

Asbestos Management Policy

DESIGN HEADER TO INCLUDE POLICY NAME AND DATE RANGE

INFORMATION

Policy Name	Asbestos Management Policy
Effective Date(s)	September 2024
Approved By	Property Operations Committee
Approval Date	24 September 2024
Policy Owner/Dept	Neil Wilmer – Compliance & Building Safety
Policy Author	Neil Wilmer – Head of Compliance & Building Safety
Review Date	July 2026
Version Number	5

Version Control

Version	Date	Changes	Approver
1	Dec 16	Changes to incident management system Datix.	I Hardman
2	Oct 20	Data Protection Act Update.	L Magee
3	Feb 21	Minor changes to reflect working practices.	Risk & Compliance
4	May 22	Minor changes to update standards.	Risk & Compliance
5	July 24	Additions to Legislation and Guidance. Changes to roles and responsibilities. Changes to working practises and standards. Minor amendments to include TSM requirements.	Property Operations Committee

Your Housing Group Strategic Priorities			
Safe	<input checked="" type="checkbox"/>	Viability	<input type="checkbox"/>
Landlord	<input checked="" type="checkbox"/>	Growth	<input type="checkbox"/>
People	<input type="checkbox"/>	Technology	<input type="checkbox"/>

Relevant National Standards or Regulation	<ul style="list-style-type: none"> • Home Standard. • Tenancy Standard. • Neighbourhood and Community Standards. • Tenant Involvement and Empowerment Standard.
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Relevant Legislation & Guidance	<ul style="list-style-type: none"> • Health and Safety at Work Act 1974 • Housing Act 2004 • Equality Act 2010 • Control of Asbestos Regulations (CAR) 2012 • The Management of Health and Safety at Work Regulations 2006 • The Construction (Design & Management) Regulations 2015 • The Workplace (Health, Safety and Welfare) Regulations 1992 • Housing Health and Safety Rating System (HHSRS) • Decent Homes Standard • Personal Protective Equipment at Work Regulations 1992 • Hazardous Waste (England & Wales) Regulations 2005 + Amendment 2009 • Control of Substances Hazardous to Health (COSHH) Regulations (as amended) 2002 • Approved Codes of Practice (ACoP) – L143 ‘Managing and working with asbestos’ • HSG264. ‘Asbestos: The survey guide • HSG247 (Asbestos: The Licenced Contractors’ Guide) • HSG248 (Asbestos: The analysts' guide for sampling, analysis, and clearance procedures) • HSG227: A Comprehensive guide to Managing Asbestos in premises • INDG223: Managing Asbestos in Buildings
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1. Purpose of the Policy

This policy outlines YHG's comprehensive approach to managing asbestos in properties under the organisation's control. YHG recognises its duty of care towards employees, residents, contractors, visitors, and others who may be at risk from asbestos fibre release. The policy ensures that YHG can take reasonable and practical steps to identify, manage, and mitigate risks associated with Asbestos Containing Materials (ACMs).

The policy aims to demonstrate that YHG is working to fulfil its duties under the Control of Asbestos Regulations (CAR) 2012 and associated Approved Codes of Practice (ACoP) and Guidance documents, and in doing so is minimising the risk of uncontrolled Asbestos disturbance.

2. Scope of the Policy

This policy relates to all buildings and properties constructed before the year 2000, for which YHG has maintenance and repair responsibility. This includes domestic dwellings, both single and multi-occupancy, the common areas of multi-occupancy blocks, specialised housing such as sheltered, retirement living, extra care and supported housing and non-domestic premises such as offices, garages and storage areas, commercial units, and community centres.

The policy also applies to all YHG staff, customers, and other organisations that deliver services on behalf of YHG, including external repair and maintenance contractors and consultants.

Surveys and registers will be held for leasehold/commercial units where the responsibility is either to maintain all or part of the building. This information will be made available before and/or during the occupation, and legal duties for ongoing management will be communicated to YHG's properties.

The Regulator of Social Housing and Home Standard requires Registered Providers to meet all applicable statutory requirements for the health and safety of customers in their homes, including asbestos management.

3. Definitions

Asbestos Containing Materials (ACMs) - a material or building product that, as part of its design, contains Asbestos.

Approved Codes of Practice (ACoP) - are documents approved by the HSE that give practical advice and recommendations on complying with regulations. ACoPs have “special legal status,” meaning that in the event of prosecution for an H&S breach, you must provide evidence that you have complied with the ACoP.

Health & Safety Executive (HSE) - A non-departmental public body in the United Kingdom responsible for encouraging, regulating, and enforcing workplace health, safety, and welfare and conducting research into occupational risks in England, Wales, and Scotland.

Duty Holder - the owner, person, and/or organisation responsible for the maintenance of non-domestic premises.

Asbestos Management Plan - a document designed to register and detail how Asbestos will be managed and what activities will be undertaken to ensure people remain safe from Asbestos exposure.

4. Consultation

Consultation has taken place with the following. Their feedback has been considered, and the policy updated:

- Engagement Focus Group,
- Equality Impact Assessors Group,
- Customer Connect Panel,
- Chief Property Officer,
- Director of Housing & Customer Service.

5. Background and Context

Asbestos is a term for a group of minerals composed of fibres. The use of Asbestos Containing Materials (ACMs) was very common in the construction industry between the

mid-1940s until its prohibition in 1999 due to its fire protection and insulating properties. Buildings constructed before the year 2000 are likely to contain Asbestos, especially in insulation, flooring, roofing, ceilings, and walls.

When ACMs are damaged or disturbed, microscopic Asbestos fibres are released into the air. Once released in the air, asbestos fibres are easily inhaled and carried into the lower lung regions, where they can cause fibrotic lung disease (Asbestosis) and changes in the lining of the chest cavity (Pleura). These diseases can lead to reduced respiratory function and death. Long-term prolonged inhalation of Asbestos fibres also increases the risk of Asbestos-related lung cancer and Mesothelioma.

It is therefore vital that ACMs are identified and appropriately managed to prevent damage and disturbance. The Control of Asbestos Regulation (CAR) 2012 places several requirements on employers and duty holders regarding the actions they must take to manage Asbestos appropriately. The regulations are supported by an Approved Code of Practice (ACoP) and several Health & Safety Executive (HSE) guidance documents, which translate the requirements within CAR into specific actions that Employers and Duty Holders must undertake to comply.

A Duty Holder is the person or organisation responsible for maintaining and repairing a building. YHG, therefore, has both Employer and Duty Holder responsibilities under CAR.

To meet its statutory duties regarding asbestos management, YHG will comply with the duties outlined in the Control of Asbestos Regulations 2012 (CAR 2012).

YHG will:

- Produce and maintain an Asbestos Management Plan (AMP), which will be formally reviewed on an annual basis.
- Carry out assessments to identify ACMs in non-domestic settings, common areas of domestic premises and conduct periodic inspections to identify any deterioration in condition so that appropriate risk mitigation measures can be taken.
- Maintain an up-to-date record of ACM's, the product, location, condition, and extent, for each of its liable assets (an asbestos register).
- Provide information relating to ACMs to individuals who are liable to disturb them.
- Ensure that we contract with competent asbestos consultancies/companies that possess the expertise to undertake management, refurbishment and demolition surveys, re-inspection surveys, and all analytical works that maybe required (e.g., certificate for re-occupation, reassurance monitoring.)
- Ensure that an approved, accredited, and licensed asbestos contractor undertakes any ACM removal/abatement work.
- Develop and communicate emergency procedures to deal with accidental disturbance of ACMs.
- Ensure appropriate systems and resources are in place to record and report all compliance data.

- Ensure suitable, sufficient information, instruction and training is provided to all staff as required by their role.

6. Policy Detail

The following section details the actions taken and measures in place and/or will be taken to ensure YHG fulfils its duties under CAR as set out above.

These actions and measures demonstrate YHG's commitment to ensuring a safe environment for our customers and staff and satisfying our regulatory obligations.

An Asbestos Management Plan will support the Asbestos Management Policy.

Asbestos Management Plan (AMP)

The AMP will detail the strategy for managing Asbestos and be written to reflect the most effective management approach for YHG. It will cover the operational approach, monitoring and accountability, training, managing the asbestos register, asbestos surveys, re-inspections, remediation works, and asbestos emergency protocols.

The operational procedures in the AMP set out how YHG will meet the statutory obligation outlined in this policy, and therefore, the AMP is enforceable through this policy.

7. Responsibilities under this Policy

The roles and responsibilities of key stakeholders across YHG are detailed below.

Note - these are the roles and responsibilities in specific relation to the delivery of this policy only. The AMP will further detail the roles and responsibilities of all staff members who have day-to-day responsibility for the safe management of Asbestos, including the Duty Holder and Responsible Person/s.

- **Chief Executive** has ultimate responsibility for health and safety across the organisation and will nominate appropriately qualified and suitable experienced people to discharge those duties about the risk posed by ACMs.
- **Board Members** will establish key H&S policies, be aware of risks and have risk controls in place, agree on performance targets and a performance monitoring framework, ensure the availability of adequate resources and competencies for delivering policy commitments, ensure appropriate reporting and auditing activity, and hear the voice of residents.
- **Chief Property Officer** is responsible for implementing this policy and ensuring that adequate resources are available to meet the policy objectives. To ensure that appropriately qualified and suitably experienced people are employed to enforce this policy and that appropriate programmes of work are in place to discharge relevant duties.

- **Head of Compliance & Building Safety** will ensure the asbestos management plan is implemented, relevant, current and practical. This ensures that all activities required for compliance with this policy are carried out. They will also be responsible for performance, reporting to the Chief Property Officer, the Board, and the Chief Executive. They will ensure that any compliance and/or H&S-related issues are brought to the attention of the Chief Property Officer and provide regular updates on service delivery against budget. Furthermore, they will review the Asbestos Management Plan every 12 months with all relevant parties to ensure the systems outlined in the plan are working.
- **Head of Health and Safety and the Head of Learning & Development** will ensure that a suitable and sufficient Asbestos training and refresher programme is maintained for all relevant employees.
- **Compliance Contract Manager (Asbestos)** will be responsible for the day-to-day operational delivery of this policy and the AMP. They will support the Head of Compliance & Building Safety in administering associated contracts and act as the first point of contact for asbestos-related queries. Ensuring effective management of YHG's asbestos programme and register. Ensuring that asbestos information is available for those working on YHG's properties. Liaise with the employees, contractors, asbestos professionals, and residents about matters pertaining to all ACMs in properties belonging to or managed by YHG.

8. Risk Management

The risk of not following this policy is that YHG will not comply with the requirements of CAR and the associated ACoP and Guidance documents, leading to a potentially detrimental impact on the safety of customers and staff. This may result in:

- Prosecution by the Health and Safety Executive under the Health and Safety at Work Act 1974.
- Prosecution by the Local Authority under the Housing Act 2004.
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007.
- A judgement of serious detriment by the Regulator of Social Housing.
- Reputational damage.
- Loss of confidence by stakeholders in the organisation.

9. Data Protection, Record Storage and Retention

YHG will ensure all Asbestos surveys, periodic condition inspection and sampling records, and all records relating to Asbestos monitoring, testing, treatment, removal, and disposal works are to be held within a YHG-owned and managed Asbestos Management System.

There should be no requirement to retain records containing personal data on customers.

10. Equality and Diversity

This Policy will be applied to ensure equality of treatment for all customers without discrimination or victimisation on account of any protected characteristic as defined within the Equality Act 2010. In drafting this policy, YHG has had regard to its public sector equality duties under s149 of the Equality Act 2010, namely the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited under the Act.
- advance equality of opportunity between people who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and those who do not.

The policy considers diversities around access to and delivery of any services.

On request, YHG will provide translations of all its documents, policies, and procedures in various languages and formats, including computer discs, braille, large print, and tape.

This policy has undergone an equality impact assessment (EIA), and a copy is available upon request.

11. Communication

YHG will ensure;

- Staff managing contracts on behalf of YHG will ensure that contractors are provided with appropriate Asbestos information before work commences.
- Effective emergency procedures are in place, and staff and contractors are responsible.
- Adopt and undertake surveys using regulatory-standard tenant satisfaction measures. These will be used to address any reports on outstanding works, issues, or concerns that warrant further action or learning and will be shared with contractors delivering services.

12. Learning and Development

Suitable and sufficient Asbestos training and refresher programmes will be maintained for all relevant employees. All training delivered will be recorded in Helix. It will also be ensured that, where required, system training is provided to allow access and use of the Asbestos register.

All staff with operational involvement in delivering this policy and the AMP will need to have and maintain suitable and sufficient training - (e.g. Duty to Manage, any relevant YHG operating systems).

The Head of Compliance & Building Safety and the Compliance Contract Manager (Asbestos) will hold a BOHS P405 'The Management of Asbestos in Buildings' qualification. The Compliance Contract Manager will also have a minimum of a BOHS P402 'Surveying and Sampling Strategies for Asbestos in Buildings' qualification.

The Head of Compliance & Building Safety and the Compliance Contract Manager (Asbestos) will also need to proactively maintain their Continued Professional Development to stay current and abreast of industry and regulatory changes.

13. Performance Management of this Policy

The completion of periodic condition inspections in line with their due date forms part of the “Health & Safety – Customer’s Homes” balanced scorecard KPI. This is reported monthly to the Board, ELT and SLT.

Several KPI dashboards are available and can be used to monitor the performance of contractors.

14. Review of this Policy

This policy will be reviewed every two years or sooner if required by statutory, regulatory, best practice, emerging developments, or circumstances arising from reviews of other Group-wide policies.

The Head of Compliance & Building Safety will review the policy.

Related Documents

Document Type	Name
Connected Policies and Procedures	Health, Safety and Wellbeing Policy Equality, Diversity, and Inclusion Policy Asbestos Management Plan – See Caitlin Williams Emergency Procedures
Forms and Letters	
Leaflets/Publicity Material	YHG-Asbestos-leaflet-for-residents
Training Materials Available	
Intranet/ Website Page	YHG-Asbestos-leaflet-for-residents

Checklist

(To be completed as far as possible by the Policy Author before submission for quality checking by the Research and Policy Manager before Risk and Compliance Group)

Policy Name: Asbestos Management Policy				
Version No: 5		Effective Date: July 2024		
Status: Full Review				
Previous Policy Name (where appropriate) Asbestos Policy				
Brief Summary of Changes from the Previous Version:				
Full review of structure and content to ensure it aligns with current legislation and working practices.				
Internal Consultation Groups:		Customer Consultation: <input checked="" type="checkbox"/>		
Customer Connect Panel – 28 July		Date of Customer Consultation: July 2024		
		Customer Consultation Brief Details: The policy's background/purpose was explained, followed by an overview of its content (with an emphasis on those elements most relevant to customers), the policy aims, and then the opportunity for questions, comments, and suggestions.		
Link to Consultation Document(s):				
Date Initial Equality Impact Assessment Undertaken: n/a		Equality Impact Assessor name(s): Darren Shelley Vicky Byrne Carly-Anne Greenall		
Reason for Decision: Full review				
Date Full Equality Impact Assessment Undertaken: July 2024				
Brief Outline of any Changes Recommended from EIA: None				
Data Protection/ GDPR Implications: <input checked="" type="checkbox"/>				
Brief Outline of Data Protection/GDPR Implications:				
YHG will ensure that all Asbestos surveys, periodic condition inspections, sampling records, and all records relating to Asbestos monitoring, testing, treatment, removal, and disposal works are held with a YHG-owned and managed Asbestos Management System.				
There should be no requirement to retain records containing personal data on customers.				
Legal Implications: <input type="checkbox"/>		Legal Panel Consulted: <input type="checkbox"/>		Date:
Risk Implications: <input checked="" type="checkbox"/>		Risk Logged on Datix: <input checked="" type="checkbox"/>		Date:
Resource Implications	People: <input type="checkbox"/>	Finance: <input type="checkbox"/>	Asset: <input type="checkbox"/>	Other: <input type="checkbox"/>

Brief Summary of how Resource Implications have been addressed:	
There are no resource implications; the policy will be delivered in line with the current budget and resources	
How will communication on this Policy take place: (please delete as appropriate)	
Intranet/ Email / E-Learning/ Face to Face Training	
Policy Owner: (Department) Compliance	Policy Author: Neil Wilmer
Policy Signed Off by Neil Wilmer	Date: 12/07/2024
Policy Quality Checked by Policy Research Lead: Vicky Byrne	Date: July 2024
Policy Approved by: Risk and Compliance Group	Date: July 2024
Policy Approved by: Property Operations Committee	Date: September 2024