

Asbestos Management Policy

1. Introduction

- 1.1. The Wrekin Housing Group (the 'Group') is a Community Benefit Society registered with the Financial Conduct Authority under the Co-operative & Community Benefit Society Act 2014. Our main business is the provision of social housing, care and support, adding social value to the lives of the people who receive our services and live in our communities.
- 1.2. The Group is committed to ensuring that residents' homes, our offices and commercial premises are safe and secure places to live and work. The Asbestos Management policy documents how we will achieve our objectives of keeping people safe, ensuring that asbestos is appropriately managed and that we meet our legal obligations as a landlord, care provider and employer.

2. Policy Statement

- 2.1. The Group accepts its responsibility in accordance with the regulatory standards, under the Health and Safety at Work Act 1974, The Control of Asbestos Regulations 2012 (CAR 2012) in respect of asbestos management, and approved codes of practice (ACoP) L143 - Managing and working with Asbestos. The Group has a legal obligation under CAR 2012 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.
- 2.2. The Group will:
 - 2.2.1. Ensure that a suitable and sufficient assessment is carried out as to whether asbestos is, or is liable to be, present in non-domestic premises (premises constructed prior to 2000) by carrying out management surveys.
 - 2.2.2. Review the management surveys (re-inspection) of non-domestic premises every 12 months, if there is reason to believe an assessment is no longer valid, or, if there has been a significant change in the premises.
 - 2.2.3. Produce an asbestos register and asbestos management plan to determine the risk posed by the presence of asbestos materials. We will ensure this is appropriately managed by:
 - monitoring the condition of asbestos or substances suspected of containing asbestos;
 - ensuring any asbestos or any such substance is properly maintained or where necessary, safely removed; and
 - ensuring that information about the location and condition of any asbestos or any such substance is provided to every person liable to disturb it, and made available to the emergency services.

- 2.2.4 Review and update the management plan to ensure that it continues to be valid and continues to relate to the non-domestic premises and range of asbestos containing materials within the Group's property portfolio.
- 2.2.5 Ensure that accurate records are held for each building, including actions identified from asbestos management surveys, where appropriate timescales will be set and action plans put in place to ensure such works are completed.
- 2.2.6 Implement a programme of asbestos removal and remedial works to mitigate any identified hazards from the presence of asbestos materials.
- 2.2.7 Ensure that asbestos management survey information is provided prior to carrying out any responsive, void or planned maintenance works that may involve working on, or adjacent to, asbestos.
- 2.2.8 Ensure that any asbestos likely to pose a risk is identified prior to works commencing and is managed in an appropriate way. Where intrusive works is to be undertaken, a Refurbishment and Demolition (R&D) survey will be undertaken.
- 2.2.9 Ensure that staff, contractors and consultants appointed to assist in undertaking the surveys / assessments for asbestos and asbestos related works are competent to carry out their duties and that these competent persons cooperate with each other as part of the overall asbestos management plan.
- 2.2.10 Ensure that the procurement and appointment of contractors, consultants and direct labour organisations (DLO) includes assessment criteria to evaluate their competency and performance as part of a quality-based evaluation. This evaluation will be sufficiently weighted to ensure the best value option in the selection process. Best value will be continually monitored throughout the delivery of the works / service through the implementation of Key Performance Indicators (KPI's).
- 2.2.11 Ensure that asbestos awareness training is provided to all staff who are likely to come into contact with asbestos materials as part of their duties. This will be when they join the organisation and refresher training will be provided every 2 years.
- 2.2.12 Undertake a process of continuous improvement, independent assurance and scrutiny for asbestos management. This will be achieved through internal and external auditing and implementing actions and recommendations highlighted as part of these audits.
- 2.3 In order to ensure compliance with the requirement of the legislation and this policy, performance reporting will be provided to the Executive Management Group (EMG) and the Audit and Assurance Committee as detailed within section 7 of this policy.
- 2.4 There is no duty to manage asbestos within domestic premises under the Controls of Asbestos Regulations (CAR) 2012. However, the Group recognises the presence of asbestos within its domestic stock, has carried out

management surveys previously and will continue to do so for newly acquired domestic stock constructed prior to 2000. The Group also acknowledges that it has a significant number of management surveys for domestic properties that are over 5 years old.

2.4.1 The Group will carry out management survey re-inspections for domestic properties when:

- there is reason to believe a current survey is no longer valid;
- there has been a significant change in the premises;
- the current survey is older than 5 years and planned refurbishment works (kitchens, bathroom, rewires, heating, roofing etc) are programmed to be carried out.

2.5 The Group acknowledges that failure to meet the requirements set out within the CAR 2012 and the Approved Code of Practice L143 could lead to prosecution by the Health and Safety Executive (HSE) under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and a serious detriment judgement from the Regulator of Social Housing (RSH).

3 Policy Scope

- 3.1 This policy applies to all staff, tenants, services users, visitors, contractors, third party providers and other people affected by the act and omissions of the Group in relation to asbestos management.
- 3.2 This policy applies to all domestic and non-domestic premises (or parts), within the scope of the CAR 2012, owned or managed by the Group.
- 3.3 The Group must ensure it complies with the Regulator of Social Housing's (RSH) regulatory framework and consumer standards for social housing in England. The Home Standard is the primary one applicable to this policy.

4 Definitions

- 4.1 Competent / Competency – refers to staff with the required training, skills, knowledge and experience to undertake the role, action or task that has been delegated to them. The specific requirements to meet the level of being competent for a given role is detailed within the Asbestos Management Plan.
- 4.2 Non-domestic Premise – all Commercial locations, places of works, public buildings, residents buildings, communal and common parts of residential premises (e.g. blocks of flats), HMO's and care homes.
- 4.3 Domestic Premise – a dwelling (e.g. flat, bungalow, house) that has no more than one family unit / household residing in it.
- 4.4 Management Survey (re-inspection) – Assessment of Asbestos Containing Materials (ACMS) during the normal occupation and use of premises. The survey must locate ACM that could be damaged or disturbed by normal activities, by

foreseeable maintenance, or by installing new equipment. It involves minor intrusion and minor asbestos disturbance to make a Materials Assessment. This shows the ability of ACM, if disturbed, to release fibres into the air.

- 4.5 Asbestos Register – the document / data files that contain the results of an asbestos survey. This includes the location, amount and condition of asbestos containing materials and forms part of the Asbestos Management Plan.
- 4.6 Asbestos Management Plan (AMP) - provides details of how the asbestos within buildings, identified or presumed, is to be managed after an Asbestos Survey has been conducted. The AMP will include who the Duty Holder is, details of the Asbestos Register, Action Plans, Training Schedules, Communication Strategies, Contingency Plans and Emergency Arrangements.
- 4.7 Premises constructed prior to 2000 – it should be presumed that any building constructed prior to 2000 may contain ACM and should be subject to an Asbestos Management Survey. The use of ACM's was band prior to 2000 and properties constructed on or after this date will not contain ACM's.
- 4.8 P1 Action – remedial actions identified from asbestos management surveys rated low, medium or high.

5 Roles and Responsibilities

- 5.1 The **Wrekin Housing Group Board** and **Group Chief Executive** have overall governance responsibility for the implementation of the policy, its effectiveness and compliance with statutory requirements. The Group Board will:
 - Through the **Audit & Assurance Committee**, have oversight and scrutinise asbestos management performance reporting information and asbestos management arrangements. This includes ensuring that there are suitable risk control measures in place;
 - Ensure that sufficient funds and other resources are provided for establishing, implementing and continually improving Asbestos Management across the Group.
- 5.2 The **Executive Directors and Senior Managers** will oversee the implementation of this policy and will monitor and review its effectiveness by:
 - Ensuring that this policy is applied consistently across the Group;
 - Ensuring that sufficient resources are available to meet the requirements of preventative, protective and control measures;
 - Ensuring that current asbestos legislation and associated regulatory guidance is complied with;
 - Ensuring suitable reporting mechanisms are in place to monitor the asbestos risk of the organisation and reporting at Executive Management and Board levels;
 - Ensuring that a positive culture surrounds the management of, and compliance with, asbestos management prevention and protective measures. This includes in the workplace and to customers by

delivering communications to employees that positively promotes asbestos safety;

- Being responsible for the effective management, monitoring and progression of asbestos safety issues within their service area;
- Ensuring that effective management systems are in place to achieve high standards of asbestos management;
- Ensuring there is a regular review of the asbestos management structure with delegated organisational responsibilities for the implementation of this policy and local asbestos management arrangements.

5.3 The **Director of Care and Support** is the responsible person for CQC prosecutions for failing to provide care and treatment in a safe way (including incidents relating to asbestos).

5.4 The **Resident Safety Manager** is responsible for the implementation of, and adherence to, this policy across the Group and:

- Developing and reviewing the Asbestos Management Policy and the Asbestos Management Plan for the Group;
- Preparing reporting and performance monitoring information, including non-compliance related to asbestos;
- Ensuring competent persons are appointed to assist in undertaking the Management of asbestos;
- Monitoring best practice and innovation to ensure that asbestos management arrangements remain current and up to date with developing technical standards;
- Ensuring systems and processes are set up to manage asbestos across the Group;
- Appropriate monitoring of the work of the Building Facilities Category Team who are operationally responsible for the delivery of the Asbestos Management Plan.

5.5 The **Building Facilities Category Manager** is the operational lead responsible for the delivery of the Asbestos Management Plan and:

- Will be competent to carry out this role. Competency will be measured by experience and through holding the P405 Management of Asbestos in Buildings qualification;
- Ensuring that competent (UKAS accredited) contractors are procured and appointed to deliver initial asbestos management surveys and the ongoing programme of surveys thereafter;
- Ensuring that competent licensed asbestos removal contractors (LARC) are appointed for all notifiable non-licensed work or licensed works;
- Checking the relevant qualifications of employees working for these contractors on an annual basis and ensuring this is evidenced appropriately.

6 Relevant Legislation

- 6.1 This policy ensures compliance with the Regulatory Framework and Consumer Standards (Home Standard) for Social Housing in England and The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.
- 6.2 The principle legislation applicable to this policy is The Control of Asbestos Regulations (CAR) 2012, which came into force on the 6th April 2012.
- 6.3 The principle approved Codes of Practice and guidance 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' (Third edition 2012).
- 6.4 This Asbestos policy also operates in the context of the following additional legislation:
- Health and Safety at Work Act 1974;
 - The Management of Health and Safety at Work Regulations 1999;
 - The Workplace (Health Safety & Welfare) Regulations 1992;
 - 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;
 - Construction, Design and Management Regulations 2015;
 - Defective Premises Act 1972;
 - Landlord and Tenant Act 1985;
 - Data Protection Act 2018;
 - RIDDOR 2013.

7 Monitoring

- 7.1 Compliance with this policy will be achieved through the delivery of its objectives by the operational and management teams. The effectiveness and performance of the policy will be monitored through regular reporting to the Group Board and the Executive Management Group (EMG).

7.2 Reporting to the Audit and Assurance Committee – Quarterly:

| Non-domestic Management Surveys (NDMS) |
|---|
| <ul style="list-style-type: none">• Total number of locations requiring NDMS for all buildings owned or managed by the Group.• The number (and percentage) of properties with a valid 'in date / no more than 12 months' NDMS in place.• The number of high risk P1 actions outstanding, older than 28 days (with commentary where appropriate).• Detail in the commentary of all outstanding asbestos safety actions. |
| <ul style="list-style-type: none">• The number of notice of deficiencies, improvement notices and RIDDOR's issued in the period relating to asbestos management.• High risk hazards and non-compliances identified from procedures that require Board approval to action.• Results of audits and approval of action plans.• Updates and commentary on audit actions plans.• Policy reviews and approval. |

7.3 Reporting to EMG – monthly: information report to the Audit & Assurance Committee plus:

| Non-domestic Management Surveys (NDMS) |
|---|
| <ul style="list-style-type: none">• The total number of P1 actions (High, Medium, Low) and non-compliance that require action, commentary on progress and issues with progress.• Hazards identified from procedures that require EMG approval to action.• Updates on industry changes to statutory and non-statutory requirements.• Procedure changes and reviews. |

8 Asbestos Management Plan

8.1 The Group's Asbestos Management Plan (AMP) details the practices, procedures and wider delegated roles and responsibilities for achieving the objectives of this policy. The AMP is a separate document and it is regularly reviewed to ensure that they are reflective of any operational changes within the Group.

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| The Wrekin Housing Group | Policy control sheet Asbestos Management Policy Policy reference number - 2022/002 |
| Policy Author | Nick Pike Resident Safety Manager |
| Direct Lead | David Hall Head of Property |
| Version | 1. March 2022 |
| Target audience | All Wrekin Housing Group staff, contractors and third-party providers. |
| Consultation | Operational Services Team Housing Team |
| Date of Equality Impact Assessment | An Equality Impact Assessment is not required. |
| Date of Data Privacy Impact Assessment | No personal data is processed as part of implementing this policy. |
| Approving Body | Executive Management Group |
| Date of final approval | 31 st March 2022 |
| Implementation date | 1 st April 2022 |
| Monitoring arrangements | Operational Teams Building Safety Team Executive Management Group |
| Reporting | Executive Management Group – Monthly Audit & Assurance Committee – Quarterly The Wrekin Housing Group Board – Quarterly |
| Review date | October 2024 |
| Expiry date | April 2025 |
| Review cycle | Three year review cycle |
| Policy category | Health and Safety |
| Associated policies and procedures | Health and Safety policy Asbestos Register Asbestos Management Plan |
| Policy location | Intranet The Wrekin Housing Group website |

Summary of changes table

| Revision history | | | |
|-------------------------|--|----------------|--|
| Author | Summary of changes | Version | Authorised by & date |
| Nick Pike | Policy reviewed in line with review date | 1. March 2022 | Executive Management Group – 31 st March 2022 |