

Stevenage Borough Council

Asbestos Safety Policy

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01. Table of Definitions / Glossary

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|-------------------|---|
| SBC | Stevenage Borough Council |
| ACM | Asbestos Containing Materials |
| CAR 2012 | The Control of Asbestos Regulations (2012) |
| LARC | Licensed Asbestos Removal Contractor |
| Duty Holder | The owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract. |
| Management Survey | A survey to enable the management of asbestos-containing materials during the normal occupation and use of premises. |

02. Introduction and Objectives

- 2.1 As a landlord, SBC is responsible for maintenance and repairs 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, we have a legal 'duty to manage' asbestos in these buildings.
- 2.2 Homes or buildings built or refurbished before the year 2000 may contain asbestos. If an asbestos containing material 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.
- 2.3 The key objective of this policy is to ensure that the Councils Senior Leadership Team (SLT), Executive, employees, partners, and residents are clear on our legal and regulatory asbestos safety obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 2.4 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). The master copy will be saved on our shared drive and distributed to all relevant members of staff.

The policy will also be shared on the Corporate Intranet and uploaded onto the SBC Website to demonstrate our commitment to resident safety.

03. Scope

- 3.1 This policy is relevant to all our employees, residents, contractors, stakeholders, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.
- 3.2 The policy should be used by all to ensure they understand the obligations placed upon SBC to maintain a safe environment for residents and employees within the home of each resident, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

04 Roles and Responsibilities

- 4.1 The Executive Housing Working Group (EHWG) has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, EHWG will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 4.2 For assurance that this policy is operating effectively in practice, EHWG will receive regular updates on its implementation, asbestos safety performance and non-compliance.
- 4.3 The Senior Leadership Team (SLT) will receive regular performance reports in respect of asbestos safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 4.4 The Head of Building Safety has strategic responsibility for the management of asbestos safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 4.5 The Councils Asbestos Safety Manager has operational responsibility for the management of asbestos safety and will be responsible for overseeing the delivery of these programmes.
- 4.6 Housing teams will provide support with securing access to properties where necessary. The Council will use all available powers including legal action to carry out surveys and inspections.

05. Legislation & Guidance

SBC have given regard to the following legislation and guidance in preparing this policy.

- The Control of Asbestos Regulations 2012
- ACoP L143 – Managing and working with Asbestos (2013)
- HSG227 – A Comprehensive guide to managing asbestos in premises (2002)
- HSG247 – Asbestos – The licensed contractor’s guide (2006)
- INDG223 – Managing asbestos in buildings – A brief guide – (2012)
- HSG210 – Asbestos Essentials – A task manual for building maintenance and allied trades and non-licensed asbestos work (2018)
- HSG248 – Asbestos – The Analysts’ Guide (2021)
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Gas Safety (Management) Regulations 1996 (as amended)
- Provision and Use of Work Equipment Regulations 1998
- Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002
- Pressure Systems Safety Regulations 2000
- Pressure Equipment (Safety) Regulations 2016
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulation 2013 (RIDDOR)

5.1 Regulatory Standards

The Council must ensure we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

5.1.1 The Social Housing (Regulation) Act 2023, introduces new standards that the Council must achieve, which include:-

- The Safety and Quality Standard
- The Transparency, Influence and Accountability Standard
- The Neighbourhood and Community Standard
- The Tenancy Standard

The Council will manage all asbestos activity within scope of this policy, with these new standards at the forefront of delivery.

5.2 Sanctions

Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under the Control of Asbestos Regulations; and via a regulatory notice from the Regulator of Social Housing.

06. Supporting Documents & Policies

- Stevenage Borough Council Asbestos Safety Management Plan
- Stevenage Borough Council – Tenancy Agreement

07. Obligations

7.1 Under The Control of Asbestos Regulations 2012 (CAR 2012) SBC has a legal obligation under Part 2, Section 4 'Duty to manage asbestos in non-domestic properties' and is the 'Duty Holder' for the purposes of the legislation. We are required to:

- Find out if asbestos containing materials (ACMs) are present, where we have an obligation to do so, presuming that materials contain asbestos unless we have strong evidence that they do not.
- Identify the location, condition and type of any ACMs
- Assume asbestos is present if the property was built prior to the year 2000.
- Keep an up-to-date record (an asbestos register) of the location and condition of ACMs or presumed ACMs.
- Assess the risk from any ACMs found.
- Prepare an Asbestos Management Plan that sets out how we will manage the risk from ACMs, and review and monitor its implementation.
- Set up a system to provide information on the location and condition of ACMs to anyone who is liable to work on or disturb them.
- Assess the reliability of information we receive relating to asbestos within the properties we own and manage. Anyone who has information on the whereabouts of asbestos within these properties is required to make this available to us.

08. Statement of Intent

- 8.1 The Council acknowledge and accept our responsibilities under CAR 2012 as outlined in Section 5, and we recognise that the main hazard in relation to asbestos is the non-identification of ACMs. As such, we will protect those persons potentially exposed to asbestos as far as is reasonably practical, through the use of appropriate control measures and working methods.
- 8.2 To fully comply with CAR 2012, we will have an approved Asbestos Policy, an Asbestos Management Plan and we will maintain an asbestos register.
- 8.3 We will carry out an intrusive refurbishment/demolition survey to domestic and non-domestic properties as and when required, as per HSG264.
- 8.4 We will ensure that information about ACMs (known or presumed) is provided to every person liable to disturb it, accidentally or during the course of their work. This includes employees, contractors, and residents.
- 8.5 We will generally not use asbestos labelling in domestic premises, however, in non-domestic premises and common areas of domestic blocks, labelling will be used where practicable.
- 8.6 We will provide appropriate personal protective equipment to our in-house delivery team as required.
- 8.7 We will ensure that there is a robust process in place to manage immediately dangerous situations identified during asbestos related works.
- 8.8 We will operate effective contract management arrangements with the contractors responsible for delivering the service, including; ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.
- 8.9 We will use the legal remedies available within the terms of the tenancy and lease agreement should any resident, leaseholder, or shared owner refuse access to carry out essential asbestos related inspection and remediation works. Where resident vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the resident.
- 8.10 We will establish and maintain a risk assessment for asbestos management and operations, setting out our key risks from asbestos and appropriate mitigations.
- 8.11 SBC will ensure there is a robust process in place to investigate and manage all RIDDOR notifications submitted to the HSE in relation to asbestos safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.

09. Programmes of Work

Non Domestic Programme

- 9.1 All non-domestic properties (communal blocks/supported schemes/offices/depots) that we own or manage, built prior to the year 2000, will have an asbestos management survey that is compliant with CAR 2012 (dated after 6 April 2012 when this legislation came into effect).
- 9.2 Thereafter, SBC will maintain a programme of asbestos re-inspections for all properties that contain ACMs (known or presumed). Re-inspections will either be annual or in accordance with the risk level as identified by the previous survey. We will not re-inspect any properties where the initial asbestos management survey confirms that there are no ACMs.

Garages Programme

- 9.3 SBC owns or manages garages, many of which may contain ACMs. The Corporate Property Team are responsible for the management of surveys and remedial actions for the garage portfolio.

Repairs / Planned Maintenance Programme

- 9.4 SBC will review existing asbestos survey information prior to carrying out any intrusive void work or day-to-day repairs. Where there is no asbestos information, prior to the work taking place, SBC will commission a targeted refurbishment / demolition survey to the whole property. Once completed, survey details will be provided to the relevant operatives or contractors. Our approach to planned maintenance or refurbishment work will be determined on a per project basis depending on the nature of the works and any survey information the organisation may already hold.

Domestic Property Programme

- 9.5 SBC will carry out asbestos surveys, at the time of a void and at times of major works within a domestic property.

10. Remedial Actions

- 10.1 Where asbestos is positively identified and removal, sealing or encapsulation is recommended by the competent person, this will be carried out as follows:
- Non-licensed works (as defined in regulation 2 of CAR 2012) – will be undertaken by a Licensed Asbestos Removal Contractor (LARC) licensed by the Health and Safety Executive in compliance with CAR 2012.
 - Notifiable non-licensed works (as defined in regulation 2 of the CAR 2012) – will be undertaken by a LARC.
 - Licensed works (as defined in regulation 2 of CAR 2012) – will be undertaken by a LARC.

11. Quality Assurance

- 11.1 SBC will require external contractors to provide the results of their own five percent quality assurance audit checks, as required by UKAS, on a monthly basis.
- 11.2 SBC will instruct a third party to carry out a ten percent audit of asbestos removals and air monitoring.
- 11.3 SBC will commission an independent audit of asbestos safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues. An action plan will be developed for any issues identified during the audit, with appropriate timescales agreed for corrective actions to be carried out.

12. Data and Records

- 12.1 SBC 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.
- 12.2 SBC will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from asbestos programmes and the programme remains up to date.
- 12.3 SBC will keep an asbestos register. The asbestos register will include details of ACMs in the properties we own or manage, with information on the type, address, location and condition.
- 12.4 SBC will hold the dates of the surveys in the corporate asset management system and the survey records, details of remediation works and evidence of completion of these works, will be stored in our central asbestos register.
- 12.5 SBC will keep all these records in line with our document retention policy and have robust processes and controls in place to maintain appropriate levels of security for all asbestos related data.
- 12.6 SBC will keep air monitoring and health surveillance records for at least 40 years.

13. Resident Engagement

- 13.1 The Council consider good communication essential in the effective delivery of asbestos safety, this will form part of our wider resident engagement strategy and communication programme. This will support residents in their understanding of asbestos, advise them of how they can manage any risk if there is asbestos within their property, and encourage them to report any asbestos safety concerns.
- 13.2 The Council also aim to successfully engage with vulnerable and hard to reach residents. We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.
- 13.3 The Council will provide residents with a resident friendly version of the asbestos survey for their property, where we have carried one out, at the point of sign up. A full version of the asbestos survey will be made available upon request.

14. Competent Persons

- 14.1 SBC must appoint an officer who will become the Responsible Person, they should both be trained, instructed, and informed to the same level and will be responsible for the delivery of Asbestos Safety.

The operational lead will hold either a P405, P402 or P407 qualification (or equivalent). If they do not have one of these, they will obtain this within 12 months of the approval of this policy.

Responsible Person / Officer – Asbestos Safety Manager

- 14.2 Only competent contractors (as per HSG264) will carry out asbestos management surveys. All survey contractors will also need to UKAS accredited.
- 14.3 Only competent Licensed Asbestos Removal Contractors will carry out all work on asbestos, including non-notifiable non-licensed work, notifiable non-licensed work, or licensed works.
- 14.4 Suitably competent contractors will undertake asbestos re-inspections and the removal of non-licensed asbestos, under the supervision of persons who are suitably trained and competent to manage this work.
- 14.5 Only suitably competent asbestos consultants and contractors will provide third party technical quality assurance checks.
- 14.6 We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

15. Training

- 15.1 SBC will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic asbestos awareness training; and on the job training for those delivering the asbestos programme, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.
- 15.2 The Council centralised Health & Safety Team, will organise, manage and deliver periodic Asbestos Awareness training for all staff that could be exposed to asbestos as part of their day-to-day activities. This will be formally recorded, with refresher training provided every two years.

16. Performance Reporting

- 16.1 We will report key performance indicator (KPI) measures for asbestos safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) which came in to force 01 April 2023. Performance must be reported to the Regulator on a quarterly basis; however we will report internally to SLT.

The relevant TSM for Asbestos Safety is defined as follows:

BS03 – Asbestos Safety Checks:

Proportion of homes for which all required asbestos management surveys or re-inspections have been carried out.

- 16.2 Reporting Lines & Frequency

Performance reports will be presented to the following colleagues and internal committees as below.

| From | To | Frequency |
|---|---|-----------|
| Compliance Workstream Manager | Head of Building Safety | Monthly |
| Head of Building Safety | Assistant Director, Building Safety & Housing Property Services | Monthly |
| Assistant Director, Building Safety & Housing Property Services | Senior Leadership Team | Quarterly |
| Head of Building Safety | Exec Housing Working Group | Quarterly |

16.2 We will also report the following:

Data – The total number of:

- Properties – Communal Blocks
- Properties on the asbestos management / re-inspection programme
- Properties with a valid and in date survey / re-inspection
- Properties due to be surveyed / re-inspected with the next 30 days
- Completed, in time and overdue follow up / remedial actions arising from surveys.

Narrative – an explanation of the:

- Current Position
- Corrective action required
- Anticipated impact of corrective action
- Progress with completion of follow up / remedial works

In addition:

- The number of RIDDOR notifications to the HSE with regards to asbestos safety

17. Significant Non-Compliance and Escalation

17.1 Our definition of significant 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 as soon as possible, and no later than 24 hours after the incident occurred, or of a SBC employee becoming aware of it.

17.2 Any non-compliance issue identified at an operational level will be formally reported to the Head of Building Safety in the first instance, who will agree an appropriate course of corrective action with the Assistant Director – Building Safety & Housing Property Services and report details of the same to the SLT.

17.3 In cases of serious non-compliance, SLT & Executive 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 such as the Health and Safety Executive.

18. Policy Review Frequency

18.1 This policy will be reviewed every two years, or earlier if there is a planned change in legislation or regulation.