



POLICY DOCUMENT

Asbestos Policy

POLICY TITLE:	Asbestos Policy
LEAD OFFICER:	Asbestos Compliance Officer
DATE APPROVED:	October 2023
APPROVED BY:	SLHD Board
IMPLEMENTATION DATE:	October 2023
DATE FOR NEXT REVIEW:	October 2026
ADDITIONAL GUIDANCE:	Repairs and Maintenance Policy Health and Safety Policy
ASSOCIATED CUSTOMER PUBLICATIONS:	
TEAMS AFFECTED:	All Staff and Board Members
THIS POLICY REPLACES WITH IMMEDIATE EFFECT:	Asbestos Policy v1 August 2021

Page	Version	Date	Author
Page 1 of 15	2.0	October 2023	Asbestos Compliance Officer

DOCUMENT CONTROL

For guidance on completing this section please refer to the document version control guidance notes

Revision History

Date of this revision:	October 2023
Date of next review:	October 2026
Responsible Officer:	Asbestos Compliance Officer

Version Number	Version Date	Author/Group commenting	Summary of Changes
0.1	June 2021	Pennington Choices	Full new draft of Asbestos Policy
1.0	August 2021	SLHD Board	Approval of policy
1.1	September 2023	Asbestos Compliance Officer	Planned review of policy. Adapted for SLHD template and reviewed against Asbestos Management Plan for consistency and duplication. Main changes include – <ul style="list-style-type: none"> • Review of roles and responsibilities • Clarity on performance monitoring framework
2.0	October 2023	EMT	Approved review of policy

Page	Version	Date	Author
Page 2 of 15	2.0	October 2023	Asbestos Compliance Officer

CONTENTS

1. Introduction
2. Policy Objective and Scope
3. Regulatory Standards, Legislation, and Approved Codes of Practice
4. Legal Background & Responsibilities
5. Obligations
6. Resident Involvement and Engagement
7. Compliance Risk Assessment and Inspection Programmes
8. Compliance Follow Up Work
9. Training
10. Record Keeping
11. Performance Reporting
12. Quality Assurance
13. Non-Compliance/ Escalation Process
14. Monitoring and Review

Page	Version	Date	Author
Page 3 of 15	2.0	October 2023	Asbestos Compliance Officer

1. Introduction

- 1.1 Any St. Leger Homes of Doncaster (SLHD) home or building built or refurbished before the year 2000 may contain asbestos. If the asbestos containing material (ACM) 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, but others occupying the homes or buildings could also be put at risk.
- 1.2 SLHD is responsible for the maintenance and repairs to homes, non-domestic properties (communal blocks) and 'other' properties (e.g. offices, commercial shops, community centres, depots, etc.), many of which will have been constructed using asbestos containing materials. As such, SLHD has a legal 'duty to manage' asbestos in its homes and buildings.

2. Policy Objectives and Scope

- 2.1 The key objective of this policy is to ensure that our Board, staff, partners and tenants are clear on our legal and regulatory obligations and how we will meet them. It provides the framework our staff and partners will operate within in respect of the management of asbestos and control of the risks arising from it.
- 2.2 SLHD must establish an Asbestos Policy which meets the requirements of the key legislation and codes of practice set out in section 3. In addition to this, the Asbestos Policy must provide assurance that measures are in place to identify, manage and/or mitigate risks associated with asbestos. We must also establish an Asbestos Management Plan (AMP), which outlines key information on roles and responsibilities, and the management of programmes, information, works, and asbestos containing materials (ACMs).
- 2.3 The policy is relevant to all SLHD 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 should be used by all to ensure they understand the obligations placed upon SLHD 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). Adherence to the policy is mandatory.

3. Regulatory Standards, Legislation, and Approved Codes of Practice

- 3.1 Regulatory Standards – SLHD must comply with the requirements of the Regulator of Social Housing's (RSH) regulatory framework and consumer standards for social housing in England. The delivery of this policy will ensure compliance with the relevant standards, with the Homes Standard being the key one.
- 3.2 Legislation - the principal legislation applicable to this policy is The Control of Asbestos Regulations (CAR) 2012. SLHD 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.

Page	Version	Date	Author
Page 4 of 15	2.0	October 2023	Asbestos Compliance Officer

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** – SLHD 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 Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing.

3.5 This asbestos policy also operates in the context of the following additional legislation identified within the Safety and Compliance Legal Register. Legislation includes, but is not limited to –

- The 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 2013 (RIDDOR)
- Homes (Fitness for Human Habitation) Act 2018
- The Asbestos (Licensing) (Amendment) Regulations 1998

Page	Version	Date	Author
Page 5 of 15	2.0	October 2023	Asbestos Compliance Officer

4. Roles, Responsibilities and Accountabilities

4.1 SLHD Board

4.1.2 SLHD Board 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. The Board will need to confirm this is the case to Doncaster Council under the terms of the current ALMO arrangement.

4.1.3 As such, the Board will formally approve this policy and review it periodically every three years thereafter (or sooner if there is a change in regulation, legislation or codes of practice).

4.1.4 The Board will receive regular updates on the implementation of the Asbestos Policy and asbestos 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.

4.2 Leadership Team (Executive Management Team and Heads of Service)

4.2.1 The Leadership Team will take overall responsibility for the delivery of the policy commitments described within this policy document.

4.2.2 The Executive Management Team (EMT) 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.

4.2.3 The Director of Property Services has strategic responsibility for the management of asbestos and ensuring compliance is achieved and maintained. They will also oversee the implementation of the Asbestos Policy.

4.2.4 The Head of Building Safety will be responsible for overseeing the delivery of the agreed survey inspection programmes and for the prioritisation and implementation of any remedial works arising from the surveys. The Head of Building Safety will receive operational support from the Health, Safety and Compliance Team with this.

Page	Version	Date	Author
Page 6 of 15	2.0	October 2023	Asbestos Compliance Officer

4.3 Asbestos Compliance Officer and Asbestos Team

- 4.3.1 The Asbestos Compliance Officer will act as the 'subject matter expert' in relation to asbestos, providing technical advice, guidance training and support as required. They will take responsibility for the asbestos compliance function associated with all areas of work within SLHD, ensuring that SLHD meets all of its statutory and legal obligations in relation to asbestos. This includes the development of the Asbestos Policy and Asbestos Management Plan.
- 4.3.2 The Asbestos Team will manage the ongoing asbestos re-inspection programme, carried out by suitably competent people, ensuring SLHD meets all of its requirements in relation to the Control of Asbestos Regulations (CAR) 2012 and all other relevant legislation. They will ensure that all actions identified through asbestos re-inspections and surveys are addressed fully and on time.
- 4.3.3 They will effectively manage data and information relating to asbestos safety and compliance including recording all survey, related and relevant inspections, assessments, testing, and remedial/removal works. They will manage data on the compliance management system ensuring it is robust and suitable for use for staff and contractors. This will enable the asbestos register to be kept up to date and relevant.
- 4.3.4 The Team will procure and manage specialist external contractors. Audit processes will be in place to provide assurances around internal and external asbestos service provisions; this will include checks on qualifications of those carrying out asbestos works that they are suitably qualified and accredited.
- 4.3.5 Working with the Learning and Organisational Development Team they will help develop asbestos training and toolbox talks.

4.4 Health, Safety and Compliance Team

- 4.4.1 The Health & Safety team shall provide support and advice to all levels in the organisation with respect to associated standards and safety.

4.5 Internal Service Provider (ISP)

- 4.5.1 The ISP will follow all requirements of the Asbestos Policy and Management Plan. Where teams carry out specific removals work they will ensure that staff are suitably competent, risk assessments and method statements are in place and that information is provided to allow the asbestos register to be kept up to date and relevant.

4.6 Asset Management and ICT Teams

- 4.6.1 Ensure that component data is managed within SLHDs housing management system including updates to properties and individual components within them to ensure property information remains relevant.

Page	Version	Date	Author
Page 7 of 15	2.0	October 2023	Asbestos Compliance Officer

4.7 All Employees

- 4.7.1 Access to asbestos information and the asbestos register will be available to all employees through the compliance management system. Employees responsible for commissioning works must follow the requirements of the Asbestos Management Plan.
- 4.7.2 Employees will attend toolbox talks and training sessions as required for their job roles
- 4.7.3 Housing Management teams will provide key support in gaining access into properties where access is proving difficult and use standards methods to do so. They will also facilitate the legal process to gain access as necessary.

4.8 External Contractors

- 4.8.1 Competent contractors (as per HSG264) will carry out asbestos surveys and be accredited by UKAS.
- 4.8.2 Competent Licensed Asbestos Removal Contractors will carry out all notifiable non-licensed work or licensed works.
- 4.8.3 Analytical contractors will be suitably competent to carry analytical activities (as per HSG 248) and be accredited by UKAS.

5.0 Obligations

- 5.1 The duty to manage asbestos requires SLHD to manage the risk from asbestos by:
- 5.2 Finding out if there is asbestos present, where there is an obligation to do so, in the homes and buildings owned and managed by SLHD (or assessing if asbestos containing materials are liable to be present and making a presumption that materials contain asbestos, unless we have strong evidence that they do not). We must also identify the location of any asbestos and identify what condition it is in. If the home or building was built prior to the year 2000 we must assume asbestos is present, but if it was built after the year 2000 asbestos is unlikely to be present and no further action will be required.
- 5.3 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 or managed by us.
- 5.4 Assessing the risk from the asbestos containing materials found
- 5.5 Preparing an Asbestos Management Plan that sets out in detail how we will manage the risk from the asbestos containing materials, and taking the steps needed to put the Asbestos Management Plan into action.

Page	Version	Date	Author
Page 8 of 15	2.0	October 2023	Asbestos Compliance Officer

- 5.6 We must also 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.
- 5.7 Anyone who has information on the whereabouts of asbestos in homes and buildings is required to make this available to us as the 'duty holder' and we then have to assess the reliability of this information.

5.8 Statement of Intent

- 5.9 SLHD recognises that the main hazard in relation to asbestos is the non-identification of ACMs, and as such we 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.
- 5.10 We accept that asbestos is likely to be present in the majority of our properties built prior to the year 2000 and will therefore manage these properties accordingly.
- 5.11 In order to fully comply with the legislation we will have a Board approved Asbestos Policy. In addition we will have an Asbestos Management Plan and an Asbestos Register which will hold records of the non-domestic properties and domestic properties which have asbestos containing materials in them.
- 5.12 We will carry out an asbestos 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 SLHD Asbestos Management Plan, which should be read in conjunction with this policy.
- 5.13 We will manage the risk of impartiality by having an asbestos surveying consultant carry out all survey and analytical work, and a separate contractor for carrying out remedial works.
- 5.14 We consider good communication to be essential in the safe delivery of asbestos management and will therefore ensure that information about asbestos containing materials (known or suspect) is provided to those persons liable to disturb it, accidentally or during the course of the work. This includes employees, contractors and tenants.
- 5.15 We will ensure contracts/service level agreements are in place with the consultants and contractors responsible for delivering asbestos services.
- 5.16 We will operate effective contract management arrangements, in the form of regular client-led meetings, with standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.
- 5.17 We will generally not use asbestos labelling in domestic premises, however, in non-domestic premises and common areas of residential blocks, labelling will be used where practicable.
- 5.18 We will ensure that there is a robust process in place for the management of immediately dangerous situations identified from any asbestos related works

Page	Version	Date	Author
Page 9 of 15	2.0	October 2023	Asbestos Compliance Officer

undertaken on our properties.

- 5.19 We 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.

Page	Version	Date	Author
Page 10 of 15	2.0	October 2023	Asbestos Compliance Officer

6.0 Resident Involvement and Engagement

- 6.1 SLHD considers good communication essential in the safe management of asbestos, and we will establish and maintain a resident engagement strategy and programme to support tenants in their understanding of asbestos safety and to assist us in engaging with vulnerable tenants successfully.
- 6.2 We will share information clearly and transparently and will ensure that information is available to tenants through leaflets, information on our website and other media channels.
- 6.3 We will provide leaseholders and tenants with an asbestos survey report for the property at the start of the tenancy, where one is available. Tenants and Leaseholders may request a copy of the survey for communal areas of their block of residence.)
- 6.4 We will provide tenants with information about asbestos that will inform them of possible asbestos containing materials (ACMs) in their home, advice about what to do if they wish to carry out DIY or employ a contractor to undertake work, and advice on who to contact if ACMs are accidentally disturbed.

7.0 Compliance Risk Assessment / Inspection Programmes.

- 7.1 **CDM** - to comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all repairs work to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects where applicable.
- 7.2 **Non-Domestic Stock** – we will review existing asbestos related information prior to carrying out any repairs or planned maintenance works which may involve working on, or adjacent to, any asbestos containing materials within a non-domestic (communal block) or ‘other’ property (e.g. office, commercial shop, depot, etc.). 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 operatives or external contractors and managed in an appropriate way. Where required a new hybrid R&D/management survey will be commissioned prior to work commencing
- 7.3 We will ensure that all non-domestic (communal blocks) and ‘other’ properties (offices, shops, depots, etc.) in ownership or management have an initial asbestos management survey carried out. All surveys will comply with the CAR 2012 legislation and therefore be dated after 6th April 2012 when the legislation came into effect. Any management surveys which currently pre-date 2012 will be updated as part of a staged programme of surveys.
- 7.4 Thereafter all non-domestic (communal blocks) and ‘other’ properties (offices, shops and depots, etc.) 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 annual 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.

Page	Version	Date	Author
Page 11 of 15	2.0	October 2023	Asbestos Compliance Officer

- 7.5 We will not re-inspect any non-domestic (communal blocks) or ‘other’ properties (offices, shops or depots, etc.) built after the year 2000, or any properties built before this date where the initial asbestos management survey confirms that there are no asbestos containing materials present, providing all relevant areas within the building where accessed for inspection.
- 7.6 **Domestic Stock** – we will review existing asbestos related information prior to carrying out any voids, repairs or planned refurbishment works which may involve working on or adjacent to any asbestos containing materials 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 operatives or external contractors and managed in an appropriate way.
- 7.7 Where there is no suitable asbestos related information in respect of a domestic property to carry voids, repairs or planned refurbishment work, an appropriate survey will be undertaken, the scope of the survey agreed in accordance with the works due to be carried out. If the void only requires the standard safety checks (gas, electric and EPC) and there is no intrusive repair work, an asbestos survey is not required. However, in some circumstances it may be appropriate for a management survey to be commissioned as part of the wider surveying strategy and plan to increase the volume and quality of asbestos related information.
- 7.8 We will not need to inspect any domestic properties built after the year 2000, or re-inspect any properties built before this date where the initial asbestos management survey confirms that there are no asbestos containing materials present, providing all relevant areas of the property where accessed for inspection.
- 7.9 **Planned Refurbishment Work** – we will undertake an intrusive refurbishment and demolition (R&D) survey to domestic, non-domestic (communal blocks) and ‘other’ (offices, shops, depots, etc.) properties prior to planned maintenance works taking place. The survey will be to the areas of the property that are likely to be disturbed as part of the proposed works. We will also undertake a management survey to the remainder of the property as part of the same R&D survey. This will be in accordance with the criteria set out in our Asbestos Management Plan, which should be read in conjunction with this policy.
- 7.10 **Garages** – we have garages in our ownership and management, and these may contain asbestos containing materials. As such, we will carry out a programme of sample inspections (as per the relevant guidance) to assess the location and condition of the asbestos containing materials within these garages and implement a programme of remedial works thereafter as necessary.

Page	Version	Date	Author
Page 12 of 15	2.0	October 2023	Asbestos Compliance Officer

8.0 Compliance Follow Up Work

- 8.1 SLHD will ensure there is a robust process in place for the management of any follow-up remedial works required following the completion of an asbestos management survey or re-inspection.
- 8.2 Where asbestos is positively identified and, as a result of a risk assessment (conducted in accordance with published guidance), removal, sealing or encapsulation is recommended, this will be carried out as follows:
- 8.3 Non-licensed works – as defined in regulation 2 of the CAR 2012 – by specifically trained contractors (including operatives working for SLHD) with appropriate equipment and working procedures in place which are sufficient to comply with the CAR 2012;
- 8.4 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
- 8.5 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.
- 8.6 When non-licensed works are carried out by the ISP, the Health & Safety Executive's Asbestos Essentials Guidance will be followed and adhered to. This will include ensuring operatives have the relevant category A and category B training for the work they are undertaking.

9.0 Training

- 9.1 Training will be delivered on this policy and the management plan that supports it.
- 9.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of asbestos safety but who may not be actively involved in the delivery of the asbestos policy. This will be basic asbestos safety awareness training.
- 9.2 Specific on the job training will be provided as required to those employees who will be responsible for managing or delivering the programme of asbestos safety, planned maintenance and repair works as part of their daily job. This will include category A and category B training for any operatives who are asked to work on non-licensed works. A record of all such training will be kept on FLO and maintained by the Learning and Organisational Development Team.

10.0 Record Keeping

- 10.1 We will establish and 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.
- 10.2 We will operate a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the asbestos programme, and to ensure the

Page	Version	Date	Author
Page 13 of 15	2.0	October 2023	Asbestos Compliance Officer

programme remains up-to-date.

- 10.3 Survey and re-inspection dates, details of ACM's, and asbestos management survey reports will be held electronically in our Asbestos Register.
- 10.4 A compliance management system will be used to record the details of all asbestos surveys undertaken on our non-domestic (communal blocks), domestic properties and other properties. This will include the date of the most recent survey and/or re-inspection where applicable.
- 10.5 The findings from the asbestos survey, including any ACM's and remediation works identified and subsequently completed (including evidence of removal and encapsulation) will also be recorded on the compliance management system.
- 10.6 We will ensure that all contractors' employee and public liability insurances are up to date on an annual basis.
- 10.7 We will operate robust processes and controls to provide and maintain appropriate levels of security for all asbestos related data.

11.0 Performance Reporting

- 11.1 Robust key performance indicator (KPI) measures will be established and maintained to report on performance in relation to asbestos.
- 11.2 The monthly Safety and Compliance Performance report is the governance and assurance reporting tool for stakeholders.

12.0 Quality Assurance

- 12.1 We will require external consultants and contractors to provide the results of their own 5% quality assurance audit checks, as required by UKAS, upon request.
- 12.2 External audits will be commissioned, as required, as an independent review of asbestos management. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

Page	Version	Date	Author
Page 14 of 15	2.0	October 2023	Asbestos Compliance Officer

13.0 Non-Compliance / Escalation Process

- 13.1 The definition of non-compliance in relation to this policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety.
- 13.2 Any non-compliance issue identified at an operational level will be formally reported to the Director of Property Services in the first instance.
- 13.3 The Director of Property Services will agree an appropriate course of corrective action with the Head of Building Safety and Health, Safety and Compliance Team in order to address the non-compliance issue and report details of the same to the EMT.
- 13.4 The EMT will ensure the Board are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 13.5 In cases of a serious non-compliance issue the EMT and Board will consider whether it is necessary to discuss the issue with the Council; and potentially disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, as part of the Regulatory Framework.

14.0 Monitoring and Review

- 14.1 This policy will be reviewed every three years for accuracy and appropriateness, but sooner should there be any legislative changes or other requirements.
- 14.2 Monitoring of the policy will be through the performance framework and the results of inspections and audits.

Page	Version	Date	Author
Page 15 of 15	2.0	October 2023	Asbestos Compliance Officer