The Council will operate a process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are added or removed as required from asbestos programmes, and the programme remains up to date.
- 9.3 The Council will maintain and keep an asbestos register in our Asset Register System, keeping it secure and with editing access only available to those who need to update the register. The asbestos register will include:
 - Details of ACMs in the properties the Council owns or manages, with information on the property address.
 - The type of asbestos, its location and condition.
 - Inspection dates and asbestos surveys.
 - Details of remediation works and evidence of completion of these works.

10 Resident engagement

- 10.1 The Council considers good communication essential in the safe delivery of asbestos management and will therefore ensure information about asbestos containing materials (known or suspected) is provided to every person liable to disturb it. The Council will ensure all employees and contractors have adequate asbestos survey information to enable them to manage and/or work safely.
- 10.2 The Council will support residents in their understanding of asbestos containing materials, advise them of how they can manage the risks within their properties, and encourage them to report any concerns about asbestos.

11 Reporting

- 11.1 The following performance indicators are reported to the Compliance Scrutiny and Assurance Group monthly:
 - Total no. blocks and communal areas requiring an asbestos survey.
 - No. blocks and communal areas with an asbestos survey completed.
 - No. blocks and communal areas with an overdue asbestos survey.
 - Overdue Re-inspections (< 3 months).
 - Overdue Re-inspections (3-6 months).
 - Overdue Re-inspections (6-12 months).
 - Overdue Re-inspections (12+ months).

In addition, we will calculate our electrical compliance for both communal and domestic dwellings on a monthly basis. This will be presented to various internal management and resident scrutiny meetings as required.

12 Quality assurance

12.1 The Council will require external consultants and contractors to provide the results of their own 5% quality assurance audit checks, as required by UKAS, upon request.

12.2 The Council will undertake 10% third party audits of licensed asbestos removals.

13 Non-compliance escalation process

13.1 The Council's definition of non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated without delay, and no later than 24 hours after the incident occurred, or an employee of the Council becoming aware of it.

13.2 In cases of serious non-compliance, the Corporate Management team and Cabinet will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation.

14 Monitoring and review

14.1 This policy will be reviewed every two years or sooner if legislation or regulations change.