



Lancaster City Council

Housing and Property: Council Housing

Asbestos Policy

August | 2024

Prepared by:	PM
Effective from:	August 2024
Approved by:	JW
Review date:	August 2027
Revision number:	1.1

(01524) 582929



councilhousing@lancaster.gov.uk



1. Introduction and Policy Objectives

- 1.1. Lancaster City Council (Lancaster) is responsible for maintenance and repairs to our homes, communal blocks, corporate, commercial and any other buildings we own and manage, many of which will have been constructed using asbestos containing materials. As such, we have a legal 'duty to manage' asbestos in all common areas of these buildings.
- 1.2. Homes or buildings built or refurbished before the year 2000 may contain asbestos. If an asbestos containing material is disturbed or damaged it can release asbestos fibres into the air which are a danger to health if inhaled. Workers who carry out repairs and maintenance work are at particular risk, however, building occupants could also be put at risk.
- 1.3. The key objective of this policy is to ensure our Cabinet, Senior Leadership Team (SLT), the Chief Officer – Housing and Property, employees, partners and residents are clear on our legal and regulatory asbestos safety obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.4. This policy forms part of our wider organisational commitment to driving a positive health and safety culture amongst staff and contractors. It will be saved on our shared drive and distributed to all relevant members of staff.
- 1.5. The Chief Officer – Housing and Property has strategic responsibility for the management of asbestos and ensuring compliance is achieved and maintained.
- 1.6. The Asset and Compliance Manager (Asset and Compliance Team) has operational responsibility for the management of asbestos and will be responsible for overseeing the delivery of these programmes.

2. Scope

- 2.1. This policy is relevant to all our employees, tenants, 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.
- 2.2. The policy should be used by all to ensure they understand the obligations placed upon Lancaster 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.

3. Legislation, Regulatory Standards & Codes of Practice

- 3.1. **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.

- 3.2. **Legislation** – The principal legislation applicable to this policy is as follows:
- The Control of Asbestos Regulations 2012.
- 3.3. **Approved Code of Practice (ACoP)** – The principal ACoP applicable to this policy is:
- ACoP L143 – ‘Managing and working with Asbestos’ (2nd Edition, December 2013)
- 3.4. **Guidance** – The principal guidance applicable to this policy are as follows:
- HSG264 - ‘Asbestos: The survey guide’ (Second edition 2012, this holds ACoP status).
 - HSG248 – ‘Asbestos: The Analysts’ Guide’ (2nd Edition 2021).
 - 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).
- 3.5. **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under the Control of Asbestos Regulations; and via a regulatory notice from the Regulator of Social Housing.

4. Additional Legislation

- 4.1. This policy also operates within the context of the following legislation:
- Health and Safety at Work 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 Regulations (as amended) 2002 (COSHH)
 - 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

5. Obligations

- 5.1. Under The Control of Asbestos Regulations 2012 (CAR 2012) Lancaster City Council has a legal obligation under Part 2, Section 4 ‘Duty to manage asbestos in non-domestic properties’ and is the ‘Duty Holder’ for the purposes of the legislation. We are required to:

- Find out if asbestos containing materials (ACMs) are present, where we have an obligation to do so, presuming that materials contain asbestos unless we have strong evidence that they do not.
- Identify the location and condition of any ACMs.
- Assume asbestos is present if the property was built prior to the year 2000. If built after the year 2001 asbestos is unlikely to be present and no further action will be required.
- Keep an up-to-date record (an asbestos register) of the location and condition of ACMs or presumed ACMs – along with remediation documentation if applicable.
- Assess the risk from any ACMs found – Ensure this is updated regularly with changing conditions & circumstances with alterations made during refurbishments to properties.
- Prepare an Asbestos Management Plan that sets out how we will manage the risk from ACMs, and review and monitor its implementation periodically.
- Set up a system to provide information on the location and condition of ACMs to anyone who is liable to work on or disturb them – Asbestos register with link to asbestos survey available to all staff.
- Assess the reliability of information we receive relating to asbestos within the properties we own and manage. Anyone who has information on the whereabouts of asbestos within these properties is required to make this available to the asset and compliance team to allow the asbestos register to be updated.

6. Statement of Intent

- 6.1. Lancaster acknowledges and accepts our responsibilities under CAR 2012 as outlined in Section 5 and recognise that the main hazard in relation to asbestos is the non-identification of ACMs. As such, we will protect those persons potentially exposed to asbestos as far as is reasonably practical, through the use of appropriate control measures and working methods.
- 6.2. To fully comply with CAR 2012, we have an approved Asbestos Policy, an Asbestos Management Plan (procedure) and we will establish and maintain an Asbestos Register.
- 6.3. We will carry out a management/hybrid and/or an intrusive refurbishment/demolition survey to domestic and non-domestic properties as and when required, as per HSG264.
- 6.4. We will ensure that information about ACMs (known, presumed or strongly presumed) is available to every person liable to disturb it, accidentally or during the course of their work. This includes employees, partners, tenants and residents.
- 6.5. Locations/areas & Rooms that are classed as ‘No Access’ during time of survey should be ‘presumed’ to contain asbestos until proven otherwise with a future survey scope if required.
- 6.6. We 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.
- 6.7. We will ensure that there is a robust process in place to manage immediately dangerous situations identified during asbestos related works.

- 6.8. We will operate effective contract management arrangements with the consultants and contractors responsible for delivering the service, including ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that consultants and contractors' employee and public liability insurances are up to date on an annual basis.
- 6.9. We will use the legal remedies available within the terms of the tenancy and lease agreement should any resident, leaseholder or shared owner refuse access to carry out essential asbestos related inspection and remediation works. Where resident vulnerability issues are known or identified we will ensure we safeguard the wellbeing of the resident.
- 6.10. We will establish and maintain a risk register for asbestos management and operations, setting out our key risks from asbestos and appropriate mitigations.
- 6.11. To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects.
- 6.12. 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 safety.

7. Inspection Programmes

- 7.1. **Non-domestic properties** – All non-domestic properties (communal blocks/supported schemes/Corporate & Commercial) that we own or manage, built prior to the year 2000, will have an asbestos management survey that is compliant with CAR 2012.
- 7.2. In addition, we will maintain a programme of asbestos re-inspections for all properties that contain ACMs (known or presumed). Re-inspections will either be annual or in accordance with the risk level as identified by the previous survey and by a competent person/person. We will not re-inspect any properties where the initial asbestos management survey confirms that there are no ACMs (and we have accessed all areas). Void properties will be 'off programme' and not be re inspected until the property is reoccupied.
- 7.3. **Properties managed by others** – We will obtain Asbestos Risk Assessment data where our properties are managed or leased/tenanted by a third party. If the third party does not provide the RA data, we reserve the right to carry out the required survey and re-charge them for the cost of this work.
- 7.4. **Domestic properties** – Within the lifecycle of this policy we will implement a risk-based approach and complete a representative sample of our domestic properties. The sample will be comprehensive across the housing stock and include all estates and property archetypes, and situations, and age of construction. Robust procedures will be embedded to ensure that surveys will be conducted on void properties, planned and other relevant works, providing at least 400

sampling opportunities per annum. The initial target is to achieve a representative sample of 25% of the stock and with a minimum 10% sample of all archetypes, within two years. The sampling programme, methodology and the risk assessment will be continuously assessed. In the event of identified risk(s), further sampling will be undertaken to establish the extent and location and records updated. We will also ensure that systems are in place to collate, update records, continuously review and communicate the risk assessment.

- 7.5. **Garages** – We own or manage garages which may contain ACMs. We will carry out a risk-based programme of sample inspections to assess the location and condition of ACMs within these garages and implement a programme of remedial works as necessary.
- 7.6. **Repairs / planned maintenance** - We will review existing asbestos survey information prior to carrying out any intrusive void work, day-to-day repairs, planned maintenance or refurbishment work. Where there is no asbestos information, prior to the work taking place, we will commission a refurbishment/demolition survey 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 refurbishment/demolition survey. Once completed, survey details will be provided to the relevant operatives or contractors and stored in our Asbestos Register

8. Follow-up Work

- 8.1. Where asbestos is positively identified and removal, sealing or encapsulation is recommended by the competent person, this will be carried out as follows:
- **Non-licensed works** (as defined in regulation 2 of CAR 2012) – will be undertaken by a Licensed Asbestos Removal Contractor (LARC) licensed by the Health and Safety Executive in compliance with CAR 2012.
 - **Notifiable non-licensed works** (as defined in regulation 2 of the CAR 2012) – will be undertaken by a LARC.
 - **Licensed works** (as defined in regulation 2 of CAR 2012) – will be undertaken by a LARC.

Under no circumstances should an employee from Lancaster undertake any works on asbestos containing materials/products.

9. Data and Record Keeping

- 9.1. We will maintain a core asset register of all properties we own or manage, setting out which properties are and are not required to be included on the asbestos re-inspection programme.
- 9.2. We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are added or removed as required from asbestos programmes, and the programme remains up to date.
- 9.3. We will keep an asbestos register. The Asbestos Register will include details of ACMs in the properties we own or manage, with information on the type, address, location and condition.

We will hold inspection dates, asbestos surveys; details of remediation works and evidence of completion of these works. The register will also have a designated link to all asbestos surveys.

- 9.4. We will keep all asbestos records on our buildings for at least five years. Any health records relating to employees must be kept for 40 years. We will have robust processes and controls in place to maintain appropriate levels of security for all asbestos related data.

10. Tenant Involvement and Engagement

- 10.1. We consider good communication essential in the effective delivery of asbestos safety, therefore we will establish a resident engagement strategy and communication programme. This will support residents in their understanding of asbestos, advise them of how they can manage any risk if there is asbestos within their property, and encourage them to report any asbestos safety concerns.
- 10.2. We also aim to successfully engage with vulnerable and hard to reach residents. We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.
- 10.3. We will ensure that information about ACMs (known, presumed or strongly presumed) is available to residents who are liable to disturb it, accidentally or during the course of work.

11. Key Roles and Responsibilities

- 11.1. The Cabinet have ultimate responsibility for ensuring compliance with the consumer standard and ensuring residents are safe in their homes.
- 11.2. The Cabinet will have governance responsibility for ensuring this policy is fully implemented in order to ensure full compliance with legislation and regulatory standards.
- 11.3. For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, asbestos safety performance and any incidents of non-compliance.
- 11.4. The Senior Leadership Team (SLT) and the Chief Officer – Housing and Property will receive monthly performance reports in respect of asbestos safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 11.5. The Chief Officer – Property and Housing has strategic responsibility for the management of asbestos safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 11.6. The Asset & Compliance Manager has operational responsibility for the management of asbestos safety and will be responsible for overseeing the delivery of these programmes.

- 11.7. The Neighbourhood Services team will provide support where gaining access to properties is difficult and the legal team will assist and facilitate any legal access processes as necessary.
- 11.8. The Asset & Compliance team will assist with access to commercial and domestic properties.
- 11.9. The Asset and Compliance team will oversee asbestos surveying, remediation works, and training is being correctly implemented throughout the council – ensuring the policy is being adhered to at all times.

12. Competent Persons

- 12.1. The Compliance Officer will hold a P405, P402 qualification (or equivalent). If they do not have one of these, they will obtain this within 12 months of the approval of this policy or within 12 months of appointment.
- 12.2. Only competent contractors (as per HSG264) will carry out asbestos management, refurbishment/hybrid, demolition and bulk sample surveys. They must be UKAS accredited.
- 12.3. Only competent Licensed Asbestos Removal Contractors will carry out work on asbestos, including non-notifiable non-licensed work, notifiable non-licensed work or licensed works.
- 12.4. Suitably competent persons will undertake asbestos re-inspections and the removal of non-licensed asbestos, under the supervision of persons who are suitably trained and competent to manage this work.
- 12.5. Only suitably competent asbestos consultants and contractors will provide third party technical quality assurance checks. They must be UKAS accredited.
- 12.6. All consultant and contractor checks will be undertaken during procurement and then on an annual basis and evidenced appropriately.

13. Training

- 13.1. We will deliver training on this policy and the procedures that support it, including team briefings; basic asbestos awareness training; and on the job training for those delivering the asbestos programme, planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.
- 13.2. Basic asbestos awareness course for all RMS staff (front-line operatives, supervisors, line managers and support staff) to be delivered via an external competent partner every 3 years.
- 13.3. Ensure all new starters within the RMS team complete the asbestos module prior to commencement of work.

14. Performance Reporting

14.1. We will report robust key performance indicator (KPI) measures for asbestos safety. These will be provided to the Chief Officer – Housing and Property on a monthly basis and Cabinet and SLT on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Properties – communal blocks, corporate & commercial and other properties.
- Properties on the asbestos management/re-inspection programme.
- Properties not on the asbestos management/re-inspection programme.
- Properties with a valid and in date survey/re-inspection.
- Properties without a valid and in date survey/re-inspection.
- Properties due to be surveyed/re-inspected within the next 90 days; and
- Completed, in-time and overdue follow-up works/actions arising from the surveys.

Narrative - an explanation of the:

- Current position.
- Corrective action required.
- Anticipated impact of corrective action; and
- Progress with completion of follow-up works.

In addition:

- The number of RIDDOR notifications to the HSE with regards to asbestos safety.

15. Quality Assurance

15.1. We will require external consultants and contractors to provide the results of their own 5% quality assurance audit checks, as required by UKAS.

15.2. Lancaster will carry out an independent audit of asbestos management on a regular basis (internal audit) to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

16. Non-Compliance/Escalation Process

16.1. 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. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred or becoming aware of it.

16.2. Any non-compliance issue identified at an operational level will be formally reported to the Chief Officer – Housing and Property and the Asset & Compliance Manager in the first instance, who will agree an appropriate course of corrective action alongside the Breaches Policy and report details of the same to SLT / Cabinet.

16.3. In cases of serious non-compliance, SLT and Cabinet 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 Health and Safety Executive

17. Glossary

17.1. This glossary defines key terms used throughout this policy:

- **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.
- **Management survey:** A survey to enable the management of asbestos-containing materials during the normal occupation and use of premises.
- **Refurbishment/demolition survey:** A refurbishment/demolition survey is a survey which is necessary prior to any works which may affect the fabric of a building, and which is used to locate (as far as reasonably practicable) asbestos-containing materials. The survey may be within a localised area or cover the whole building.

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