



Housing Services
Housing Asbestos policy (2021)

Document Control

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Approval history

Version	Change	Date	Approving body
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Equality analysis assessment

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1 Contents

1- Contents	page 3
2- Introduction	page 4
3- Equalities Statement	page 5
4- Scope & Legal Context	page 5
5- Responsibilities	page 6
6- Explicit Duties	page 7
7- Survey	page 8
8- Data Storage & Sharing	page 9
9- Training	page 10
10- Principles	page 10
11- Management Plan	page 11
12- GDPR & Data Protection	page 11
13- Review	page 11

2 Introduction

COVID-19 Information

The London Borough of Havering is committed to ensuring the safety of all residents, staff, contractors and visitors & meeting its responsibilities under the Health and Safety at Work, etc. Act 1974 the Management of Health and Safety at Work Regulations 1999, and associated protective legislation.

Robust safety procedures are in place at all offices and locations, which includes a comprehensive risk assessment in relation to COVID-19.

Any staff, third party suppliers, contractors or visitors who require access to facilities, are provided with a full briefing outlining the steps the borough has taken to ensure the highest standards of safety, health and hygiene are maintained at all times.

Additional control measures have been introduced and are reviewed and amended & communicated in line with the latest government and PHE advice.

- 2.1 Keeping residents safe from harm is paramount and this extends to managing any risk associated with asbestos to employees, residents, visitors, contractors and members of the public as far as reasonably practicable. We will comply with all relevant legislation and regulations to help keep residents safe.
- 2.2 We acknowledge and accept responsibility under the Health and Safety at Work Act 1974, and the Control of Asbestos Regulations (CAR) 2012 to identify and to safely manage Asbestos Containing Materials on our premises. Approved codes of practice and guidance information published by the Health and Safety Executive will be taken as the adopted standard.
- 2.3 Asbestos is a product which was widely used up until the 1990s. Whilst it has been used because of its excellent heat resistance and thermal properties, it has been identified as a hazardous substance that can offer significant health issues.
- 2.4 Asbestos can be found in a variety of forms and uses, including (but not limited to) asbestos cement, artex ceilings, soffits and fascia boards and pipe lagging, and comes in a number of different types. When asbestos containing materials are damaged, fibres can be released and the inhalation of these fibres can lead to a number of fatal diseases of the lung.
- 2.5 This policy sets our core principles for dealing with asbestos and is underpinned with the detailed Asbestos Management Plan.
- 2.6 We will manage Asbestos Containing Materials through reasonable, practicable means to prevent exposure to asbestos fibres and therefore comply with the regulations.

- 2.7 We will manage Asbestos Containing Materials safely, unless it becomes a risk for it to remain in-situ as it is not always essential to remove Asbestos Containing Materials.
- 2.8 In order to manage and control the risks from Asbestos Containing Materials to employees, occupants, contractors and others, the measures within this policy, the Housing Asbestos Management Plan and procedures will be adopted.

3 Equalities Statement

The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.

Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable: the Council will take action to ensure no person using the council's premises or services receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.

The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.

4 Scope and Legal Context

- 4.1. As owners and managers of homes, the London Borough Of Havering have a duty of care to ensure that residents and visitors can use the relevant buildings safely. This policy applies to properties managed by Havering Housing Services.
- 4.2 Any properties subject to a management agreement will be managed as set out in the terms of the management agreement or lease.
- 4.3 Where Havering Housing Services is not the duty holder but is involved with the site or service, it will cooperate as much as is reasonably possible with the duty holder.
- 4.4 The policy applies to employees, agents and contractors.

4.5. This asbestos policy should be read in conjunction with the Havering Housing Services Asbestos Management Plan which covers roles and responsibilities and all aspects of the asbestos management process.

4.6 Principle Legislation

- The Landlord and Tenant Act 1985
- Health and Safety at Work Act 1974
- Control of Asbestos Regulations 2012
- Hazardous Waste (England and Wales) Regulations 2005

4.7. Guidance and Codes of Practice

- L143 Managing and working with asbestos (2013)
- HSG 264 Asbestos: The Survey Guide (2012)
- HSG 247 Asbestos: The licensed asbestos contractor's guide (2006)
- HSG 227 A comprehensive guide to managing asbestos in premises

4.6. Additional Legislation

4.6.1 This policy also operates in the context of the following additional legislation:

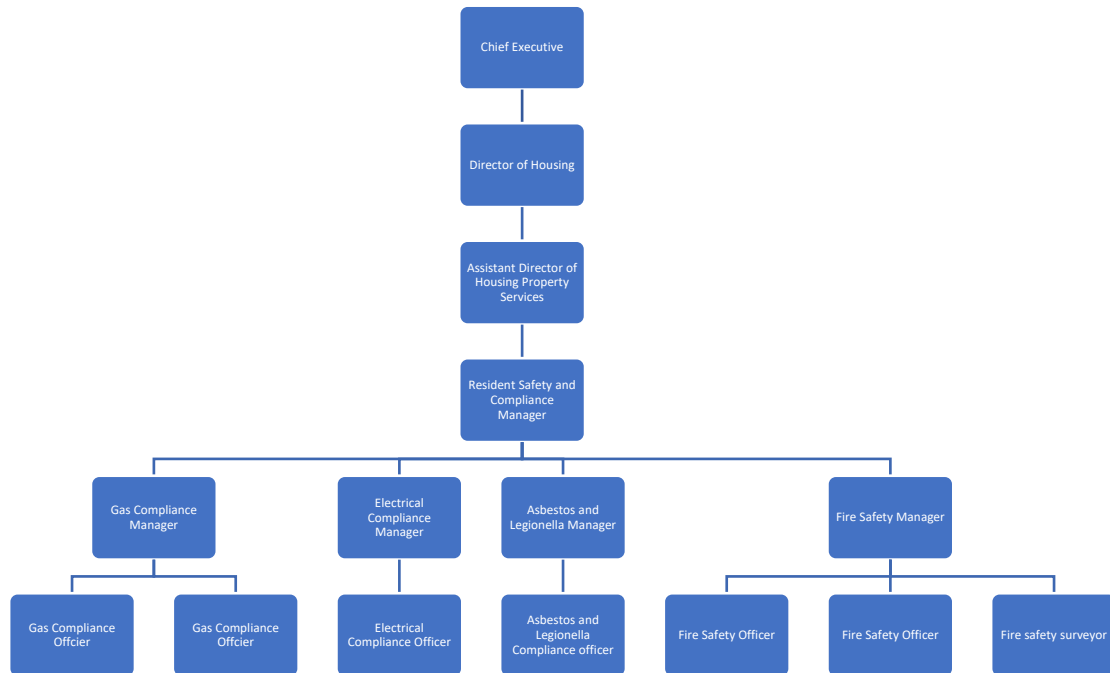
- The Management of Health and Safety Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- The Housing Act 2004
- The Defective Premises Act 1972
- Construction Design and Management Regulations 2015
- Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013

5 RESPONSIBILITIES

5.1 Full details of individual responsibilities are identified in the Asbestos management plan.

Duty Holder	–	Chief Executive of Havering
Appointed Person	–	Assistant Director of Property Service
Responsible Person	-	Asbestos and Legionella Compliance Manager

5.2 Staff structure



6 EXPLICIT DUTIES

6.1 Regulation 4 of The Control of Asbestos Regulations identifies the duty to manage asbestos in the common areas of our properties. It requires the duty holder (directly or delegated) to:

- Take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so, its amount, where it is and what condition it is in.
- Presume materials contain asbestos unless there is strong evidence that they do not;
- Make, and keep up-to-date, a record of the location and condition of the asbestos-containing materials - or materials which are presumed to contain asbestos.
- Assess the risk of anyone being exposed to fibres from the materials identified.
- Prepare a plan that sets out in detail how the risks from these materials will be managed.
- Take the necessary steps to put the plan into action.
- Periodically review and monitor the plan and the arrangements to act on it so that the plan remains relevant and up-to-date.
- Provide information on the location and condition of the materials to anyone who is liable to work on or disturb them

6.2 The Health and Safety at work act states the general duties of every employer to their employees:

- It shall be the duty of every employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of all his employees;
- (2)Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends include in particular;
- the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;
- the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;
- so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;
- the provision and maintenance of a working environment for their employees that is, so far as is reasonably practicable, safe, within regulations.

STAKEHOLDERS

1.1 Residents and Leaseholders

The White paper highlighted the need to engage residents in the safety of buildings and treat them as partners, both to seek their views and opinions but also to ensure they understand their duties.

We will therefore:

Make compliance data available to residents on request

Ensure engagement is embedded in our core service offer both during works programmes and under normal circumstances

Ensure residents are involved in decisions around health and safety works to their homes

Ensure complaints are dealt with fairly and transparently

Ensure all residents are made aware of relevant strategies, LBH responsibilities and residents responsibilities at the time of sign up

Ensure residents are aware of how to raise concerns or issue with health and safety within their buildings

1.2 Regulator of Social Housing

As a provider of Social Housing LBH is accountable to the regulator for Social Housing who take a co-regulation approach to ensuring providers meet economic and consumer standards, explicitly that contained in the home standard

Registered providers shall meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes
The Director of Housing will be responsible for managing a proactive relationship with the Regulator and to ensure all standards are met.

1.3 Councillors

The Regulator for Social Housing stated in its review of the consumer standards in 2019 that;

Boards and Councillors are responsible for ensuring registered providers meet the consumer standards, this is a fundamental part of the registered providers' commitment to co-regulation. Registered providers should have the systems and processes in place to provide assurance to their Boards and Councillors that the standards are being met.

We will ensure that Compliance is reported monthly to Councillors via the Themedboard and all exceptions are highlighted. Action plans for achieving compliance will be shared with Councillors.

We will provide an annual Compliance Statement at the end of each financial year detailing our position and remedial actions required.

7 SURVEYS

- 7.1 All surveys will be conducted in accordance with HSE guidance 264 Asbestos: The Survey Guide. And undertaken by qualified UKAS accredited asbestos surveyors.
- 7.2 Surveys fall into 3 principle types;
 - i. Management surveys – to locate as far as is reasonably practical the presence and extent of asbestos containing materials in a property which could be damaged or disturbed by normal occupancy and to assess their condition. This is the principle survey used to populate the asbestos register.
 - ii. Refurbishment and Demolition surveys – are required before any work is carried out which cannot be undertaken using controlled measures and is used to determine the extent and scope of any asbestos removal or remediation works required before works.
 - iii. Re-inspection surveys – these are re-inspection of management surveys and are used to monitor the condition of any identified asbestos containing materials.
- 7.3 Where residents request a copy of the asbestos information held on their homes, LBH will provide this within 28 days, this may be for general information or to support an application for Landlords consent to undertake works.

- 7.4 At each void property we will leave a copy of the asbestos management survey as part of the welcome pack, this will include appropriate advice on managing asbestos and what to do in the event of an incident.

8 DATA STORAGE AND SHARING

- 8.1 All asbestos information will be held on a centrally available asbestos register, which clearly identifies the property, the asbestos information held, the risk rating for that property and links to the full asbestos survey.
- 8.2 This information will be available to all staff.
- 8.3 This information will be shared with staff, operatives and contractors who are likely to visit and/or undertake any works to those properties.
- 8.4 Information will be shared with tenants when applying for landlords consent to undertake works to their properties, should LBH hold relevant information.
- 8.5 Where practicable contractors should be given direct access into the database and be allowed to access the information themselves.
- 8.6 All new surveys or asbestos information will be uploaded onto the database and the risk rating amended accordingly.
- 8.7 A full audit trail of changes to the database will be available.

9 TRAINING

- 9.1 Relevant training will be provided to all staff. This will be dependent on roles and responsibilities. A full training matrix will form part of the Asbestos management plan.

10 PRINCIPLES

- 10.1 General principles:

- All materials within LBH properties **MUST** be presumed to contain asbestos and treated accordingly unless, or until, strong evidence is provided to the contrary, except;
- Properties built after 2001 can be reasonably expected to **NOT** contain any asbestos containing materials.

10.2 HRA Properties

- A full asbestos risk register will be kept for all HRA assets
- As per Regulation 4 of the Asbestos Regulations all communal areas will require a Management level Survey
- As per the Health and safety at work act, which requires all workplaces to be safe for employees, all domestic properties will require a management level survey
- All garages, stores, outbuilding and sheds will have a management level survey
- For domestic properties, garages, sheds and outhouses which are of a similar archetype, age and condition cloned data can be used ahead of obtaining a full survey
- All properties where asbestos is present will be re-inspected, as per the risk assessment but as a minimum every 3 years

10.3 PSL Properties

- LBH will ensure the landlord provides a management level asbestos survey prior to LBH taking the property

10.4 Hostels

- We will have a management level surveys for all hostels owned and managed by LBH

10.5 Works

- No works which may disturb asbestos will be undertaken until a review of the management survey has taken place and where necessary an RFD survey completed and appropriate measure put in place.

11 MANAGEMENT PLAN

- 11.1 The Asbestos Management plan sets out the key process in managing asbestos including providing an appropriate matrix to assess risk, and relevant processes to manage surveys, resurveys and incidents.

12 GDPR & Data Protection

The London Borough of Havering shares the commitment to ensure that all data is:

- processed lawfully, fairly and in a transparent manner
- collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices
- relevant and limited to whatever the requirements are for which the data is processed
- accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay
- stored for as long as required, as specified within the London Borough Of Havering's Records Retention policy
- secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction or damage.

For further information about the Council's commitment to the General Data Protection Regulations (GDPR), visit the Council's website at [Havering data protection.](#)

13 Assurance Review

- 6.1 13.1 In order to provide overview and governance of compliance a Housing Compliance board has been created, chaired by the Director of Housing. All operational matters will be reported to this board and it will be responsible for ensure continued compliance with this policy and management plan.
- 6.2 This group will report upwards to both SLT and corporate H&S performance board, the full terms of reference are provided at appendix 1.
- 6.3 A full suite of KPIs will be provided to the Compliance board, SLT and Themedboard on a monthly basis which will show our compliance position across all areas, any programmes which are working towards full compliance and action plans which will demonstrate actions being taken to attain and remain fully compliant.
- 6.4 The KPIs will not only provide the compliance position but also actions which flow from risk assessments to ensure no actions go past their due date. The full report is shown in appendix 2, any changes will be approved by Compliance Board

- 6.5 We will undertake Bi-annual internal audits to test the systems, processes and data held
- 6.6 We will undertake internal and/or external audits regularly in line with the corporate audit plan
- 6.7 We will engage an external expert to provide support to the Cabinet which will ensure they are able to understand and fully scrutinise the data being presented to them

This policy will be reviewed every three years or at any significant change in relevant legislation.

- 13.2 The Housing asbestos management plan will be reviewed annually or at any significant change in legislation.
- 13.3 Bi-annually the policy and management plan will be reviewed by an independent external expert to ensure continued compliance with legislation and best practice.