

Asbestos Policy



Author: Head of Fire & Compliance (Nick Williams)

Scope: Housing Solutions properties/Staff and contractors

Approved by: Executive Team

Legislation: The Health and Safety at Work Act 1974
The Management of Health & Safety at Work Regulations 1999
The Control of Asbestos Regulations 2012
The Construction (Design & Management) Regulations 2015
Housing Act 2004
Landlord and Tenant Act 1985
Homes (Fitness for Human Habitation) Act 2018
The Defective Premises Act 1972
L143 Managing and working with asbestos Control of Asbestos Regulations 2012. Approved Code of Practice and guidance.
Housing Health and Safety Rating System 2006
Awaab's Law 2024

Date of approval: 26th February 2025

Date of next review: 26th February 2028

Regulatory/ Governance: Regulator of Social Housing Safety and Quality Standard
Health and Safety Executive

Related Policies: Health & Safety Policy
Repairs & Maintenance Policy

1. Policy Statement

- 1.1 This policy outlines our approach to managing asbestos within our homes, communal areas, commercial premises, offices, garages, outbuildings and other properties (hereafter referred to collectively as properties for the purpose of this policy). It includes measures to reduce the risk from asbestos and arrangements for action to be taken in the event of an asbestos incident within our properties. The policy and Management plan will be shared with all colleagues and contractors working at Housing Solutions properties.

- 1.2 Housing Solutions will take all reasonable steps to locate Asbestos and Asbestos Containing Materials in the properties that it owns and establish effective systems to manage asbestos. Housing Solutions will provide Asbestos information at the start of the tenancy. The leaseholder is responsible for providing information to contractors working at their property under the Health and Safety at Work Act 1974.
- 1.3 Housing Solutions will ensure that where asbestos containing materials have been recommended for removal or encapsulation due to a potential health risk or fibre release, they will arrange for removal in line with approved code of practices as soon as reasonably practical and ensuring the health risk is not further protracted.
- 1.4 Housing Solutions will implement its asbestos management plan by empowering designated operational staff with the appropriate training, skills and resources needed to safely manage asbestos.
- 1.5 Housing Solutions shall ensure that asbestos-containing materials that pose a serious risk to health, because they are seriously damaged and may release fibrous into our premises, shall be removed or encapsulated as soon as possible.
- 1.6 Housing Solutions shall ensure that asbestos containing materials remaining in situ are managed to so that the risk to the health of our customers, employees, contractors, visitors and other peoples using our premises is minimized.
- 1.7 Housing Solutions shall ensure that all work on asbestos containing materials shall be carried out in accordance with the current legal standards using the best working practices.
- 1.8 Housing Solutions will ensure that all notifiable work, whether licensed or non-licensed shall be carried out by a specialist licensed contractor. No work deemed as notifiable under the control of asbestos regulations 2012 will be carried out by Housing Solutions direct workforce. Please refer to the Asbestos Management Plan.
- 1.9 This policy has been devised in conjunction with John Horsfall of ACMS UK Ltd
- 1.10 This document is not intended to provide detailed technical guidance on handling and dealing with asbestos. Staff should refer to the appropriate HSE guidance. Lists of all current HSE publications may be obtained from the HSE Website. Lead staff will be trained to be competent in managing asbestos in buildings. Copies of all relevant publications will be issued to all staff trained by Housing Solutions.
- 1.11 The Health and Safety Executive has produced a number of Approved Codes of Practice and a number of Technical Guidance Notes. Compliance with all relevant regulations and guidance is necessary so that all work involving asbestos containing materials can be carried out safely without any risk to any person.

2. Scope

- 2.1 The scope of this policy is applicable to all Housing Solutions managed and maintained buildings, along with its staff and contractors.
- 2.2 This policy has been developed to allow Housing Solutions to comply with the Control of Asbestos Regulations 2012 and has regard to L143 2nd addition Approved Code of Practice - 'The management of asbestos in non-domestic premises.

3. Roles and Responsibilities

- 3.1 As detailed within the Asbestos Management Plan – to detail roles and responsibilities in relation to the policy/procedure

4. Definitions

- ACM - asbestos containing material.
- ACOP - approved code of practice
- HSG - Health and Safety guidance

5. Legislation

- 5.1 The Asbestos Policy and Asbestos Management Plan will assist Housing Solutions in complying with its duties under:

- The general requirements of the Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
 - The Control of Asbestos Regulations 2012 (as amended ACOP L143 2nd Addition)
- The Construction (Design and Management) Regulations 2015
- The Defective Premises Act 1972
- Housing Act 2004
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Housing Health and Safety Rating System
- Awaab's Law 2024

- 5.2 The Health and Safety at Work Act 1974 imposes a statutory duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees (except domestic servants in private households). This duty also extends to others who may be affected by the employers' undertakings (work activity) e.g. contractors, tenants, neighbours, visitors and members of the public.

- 5.3 The initial requirement of the Management of Health and Safety at Work Regulations 1999 is for employers to assess the risk to the health and safety of employees and to anyone else who may be affected by the work activity, so that the necessary preventative and protective steps can be identified. It also requires the employer to make arrangements for putting into practice the health and safety measures that follow from the risk assessment.

- 5.4 For any works that fall under the Construction (Design & Management) Regulations 2015 the Principal Designer for the project must be notified if asbestos is present in the property, Staff, customers and contractors also need to be informed about the presence of asbestos in the property, to avoid inadvertent damage and fibre release.

- 5.5 The Control of Asbestos Regulations 2012 as Amended regulates all work with asbestos containing materials. The prime objective of these regulations, which are made under the Health and Safety at Work Act 1974, is to prevent exposure to asbestos from work activities and where this is not reasonably practicable to

reduce exposure as far as is reasonably practicable.

- 5.6 Regulation 4 of the Control of Asbestos Regulations 2012 places a **duty to manage** Housing Solutions for all of its non-domestic premises. Legal precedent has established that the **common parts** of blocks of flats are a non-domestic premise.

6. Asbestos Management Plan

- 6.1 This policy is supported by the asbestos management plan. The aim of our asbestos management plan is to minimise the risk to customers, their visitors, colleagues and people who work on our behalf by effectively managing asbestos within properties.
- 6.2 The plan defines roles and responsibilities and our overall approach in more detail which ensures that we comply with our overall legal and regulatory responsibilities in relation to asbestos management.
- 6.3 The plan explains how we will know if the actions we are undertaking to manage asbestos are achieving the expected results.
- 6.4 All those who are responsible for the management of asbestos management are required to have read both the policy and the management plan and will, subject to receiving the necessary training, also confirm their understanding of their responsibilities regarding asbestos.

7. Procedure

- 7.1 Housing Solutions will develop and maintain operational procedures to ensure that this policy is adhered to by Housing Solutions staff. Procedural information can be found in the Asbestos Management Plan.

8. Equality, Diversity & Inclusion

Housing Solutions recognises the needs of a diverse population and always acts within the scope of its own Equality, Diversity & Inclusion Policy, and Equalities Act 2010. Housing Solutions works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. Housing Solutions will record, analyse and monitor information on ethnicity, vulnerability and disability.

9. Confidentiality

Under the Data Protection Act 2018, UK General Data Protection Regulation (UKGDPR), all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or board member
- sensitive organisational information.

- 9.1 Housing Solutions employees will ensure that they only involve other agencies and share information where there is a legal basis for processing the information.

10. Review

- 10.1 This policy will be reviewed on annually in response to changes in legislation, regulatory guidance, good practice or changes in other relevant Housing Solutions' policy.
- 10.2 Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through our established reporting mechanisms to our Senior Management Team, Executive Team, Board and associated committees.