

Tenant and Leaseholder Services

Asbestos Policy

1.0 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 breathed in. Past exposure to asbestos currently kills around 5000 people a year in Great Britain.

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 be reduced.

1.3

Homes and buildings 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 are at particular risk. TDC is responsible for the maintenance and repairs to homes, non-domestic (communal blocks) and 'other' properties under the HRA, many of which will have been constructed using ACMs. As such, there is a legal 'duty to manage' asbestos in homes and buildings, which must be done in accordance with The Control of Asbestos Regulations (CAR) 2012.

2.0 Scope

2.1

This policy meets the requirements of The Control of Asbestos Regulations (CAR) 2012, and provides assurance that measures are in place to identify, manage and/or mitigate risks associated with asbestos. The policy is relevant to all TDC 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.

3.0 Regulatory Standards, Legislation, and Approved Codes of Practice

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. TDC 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. Chief executive 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

TDC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation, and approved codes of practice. 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.

3.5 Tenants and HRA Commercial leaseholders

TDC 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.

4.0 Additional Legislation

4.1

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

- Health and Safety at Work etc Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Hazardous Waste (England and Wales) Regulations 2005 (Amendment 2009)
- Control of Substances Hazardous to Health (COSHH) Regulations (as amended) 2002
- Construction (Design and Management) Regulations 2015
- Defective Premises Act 1972
- Landlord and Tenant Act 1985
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018
- The Asbestos (Licensing) (Amendment) Regulations 1998

5.0 Obligations

The duty to manage asbestos is included in The Control of Asbestos Regulations (CAR) 2012. The duty requires TDC to manage the risk from asbestos by:

5.1

Finding out if there is asbestos present, in the homes and buildings owned and managed by the organisation TDC must also identify its location and identify what condition it is in.

5.2

Assuming that asbestos is present in homes and buildings built prior to the year 2000. If the home or building was built after the year 2000 asbestos is unlikely to be present and no further action will be required.

5.3

Keeping an up-to-date record (referred to as the asbestos register) of the location and condition of the ACMs or presumed ACMs in the homes and buildings.

5.4

Assessing the risk from the asbestos containing materials found.

5.5

Maintaining an Asbestos Management Plan that sets out in detail how the organisation is going to manage the risk from the ACMs

6.0 Statement of Intent

6.1

The main hazard in relation to asbestos is when persons disturb ACMs without realising they are there. Therefore measures are put in place to protect those persons as far as is reasonably practicable, by minimising the exposure through the use of appropriate control measures and working methods.

6.2

TDC will electronically hold accurate records against each property it owns or manages, identifying whether the property has had an asbestos management survey and when the next re-inspection is due.

6.3

TDC will employ competent external contractors (in line with HSG264) to undertake asbestos management surveys/re-inspections. 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 as outlined in section 8 of this policy.

6.4

TDC will undertake an intrusive refurbishment and demolition (R&D) survey to domestic and non-domestic properties as and when required as per HSG264. Will 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.

6.5

TDC will provide leaseholders and tenants with an asbestos survey report on request.

6.6

TDC will provide tenants with information about asbestos that will; tell them of possible ACMs in their home, advise what to do if they wish to carry out DIY or employ a contractor to undertake work, and advise who to contact if ACMs are accidentally disturbed.

6.7

TDC 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.

6.8

TDC will ensure stock information is kept up to date, including new property acquisitions, disposals and stock transfers.

6.9

TDC will ensure that there is a robust process in place for the management of immediately dangerous situations identified from any asbestos related works undertaken on TDC's properties.

7.0 Compliance Risk Assessment/Inspection Programmes

7.1 Non-Domestic Stock

TDC will review existing asbestos management survey information prior to carrying out any repairs or planned maintenance works within a non-domestic (communal block) or 'other' properties managed by the HRA. This is to ensure that any ACM's likely to pose a risk are identified prior to works commencing and the details passed onto the relevant contractors to manage in an appropriate way.

7.2

TDC will ensure that all non-domestic (communal blocks) and 'other' properties in ownership or management have an initial asbestos management survey carried out.

7.3

Thereafter all non-domestic (communal blocks) and 'other' properties will have a re-inspection survey and an assigned re-inspection date where applicable. This date will be in accordance with the specific needs of the building. It will either be annually or at a period dictated by the previous survey/re-inspection. Re-inspection dates may change following the re-categorisation of a property or a building.

7.4

TDC will not need to re-inspect any non-domestic (communal blocks) or 'other' properties where the initial asbestos management survey confirms that there are no ACM's present.

7.5 Domestic Stock

TDC will review existing asbestos management survey information prior to carrying out any void repairs, day to day repairs, or planned maintenance works within a domestic property. This is to ensure that any asbestos containing materials likely to pose a risk are identified prior to works commencing, and the details passed onto the relevant contractors to manage in an appropriate way.

7.5

An asbestos management survey will always be carried out during the void period of a domestic property. TDC will not need to re-inspect any domestic properties where the initial asbestos management survey confirms that there are no ACM's present.

7.6 Refurbishment Work

TDC will undertake an intrusive refurbishment and demolition (R&D) survey to domestic, non-domestic (communal blocks) and 'other' properties prior to planned maintenance works taking place to the areas of the property that are likely to be disturbed as part of the proposed works.

7.7 Garages

TDC will carry out asbestos management surveys on garages prior to any work being carried out.

7.8 Commercial Stock Assigned to the HRA

TDC will ensure they have records of an asbestos management survey where properties they own are managed by another person or organisation (i.e. are managed by managing agents). These properties will also be included on the TDC asbestos programme, so an asbestos reinspection survey can be requested from the managing agent prior to the existing one expiring. If the managing agent fails to carry out an initial asbestos management survey or reinspection survey, TDC will step in and carry out the test and recharge the managing agent for the cost of this work.

8.0 Compliance Follow up Work

8.1

There is a robust process in place for the management of any follow-up works required following the completion of an asbestos management survey.

8.2

Where asbestos is positively identified and, as a result of a risk assessment, removal, sealing or encapsulation is recommended, this will be carried out as follows:

8.2.1

Non-licensed works – as defined in regulation 2 of CAR 2012 – by specifically trained contractors with appropriate equipment and working procedures in place which are sufficient to comply with the CAR 2012;

8.2.2

Notifiable non-licensed works – as defined in regulation 2 of the CAR 2012 – by a licensed asbestos removal contractor (LARC) licensed by the Health and Safety Executive in compliance with the CAR 2012; or

8.2.3

Licensed works - as defined in regulation 2 of the CAR 2012 – by a LARC, licensed by the Health and Safety Executive in compliance with the CAR 2012.

9.0 Record Keeping

9.1

TDC will maintain a programme of non-domestic (communal blocks) and 'other' property surveys and re-inspections, and an Asbestos Register of all the asbestos containing materials by type, address, location and condition.

9.2

Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically.

9.3

Details of all asbestos surveys undertaken on TDC's non-domestic (communal), domestic and other properties will be held on the Housing Management System. This will include the date of the most recent survey and/or re-inspection where applicable.

9.4

The findings from the asbestos survey, including any ACMs and remediation works identified and subsequently completed (including evidence of removal and encapsulation) should also be recorded.

10.0 Key Roles and Responsibilities

10.1

TDC's Cabinet will receive reports in respect of asbestos management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

10.2

The Head of Tenant and Leaseholder Services has strategic responsibility for the management of asbestos and for ensuring compliance is achieved and maintained.

10.3

The Building Safety and Compliance Manager will be responsible for overseeing the delivery of the agreed survey inspection programmes and the prioritisation and implementation of any works arising from the surveys.

10.2

The Housing team will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.

11.0 Competent Persons

11.1

TDC will ensure that the manager with lead responsibility for operational delivery is suitably qualified. This qualification will be obtained within 12 months of the approval of this policy, or within 12 months of the start of employment for any new operational leads.

11.2

TDC will ensure that competent (as per HSG264) contractors are procured and appointed to deliver asbestos management surveys.

11.3

TDC will ensure that competent licensed asbestos removal contractors are appointed for all notifiable non-licensed work or licensed works.

11.4

The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors on an annual basis and evidence this appropriately.

12.0 Performance Reporting

12.1

KPI measures will be produced and provided at service level on a monthly basis and at CMT and to elected members on a quarterly basis. As a minimum these KPI measures will include reporting on:

12.2

The total number of:

- Communal blocks on the asbestos programme with a valid 'in date' survey/re-inspection.
- The percentage of domestic stock with full asbestos data

- The number of follow up works/actions arising from any surveys, and the numbers 'completed', 'in time' and 'overdue'.

13.0 Quality Assurance

13.1

TDC will require external contractors to provide the results of their own 5% quality assurance audit checks, as required by UKAS, on a monthly basis.

13.2

Internal Audit will test for compliance with the regulation, legislation and codes of practice every 5 years or more frequently if necessary. Non-Compliance/Escalation Process

13.3

Any significant non-compliance issue identified at an operational level will be formally reported to the Head of Tenant and Leaseholder Services in the first instance.

13.4

The Head of Tenant and Leaseholder Services will agree an appropriate course of corrective action with the relevant operational team(s) and the Director of Place, in order to address the non-compliance issue and report details of the same to TDC's CMT.

13.5

TDC's Head of Tenant and Leaseholder Services will ensure the Cabinet Member with responsibility for Housing is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

13.6

In cases of a serious non-compliance issue TDC's CMT and Monitoring Officer will consider whether it is necessary to disclose the issue to the Regulator of Social Housing, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

14.0 Glossary of Terms

This glossary defines the key terms used throughout this asbestos policy:

14.1

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.

14.2

UKAS: the appointed national accreditation body for asbestos surveyors. Accreditation is a means of assessing, in the public interest, the technical competence and integrity of organisations offering evaluation services.

15.0 Document Control

Date	Version	Action	Amendments
January 2024		Policy draft	
		EIA	
		Policy approved for adoption by cabinet	