

ASBESTOS SAFETY POLICY

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Executive Summary:

This policy sets out our legal and regulatory duties in respect of asbestos safety and what we will do to ensure we comply with them. The policy includes details of the inspection programmes and wider actions we will operate to achieve this, and the measures we will take to ensure the programmes are delivered safely and in a timely manner. It also sets out how we will monitor delivery of the policy and of the programmes.

Policy Grouping/Directorate	Property Compliance / Property Services	
Owner Name / Job Title	Siobhan McCoy, Director of Property Services	
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Notes:		

1 Introduction and Aims

- 1.1 As a landlord, RBH is responsible for the maintenance and repairs to our homes, communal blocks and other properties we own and manage, many of which may have been constructed using asbestos containing materials. As such, we have a legal 'duty to manage' asbestos in some of these buildings, and wider duties to ensure all our properties are safe.
- 1.2 We are also responsible for maintaining other types of heating systems to ensure that all heating appliances provided for customers are safe. These are solid fuel and electrical heating systems.
- 1.3 The key objective of this policy is to ensure our Senior and Executive Leadership Teams, colleagues, partners and customers are clear on our legal and regulatory asbestos safety obligations and what we will do to comply with them. This policy provides the framework our colleagues and partners will operate within to meet these obligations.
- 1.4 The aims of the policy are:
 - To ensure that RBH has identified and complied with all relevant legal duties in respect of asbestos safety.
 - To ensure that RBH is meeting our regulatory duties in respect of asbestos safety.
 - To help deliver our objectives within our Corporate Strategy to ensure our customers live in safe homes and that we are delivering customer focused services which meet their needs.
- 1.5 This policy forms part of our wider organisational commitment to driving a health and safety culture amongst colleagues and contractors and it will be shared with all relevant RBH colleagues and partners.

2 Context

- 2.1 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 potentially be put at risk.
- 2.2 Under The Control of Asbestos Regulations 2012 (CAR 2012) RBH 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.
 - Keep an up-to-date record (an asbestos register) of the location and condition of ACMs or presumed ACMs.
 - Assess the risk from any ACMs found.
 - Prepare an Asbestos Management Plan that sets out how we will manage the risk from ACMs, and review and monitor its implementation.

- 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.
 - Asses 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 us.
- 2.3 Approved Code of Practice (ACOP) L143 sets out Health and Safety Executive (HSE) guidance on how to comply with the duties and requirements within CAR 2012, and duty holders are expected to adhere to this ACOP.
- 2.4 The HSE has also published a number of guidance documents relating to asbestos management, which duty holders should also follow:
- HSG227 - A comprehensive guide to managing asbestos in premises (First edition, 2002)
 - HSG247 - Asbestos: The licensed contractors' guide
 - HSG264 - Asbestos: The survey guide
 - INDG223 - Managing asbestos in buildings: a brief guide
 - HSG210 - Asbestos Essentials: A task manual for building, maintenance and allied trades and non-licensed asbestos work
 - HSG248 – Asbestos: The Analysts' Guide
- 2.5 This policy will support RBH to comply with the following regulatory standard:

Consumer Standards – Safety and Quality Standard

The delivery of this policy will support us to comply with the requirement to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas. This policy has identified the legal requirements that relate to asbestos safety, and sets out what we will do to comply with them.

3 Values

- 3.1 The policy fits with all the mutual values of RBH:

Putting People First: We will respond to requests from customers about asbestos within their home, and be empathetic to any concerns.

Doing What We Say: We earn trust through honesty, integrity, caring and keeping our promises.

Working As One: We embrace our mutuality and work together to deliver great outcomes for the people living in our homes and communities.

Delivering Quality: We invest wisely in our people and make it easy for them to deliver services and create places that our customers are proud to call home.

Open & Transparent: We are curious, embrace diverse ways of thinking and seek feedback to help us improve.

4 Policy Statement

- 4.1 We acknowledge and accept our responsibilities under CAR 2012 as outlined in Section 2, and we will protect those persons who could be potentially exposed to asbestos in our homes and assets as far as is reasonably practical, using appropriate control measures and working methods.
- 4.2 To fully comply with CAR 2012, we will have an Asbestos Policy, an Asbestos Management Plan and we will maintain an asbestos register.
- 4.3 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.
- 4.4 We will operate a robust process to manage all changes to our assets, including property acquisitions and disposals, to ensure that properties are not omitted from asbestos safety programmes and the programme remains up to date.
- 4.5 We will carry out an intrusive refurbishment/demolition survey to domestic and non-domestic properties as and when required, in accordance with HSG264.
- 4.6 We will ensure that information about ACMs (known or presumed) is provided to every person liable to disturb it, accidentally or during the course of their work. This includes employees, contractors, and customers.
- 4.7 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.

Asbestos safety programme

- 4.8 **Non-domestic properties** – All non-domestic properties (communal blocks/supported schemes/offices/depots) that we own or manage (within the scope set out in 2.1), built prior to the year 2002, will have an asbestos management survey that is compliant with CAR 2012 (i.e. all surveys will be dated after 6 April 2012, when this legislation came into effect).
- 4.9 We will maintain a programme of asbestos re-inspections for all properties that contain ACMs (known or presumed) or where we cannot confirm there are no ACMs present. Re-inspections will either be annual or in accordance with the risk level as identified by the previous survey. We will not re-inspect any properties where the initial asbestos management survey confirms that there are no ACMs.
- 4.10 **Domestic properties** – We currently hold asbestos survey data on approximately 97 per cent of our domestic properties. We will survey the remaining properties when they become void, or when major components are being renewed or other work is required and a survey is necessary.
- 4.11 **Garages** – many of our garages 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.
- 4.12 **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.

- 4.13 Where the repair or planned improvement work is carried out by any of our contractors or strategic partners, we will continue to hold the asbestos register and survey information and will co-ordinate this and make the relevant information available to them. Where surveys are required, we will commission the appropriate survey, make the information available, and update our register.
- 4.14 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.
- 4.15 We will operate a robust process for the management of immediately dangerous situations identified in respect of asbestos safety.
- 4.16 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. We will also work with other statutory agencies to support our attempts to gain access. Where customer vulnerability issues are known or identified, we will take steps to ensure we safeguard the wellbeing of the customer.
- 4.17 We will operate effective contract management arrangements with any contractors who support the delivery of the asbestos programme and who carry out work in our homes. This will include ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.

Managing risk

- 4.18 We will establish and maintain a risk assessment for asbestos safety management and operations, setting out our key asbestos safety risks and appropriate mitigations.
- 4.19 We will operate a process for identifying and managing customers who are at risk and support our attempts to gain access, including mitigation plans to manage any specific risks identified.
- 4.20 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place in respect of all repairs to void and tenanted properties (at the start of the contract and reviewed/updated annually thereafter), component replacement works and refurbishment projects.

- 4.21 We will operate a robust process to investigate and manage any **RIDDOR notifications** submitted to the HSE in relation to asbestos safety and will take action to address any issues identified and lessons we have learned, to prevent a similar incident occurring again.
- 4.22 We will operate a robust process for **dealing with and escalating any significant non-compliance**. Our definition of significant non-compliance is: any incident which has the potential to result in a material 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 of an RBH employee becoming aware of it.
- Any non-compliance issue identified at an operational level will be formally reported to either the relevant Service Manager or Head of Service in the first instance, who will agree an appropriate course of corrective action with the Director of Property Services. The Director of Property Services will report details of the same to the Executive Leadership Team.
- In cases of serious non-compliance, the Executive Leadership Team 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. In such instances, the issue will also be reported to Board.

The issue will also be recorded and investigated in accordance with the RBH accident and near miss reporting process.

Training and competency

- 4.23 We will ensure that suitably competent and trained people will carry out asbestos inspections and undertake work on asbestos:
- Only competent contractors (as per HSG264) will carry out asbestos management surveys and asbestos re-inspections. We will require surveyors to hold the P402 qualification and to be able to demonstrate they have sufficient experience to be competent in carrying out surveys and re-inspections.
 - Only competent Licensed Asbestos Removal Contractors will carry out all work on asbestos, including non-notifiable non-licensed work, notifiable non-licensed work, or licensed works.
 - Only suitably competent asbestos consultants and contractors will provide third party technical quality assurance checks.
- 4.24 We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.
- 4.25 We will deliver training on this policy and the procedures that support it, through appropriate methods including: team briefings; basic asbestos safety awareness training; and on the job training for those delivering the programme of gas and heating safety checks, planned maintenance and repair works as part of their daily job. All training undertaken by RBH colleagues will be formally recorded.

Customer communications

- 4.26 We consider good communication essential in the effective delivery of asbestos safety programmes, therefore we will establish a customer engagement strategy and communication programme to support customers in their understanding of asbestos safety. This will assist us in maximising access to carry out safety checks, encourage and support customers to report any concerns about asbestos safety, and help us to engage with vulnerable and hard to reach customers. We will share information clearly and transparently and will ensure that information is available to customers via regular publications and information on our website via regular publications and information on our website via regular publications and information on our website. We will tailor our communications to meet any known needs of our customers.
- 4.27 We will provide new customers with a copy of the asbestos survey for their home when they move in, and all other customers upon request. Within the first year of operation of this policy we will issue all customers with a copy of the asbestos survey for their home.

5 Monitoring

- 5.1 We will hold asbestos inspection dates and records against each property we own or manage.
- 5.2 We will maintain and keep an asbestos register, keeping it secure and with write access only available to those who need to update the register. The asbestos register will include details of ACMs in the properties we own or manage, with information on the property address, the type of asbestos, its location and condition. We will hold inspection dates, asbestos surveys, details of remediation works and evidence of completion of these works.
- 5.3 We will keep all these records for at least the duration that we own and manage the property/in line with our document retention policy and have robust processes and controls in place to maintain appropriate levels of security for all asbestos related data.
- 5.4 We will keep air monitoring and health surveillance records for at least 40 years.
- 5.5 We will ensure there is a programme of third-party quality assurance audits of asbestos safety checks.
- 5.6 Internally we will undertake 100 per cent desktop audits of all asbestos surveys.
- 5.7 We will hold data and monitor performance against the following:
- Data – the total number of:
- Properties – split by category (domestic, communal and others);
 - 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 30 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 actions; and
- Progress with completion of follow-up works.

- 5.8 We will also monitor the number of RIDDOR notifications to the HSE about asbestos safety and the actions taken, through our Health and Safety Committee and report on this to Board.
- 5.9 We will report key performance indicator (KPI) data for asbestos safety to our Executive Leadership Team (ELT) on a monthly basis, and to the Customer Service Committee on a quarterly basis. We will also report any non-compliance to Board on an exception basis, in accordance with our performance monitoring and KPI framework. We will report our performance to customers in our annual report, and through our website and other communication channels throughout the year.
- 5.10 We will carry out an internal or independent audit of asbestos safety at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

6 Review

- 6.1 All RBH strategies, policies, service standards and procedures are reviewed on a regular basis to ensure that they are 'fit for purpose' and comply with all relevant legislation and statutory regulations.
- 6.2 This policy will go through the full policy approval process every 3 years and will undergo a desktop review annually. This is to ensure that it is fit for purpose and complies with all relevant and statutory regulations.

7 Links with Other RBH Documents

- 7.1 This policy links to the following policies and strategies:
- Homes and Communities Strategy
 - Gas and Heating Safety Policy
 - Electrical Safety Policy
 - Fire Safety Policy
 - Water Safety Policy
 - Lift Safety Policy
 - Construction Design and Management (CDM) Policy
 - Disrepair Policy
 - Responsive Repairs Policy

8 Inclusivity statement

- 8.1 We are dedicated to fostering an inclusive and equitable environment for all. We ensure that everyone is valued and respected. Our policies aim to be inclusive, and will comply with UK laws, including the Equality Act 2010, to create a diverse and supportive environment for people to thrive.

- 8.2 We understand not everyone absorbs information the same way. If you have any difficulty understanding or interpreting this document please email people@rbh.org.uk or call Freephone 0800 027 7769. We will work with you to ensure your individual needs are met.