



Housing Services  
**Asbestos policy (2021)**

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# 1. Introduction

## 1.1 - Purpose of this policy

This policy sets our core principles for dealing with asbestos and is underpinned with the detailed Asbestos Management Plan.

## 1.2 - Aim of this policy

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.

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.

## 1.3 - Scope of this policy

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.

Any properties subject to a management agreement will be managed as set out in the terms of the management agreement or lease.

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.

The policy applies to employees, agents and contractors.

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.

We will manage Asbestos Containing Materials through reasonable, practicable means to prevent exposure to asbestos fibres and therefore comply with the regulations.

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.

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.

## 1.4 - Delegated authority to make minor changes to this policy

To ensure that this policy is operated fairly and legally throughout, the Assistant Director of Property & Land Services, in consultation with the Director of Housing, will be able to approve minor amendments; i.e. amendments that do not significantly change this policy or associated procedures.

### **1.5- Timescales for this policy**

This policy will commence in March, 2021 and will be subject to review annually.

However, it may be revised beforehand to accommodate legislative and/or regulatory changes that may occur during the interim.

### **1.6- Legal context of this policy**

This policy operates in the context of the following legislation and Codes of Practice:

- 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
- 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
- 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

## **2. Background**

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.

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.

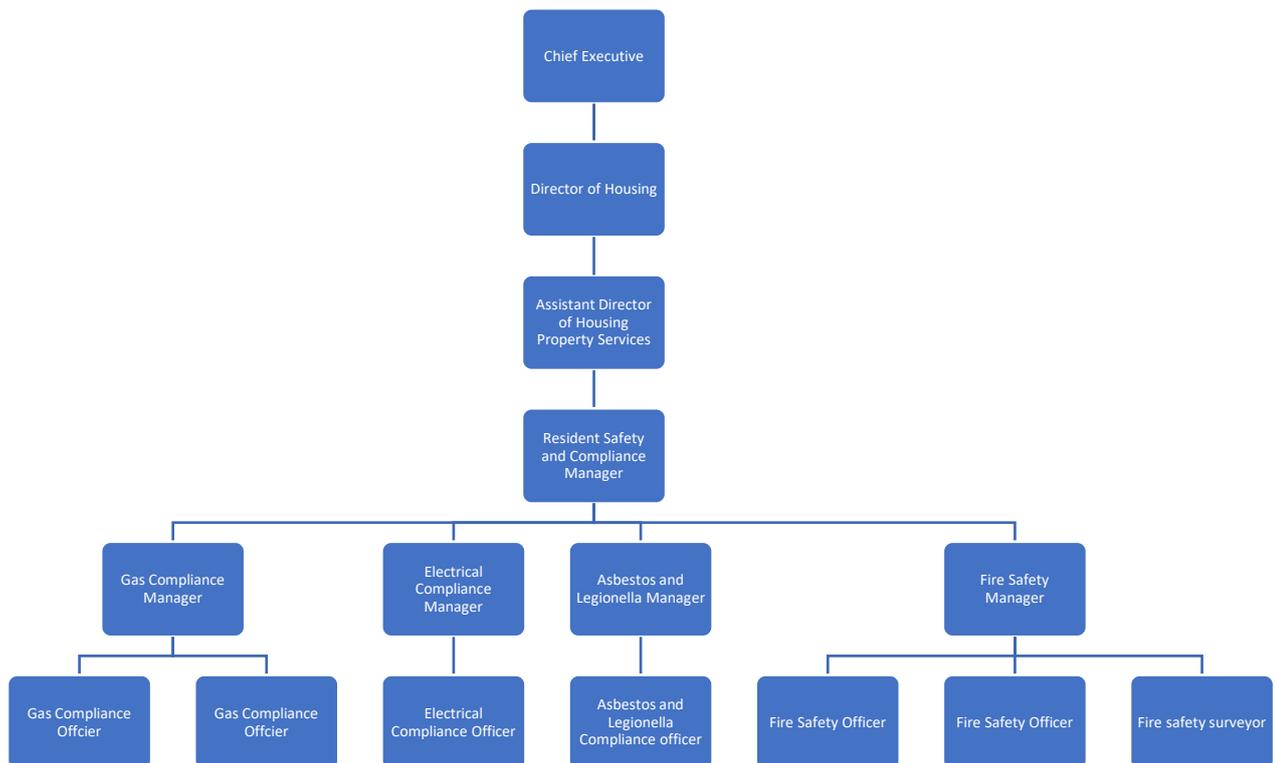
When asbestos containing materials are damaged, fibres can be released and the inhalation of these fibres can lead to a number of fatal diseases of the lung.

### 3. Responsibilities

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

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

Staff structure:



### 4. Explicit Duties

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

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;
- 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.

## **5. Stakeholders**

### **5.1 - 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

### **5.2 - 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.

### **5.3 - 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 report monthly to Councillor via the Themed Board and all exceptions are highlighted.

Actions 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.

## **6. Survey**

All surveys will be conduction in accordance with HSE guidance 264 Asbestos: The Survey Guide and will be undertaken by qualified UKAS accredited asbestos surveyors.

Surveys fall into 3 principle types;

- i. Managements 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.

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.

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.

## 7. Data Storage & Sharing

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. This information will be shared with staff, operatives and contractors who are likely to visit and/or undertake any works to those properties.

Information will be shared with tenants when applying for landlords consent to undertake works to their properties, should LBH hold relevant information.

Where practicable contractors should be given direct access into the database and be allowed to access the information themselves.

All new surveys or asbestos information will be uploaded onto the database and the risk rating amended accordingly.

A full audit trail of changes to the database will be available.

## 8. Training

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.

## 9. Principles

### 9.1 - General:

- 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.

### 9.2 - 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

### **9.3 - PSL Properties:**

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

### **9.4- Hostels:**

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

### **9.5- 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.

## **10. Management Plan**

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, re-surveys and incidents.

## **11. Equal Opportunities Statement**

The Council will seek to ensure that this policy is, at all times, implemented in a manner that is fair to all sections of the local community.

All applicants for housing or re-housing will be invited to indicate if they wish to make use of the Council's translation and interpretation services, or if they require additional services to enable them to access and understand the strategy to ensure that they are not disadvantaged in any way.

They also will be invited to provide details of ethnic origin, sexuality, disability and other equalities information. Provision of this information is not obligatory or a requirement for acceptance of an application.

However, such information will help monitor the number and types of protected characteristics requiring hostel support, and will help ensure that service improvement evolves in line with any changing local needs.

Equalities records will be kept and monitored to ensure hostel accommodations are offered and allocated fairly.

This policy will be regularly reviewed ensure it is not operated in any way that could discriminate or disadvantage against any particular group of people. All information provided will be kept confidential and treated with respect at all times.

## **12. Data Protection Statement**

Havering Council takes personal privacy matters very seriously and will never share the individual's personal data without their prior knowledge, unless required to do so by law.

For full details about how the Council protects personal data, please visit [Havering Council Data Protection policy](#).

## **13. Dissemination and communication of this policy**

Housing Services will consult with all affected stakeholders, directly or indirectly, to ensure this policy fulfils its purpose to be clear and transparent.

This policy will be made available internally and externally in hard copy and electronic versions, as well as various formats – such as easy read, multi-lingual, braille and audio - upon request.

## **14. Implementation of this strategy**

This policy will take effect from March, 2021.

Responsibility for the successful implementation of this policy will be with Havering Council's Assistant Director of Property & Land Services.

## **15. Monitoring and Review of this policy**

This management plan will be reviewed every year or at any significant change in relevant legislation or best practice guidelines.

Bi-annually the policy and management plan will be reviewed by an independent external expert to ensure continued compliance with legislation and best practice.

Six-monthly we will engage an external surveyor to undertake a 5% audit of surveys and removals works.