

# Asbestos Policy

## Housing Assets

April 2022

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## **1 Introduction**

- 1.1 Breathing in air containing asbestos fibres can lead to asbestos-related diseases, mainly cancer of the lungs and chest lining. Asbestos is only a risk to health if asbestos fibres are released into the air and inhaled.
- 1.2 There is usually a long delay between first exposure to asbestos and the onset of the disease (15-60 years). Only by preventing or minimising these exposures now can asbestos-related disease eventually be reduced.
- 1.3 Any Canterbury City Council (hereafter referred to as CCC) home or building built or refurbished before the year 2000 may contain asbestos. As long as the asbestos containing material (ACM) is in good condition and is not going to be disturbed or damaged, there is negligible risk. However, if it is disturbed or damaged it can become a danger to health, because people may breathe in any asbestos fibres released into the air. Workers who carry out repairs and maintenance work are at particular risk. If asbestos is present and can readily be disturbed, is in poor condition and not managed properly, others who may be occupying the homes or buildings could also be put at risk.
- 71.4 CCC is responsible for the maintenance and repairs to homes, non-domestic (communal blocks) and 'other' properties (e.g. offices, commercial shops, depots, etc.), many of which will have been constructed using asbestos containing materials. As such, the organisation has a legal 'duty to manage' asbestos in its homes and buildings and this must be done in accordance with The Control of Asbestos Regulations (CAR) 2012.

## **2 Scope**

- 2.1 CCC has a policy which meets the requirements of The Control of Asbestos Regulations (CAR) 2012, which came into force on 6<sup>th</sup> April 2012. In addition to this, the policy will provide assurance to CCC that measures are in place to identify, manage and/or mitigate risks associated with asbestos. In addition, CCC has an Asbestos Management Plan (AMP), which outlines key information on roles and responsibilities, and the management of information, works, and ACMs.
- 2.2 CCC must also ensure that compliance with asbestos is formally reported to the Director of Corporate Services, Director for People and Place and Director for Strategy and Improvement (these directors make up the Corporate Leadership Team) and Extended Management Team, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all CCC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It will be used by all to ensure they understand the obligations placed upon CCC to maintain a safe environment for tenants and employees

within the homes of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed).

- 2.5 The objective of the policy is to set our strategic direction for how CCC will manage asbestos. The detail on how this will be done is set out in the Procedure for Asbestos, which is a separate document.

### **3 Legislation, Approved Codes of Practice and Industry Guidance**

- 3.1 Regulatory Standards - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 3.2 Legislation - the principal legislation applicable to this policy is The Control of Asbestos Regulations (CAR) 2012, which came into force on 6th April 2012. Canterbury has a legal obligation under Part 2, Section 4 of the legislation (Duty to manage asbestos in non-domestic properties) and is the 'Duty Holder' for the purposes of the legislation. CCC is the 'duty holder' by virtue of the fact that it owns and manages homes and buildings, housing tenants and leaseholders through the tenancy and lease agreement obligations it has.
- 3.3 Approved Codes of Practice and Guidance – the principal approved codes of practice and guidance (as updated) applicable to this policy are:
- ACoP L143 - 'Managing and working with Asbestos' (Second edition December 2013)
  - HSG264 - 'Asbestos: The survey guide' (Second edition 2012, this holds ACoP status)
  - HSG248 – 'Asbestos: The analysts guide for sampling, analysis and clearance procedures' (First edition 2006)
  - HSG247 - 'Asbestos: The licensed contractors' guide' (First edition 2006)
  - HSG227 - 'A comprehensive guide to managing asbestos in premises' (First edition 2002)
  - HSG210 - 'Asbestos Essentials – A task manual for building, maintenance and allied trades and non-licensed asbestos work' (Fourth edition 2018)
- 3.4 Sanctions – CCC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation, and approved codes of practice, and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work etc Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing (RSH).

- 3.5 Tenants and Leaseholders – CCC will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential asbestos related inspection and remediation works.

## **4 Obligations**

- 4.1 The duty to manage asbestos is included in The Control of Asbestos Regulations (CAR) 2012. The duty requires CCC to manage the risk from asbestos by:
- 4.1.1 Finding out if there is asbestos present, where CCC has an obligation to do so, in the homes and buildings owned and managed by the organisation (or assessing if asbestos containing materials are liable to be present and making a presumption that materials contain asbestos, unless the organisation has strong evidence that they do not). CCC must also identify its location and identify what condition it is in. If the home or building was built prior to the year 2000 the organisation will assume asbestos is present. If the home or building was built after the year 2000 asbestos is unlikely to be present and no further action will be required.
  - 4.1.2 Making and keeping an up-to-date record (referred to as the 'asbestos register') of the location and condition of the asbestos containing materials or presumed asbestos containing materials in the homes and buildings owned and managed by the organisation.
  - 4.1.3 Assessing the risk from the asbestos containing materials found.
  - 4.1.4 Preparing an Asbestos Management Plan that sets out in detail how the organisation is going to manage the risk from the asbestos containing materials and taking the steps needed to put the asbestos management plan into action.
  - 4.1.5 CCC will review and monitor the asbestos management plan and the arrangements made to put it in place; and set up a system for providing information on the location and condition of the asbestos containing materials to anyone who is liable to work on or disturb these materials.
- 4.2 Anyone who has information on the whereabouts of asbestos in homes and buildings is required to make this available to the organisation's 'duty holder', but the organisation then has to assess its reliability.

## **5 Statement of Intent**

- 5.1 CCC recognises that the main hazard in relation to asbestos is the non-identification of ACMs, and as such will protect those persons potentially exposed to asbestos as far as is reasonably practical by minimising the exposure through the use of appropriate control measures and working methods.
- 5.2 CCC accepts that asbestos is likely to be present in the majority of its properties built prior to the year 2000 and will therefore manage these properties accordingly.
- 5.3 In order to fully comply with the legislation CCC has an approved Asbestos Policy. In addition the organisation has an Asbestos Management Plan and will develop an Asbestos Register which will hold records of the assets which have asbestos containing materials in them.
- 5.4 CCC has arrangements in place to manage and control the risk of asbestos to all stakeholders associated with the assets CCC are responsible for. Any re-inspections which fall outside of CAR 2012 will be subject to the HHSRS process to determine and manage risk.
- 5.5 CCC will include all detailed arrangements for managing asbestos within the AMP.

## **6 Roles and Responsibilities**

- 6.1 Overall responsibility for health and safety and the policy within Canterbury City Council lies with the two Joint Chief Executives.
- 6.2 Responsibility for ensuring this policy is being carried out lies with the Extended Management Team for all areas under their direct control. The Extended Management Team will ensure an appropriate system of communication is in place whereby all significant accidents, incidents, audits, reviews or other documents relating to the management of the organisation are brought to the attention of the Service Director at the earliest opportunity.
- 6.3 CCC's Head of Facilities Management as part of the Extended Management Team will have overall governance responsibility for ensuring the Asbestos Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice.
- 6.4 CCC's Head of Facilities Management will receive regular updates on the implementation of the Asbestos Policy and asbestos safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.

- 6.5 CCC's Head of Facilities Management will ensure that this policy is saved on the organisations' shared drive for corporate health and safety and distributed to all relevant members of staff.
- 6.6 CCC's Lead Compliance and Building Safety Manager has strategic responsibility for the management of asbestos and for ensuring compliance is achieved and maintained. They will also oversee the implementation of the Asbestos policy and Asbestos Management Plan and review it every three years (or sooner if there is a change in regulation, legislation or codes of practice). They will notify the Head of Facilities Management and relevant operational team(s) responsible for the delivery of the compliance programme, of the upcoming review. They will ensure that this review process takes place before the policy expiry date.

A combined group will be responsible for overseeing the operational delivery of the agreed asbestos compliance programme, and the prioritisation and implementation of any works arising from the AMP and asbestos surveys/sampling. This group will include Contract Managers, Compliance Officers, Compliance Inspection Officers, Works Delivery Team Leaders, Case Officers and Case Team Leaders.

- 6.8 Various departments under the Joint Chief Executives will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also support in facilitating the legal process to gain access as necessary.

## **7 Arrangements**

- 7.1 There are a number of methods used to ensure that asbestos is managed and controlled in accordance with CAR 2012. Some of these key arrangements are:
- 7.1.1 An Asbestos Management Plan is maintained, regularly reviewed, updated as necessary and communicated to all necessary stakeholders identified within the AMP.
- 7.1.2 An asbestos register is in place, maintained and regularly updated. All necessary stakeholders should be given access to this register. The register must be electronic and consulted before any work takes place within an asset owned by Canterbury.
- 7.1.3 CCC will employ competent external contractors (in line with HSG264) to undertake asbestos management surveys. Licensed asbestos removal operatives and/or contractors will be employed to carry out licensed remediation works (where necessary) to non-domestic (communal blocks/'other' properties) and domestic properties. CCC will employ suitably competent persons to undertake asbestos re-inspections and the removal of non-licensed asbestos.



- 7.1.4 CCC will also undertake an intrusive refurbishment and demolition (R&D) survey to domestic and non-domestic properties as and when required as per HSG264. This will also be in accordance with the criteria set out in the CCC Asbestos Management Plan, which should be read in conjunction with this policy.
- 7.1.5 CCC considers good communication essential in the safe delivery of asbestos management and will therefore ensure that information about asbestos containing materials (known or suspect) is provided to every person liable to disturb it, accidentally or during the course of the work. This includes employees and tenants. Information is provided in tenants' welcome packs around asbestos.

## **8 Additional Legislation and Industry Guidance**

- 8.1 This asbestos policy also operates in the context of the following additional legislation:
  - 8.1.1 Health and Safety at Work etc Act 1974
  - 8.1.2 The Management of Health and Safety at Work Regulations 1999
  - 8.1.3 The Workplace (Health Safety and Welfare) Regulations 1992
  - 8.1.4 Personal Protective Equipment at Work Regulations 1992
  - 8.1.5 Hazardous Waste (England and Wales) Regulations 2005 (Amendment 2009)
  - 8.1.6 Control of Substances Hazardous to Health (COSHH) Regulations (as amended) 2002
  - 8.1.7 Construction (Design and Management) Regulations 2015
  - 8.1.8 Defective Premises Act 1972
  - 8.1.9 Landlord and Tenant Act 1985
  - 8.1.10 Data Protection Act 2018
  - 8.1.11 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
  - 8.1.12 Homes (Fitness for Human Habitation) Act 2018
  - 8.1.13 The Asbestos (Licensing) (Amendment) Regulations 1998
  - 8.1.14 Housing Health and Safety Rating System Guidance (Version 2)

**9 Approval**

9.1 Signature

9.2 Name Marie Royle

9.3 Title Service Director

9.4 Date Signed 23 April 2025

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