

Policy:

Housing Asbestos Management Policy

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Control Schedule

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Approved By:	<i>Cabinet</i>		
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Policy Statement

1. As a landlord, Ashford Borough Council (ABC) is responsible for the maintenance and repairs to its homes and other buildings it owns and manages, some of which may contain asbestos-containing materials (ACMs).
2. This policy sets out how we will meet our obligations under the Control of Asbestos Regulations 2012 to manage asbestos within homes we own and manage and to prevent exposure to asbestos fibres, ensuring they remain safe for residents, employees, and others.

Scope of the policy

3. This policy applies to housing assets that are owned and managed by Ashford Borough Council, both socially rented housing and properties used as temporary or move-on accommodation. These include blocks of domestic flats, Independent Living Schemes and supported housing schemes.
4. This policy does not cover temporary accommodation that is used by Ashford Borough Council but owned and managed by others. Asbestos management obligations in those buildings rest with the organisations that own and manage those buildings. It does not cover other buildings owned and managed by ABC, which are covered by our corporate Asbestos Management Policy.
5. 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.
6. The policy should be used by all to ensure they understand the obligations placed upon the Council 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 and it is supported by robust procedures.

Relationship with other existing policies

7. This policy should be read alongside our corporate Asbestos Management Policy and the Housing Asbestos Procedure.
8. This policy forms part of our wider organisational commitment to driving a positive health and safety culture amongst staff, contractors and for our tenants (as detailed within our corporate Health and Safety Policy).

Legal Framework

9. This policy ensures we fulfil our statutory and regulatory obligations under the following principal legislation and regulations:

- Health and Safety at Work Act 1974
- Control of Asbestos Regulations 2012
- Safety and Quality Consumer Standard 2024

10. The principal approved codes of practice and guidance applicable to this policy are as follows:

- L143 – Managing and Working with Asbestos (Approved Code of Practice)
- HSG264 – Asbestos: The Survey Guide
- HSG247 – Asbestos: The Licensed Contractors' Guide

11. This policy also operates within the context of the following legislation:

- Landlord and Tenant Act 1985
- Workplace (Health Safety and Welfare) Regulations 1992
- Management of Health and Safety at Work Regulations 1999
- Housing Act 2004
- Disability and Discrimination Act 2005
- Equality Act 2010
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Homes (Fitness for Human Habitation) Act 2018
- Data Protection Act 2018

Key Roles and Responsibilities

12. The Chief Executive has overall responsibility for asbestos management within Ashford Borough Council.

13. The Assistant Director of Housing has overall strategic responsibility for asbestos management in relation to our housing assets.

14. The Head of Housing Assets is the operational lead for housing asbestos management and compliance.

15. The Compliance Manager is responsible for the operational delivery of this policy.

Obligations

Control of Asbestos Regulations 2012

16. Non-domestic areas of residential buildings (for example, communal areas) fall within the scope of the duty to manage asbestos. Domestic premises may also be affected where work is undertaken.

17. As a landlord, under the Control of Asbestos Regulations 2012 we are required to:

- Take reasonable steps to determine the location and condition of asbestos-containing materials
- Presume materials contain asbestos unless there is strong evidence that they do not
- Maintain an up-to-date asbestos register
- Assess the risk of exposure from ACMs
- Prepare and implement an asbestos management plan
- Ensure information is provided to those liable to disturb ACMs

Health and Safety at Work Act 1974

18. Section 3 of the Health and Safety at Work Act makes employers, such as landlords, responsible for the Health and Safety of employees and people using or visiting their premises, so far as reasonably practicable (including residents).

Insurance

19. Insurers may impose demands for similarly stringent levels of risk management to cover public liability. The Control of Asbestos Regulations 2012 require landlords to manage asbestos and prevent exposure to asbestos fibres.

Statement of Intent

20. We acknowledge and accept our responsibilities under the legislation outlined above.

21. We will ensure that asbestos risks are identified, assessed, recorded and managed in accordance with the Control of Asbestos Regulations 2012 and all other relevant legislation.

22. All relevant properties will be subject to asbestos management surveys and, where required, refurbishment and demolition surveys.

23. We will maintain an up-to-date asbestos register and management plan where the responsibility to carry out this function sits with us.

24. We will ensure that asbestos-containing materials are managed in situ where safe to do so and removed where the risk cannot be adequately controlled.

25. We will appoint suitably competent asbestos surveyors, analysts and licensed contractors to undertake asbestos-related works.

26. We will ensure that asbestos risks are always effectively controlled.

27. We will operate robust processes to deal with emergency situations involving suspected or confirmed asbestos disturbance.

28. We will operate a robust process to manage and rectify immediate risks identified during asbestos surveys, inspections or any other maintenance work.

29. We will comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) for all works.
30. We will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to asbestos.
31. We will ensure there is a robust process in place to gain access to domestic homes to carry out asbestos surveys and any necessary remedial works.

Inspection Programmes

Asbestos Surveys

32. All relevant properties will be subject to asbestos surveys:

- Before occupation where survey information is not already available
- Prior to any refurbishment or demolition works
- In accordance with regulatory requirements and good practice guidance

Re-inspections

33. All identified ACMs will be subject to periodic re-inspection in accordance with the asbestos management plan.

Maintenance

34. ACMs that are in good condition and not likely to be disturbed will be subject to ongoing monitoring and management.

Follow-up Work

35. We will ensure there is a robust process in place for managing any required follow-up works following the completion of an asbestos survey or inspection (where the work cannot be completed at the time of the check).

Competent Persons

36. Only suitable competent asbestos consultants and contractors will be appointed to undertake surveys, risk assessments, analytical services and asbestos works.

Non-Compliance/Escalation

37. Our 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.
38. Any non-compliance issue identified at an operational level will be formally reported to the Head of Housing Assets in the first instance, who will agree an appropriate course of corrective action with the Assistant Director of Housing. Issues should be reported within 24 hours of the issue being known.

39. In cases of serious non-compliance, the Chief 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 HSE. In such instances, the issue will also be reported to the appropriate Member Committee.

Data and Records

40. We will maintain a core asset register of all properties we own or manage setting out which properties contain, or may contain, ACMs which must be managed.
41. We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from asbestos management programmes and the programme remains up to date.
42. We will hold asbestos survey information, registers and re-inspection dates against each property we own or manage. We will keep all asbestos records and data for the duration that we own and manage the property/in line with our document retention policy and will have robust processes and controls in place to maintain appropriate levels of security for all asbestos-related data.

Performance Reporting

43. We will report robust key performance indicator (KPI) measures for asbestos compliance. These will be collected monthly and quarterly and reported internally and externally and as required by the Regulator of Social Housing.

Quality Assurance

44. We will ensure there is programme of annual third-party quality assurance audits of asbestos management activities.
45. We will carry out an independent audit of asbestos management at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

Resident Engagement

46. We consider good communication, feedback and consultation essential in the effective delivery of asbestos management programmes. We will work in collaboration with our involved residents to use a variety of ways to communicate clearly and transparently with our residents to understand performance and involve them to help shape services around compliance.

Vulnerabilities

47. We will ensure that we take resident vulnerabilities into account when carrying out any surveys, inspections, or works relating to asbestos.

Equalities Impact Assessment

48. We are committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. We, in delivering this policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
49. The Public Sector Equality Duty is a duty on us and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.
50. An Equality Impact Assessment has been undertaken to assess the impact this policy will have on affected persons with protected characteristics. The review concluded that there were no known adverse impacts on any persons with protected characteristics.

Review of Policy

51. This policy will be updated every three years or sooner in the event of any major legislative or operational changes.