

Asbestos policy

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Contents

1. Scope	3
2. Aims and objectives	5
3. Legislative and regulatory context	5
4. Inspections	7
5. Governance	8
6. Contractors	9
7. Resident engagement	9
8. Resident responsibilities	10
9. Supporting vulnerable residents	10
10. Monitoring, compliance, and review	10
11. Diversity and inclusion	11
12. Implementation	11

1. Scope

This document sets out how Ealing Council will meet its statutory obligations to manage the risk from asbestos-containing materials (ACM's) at premises for which it is responsible.

If maintained in good condition and not disturbed, asbestos is safe. This policy details the primary ways in which the council will ensure that ACM's are managed in such a way that they do not pose a health risk to council employees, contractors, residents or visitors.

Legislation requires asbestos containing materials to be identified, and an assessment of the risk of these materials to be recorded and maintained, as well as records confirming that work with asbestos has been carried out safely.

There are also requirements to ensure that a suitable assessment of the risk of asbestos is carried out prior to work taking place and that work on asbestos is carried out by competent contractors.

This asbestos policy should be read in conjunction with the corporate asbestos policy and the council asbestos management plan which details the processes and procedures for the strategic and operational management of asbestos risk.

All references to Ealing Council within this document refer to the council's function as a landlord of residential property.

There is a distinction in responsibility under The Control of Asbestos Regulations (CAR) 2012 between 'domestic' and 'non-domestic' areas.

Under Regulation 4, Ealing Council has a duty to manage asbestos in non-domestic areas within its housing stock. For example, within

the common parts of blocks of flats, which includes the requirement to identify ACM's (by undertaking a survey) and maintaining these in good condition.

Whilst no 'duty to manage' applies to domestic areas, Regulation 5 of CAR requires employers to identify the presence of asbestos and its condition prior to undertaking any building or maintenance work. Management of Health and Safety at Work Regulations 1999 (MHS WR) requires employers and self-employed people to make an assessment of the risks to the health and safety of themselves, employees and people not in their employment arising out of or in connection with the conduct of their business - and to make appropriate arrangements for protecting those people's health and safety.

Ealing Council also has duties as a landlord of domestic premises under section 3 of the Health and Safety at Work Act 1974 (HSW) to ensure, so far as is reasonably practicable, that the conduct of their undertaking does not present a risk to the health and safety of persons that are not their employees. In addition, the Defective Premises Act 1972, requires Ealing Council to take reasonable care to ensure that tenants and visitors are safe from personal injury and illness caused by the condition of the premises. Further, the Landlord and Tenant Act 1985 requires all rented property to be fit for human habitation at the beginning of the tenancy and further requires the landlord to maintain that basic standard.

All contractors and staff employed by, or contracted to, Ealing Council must adhere to this policy.

All residents (tenants and leaseholders) residing in Ealing Council properties, and visitors, must adhere to this policy.

All references to Ealing Council within this document refer to the Council's function as a landlord of residential property.

2. Aims and objectives

The primary aim of this policy is to outline how Ealing Council, will deliver adequate and effective management of ACM's to prevent exposure to asbestos.

This will ensure that the Ealing Council meets the statutory duties under the CAR 2012, and specifically those under Regulation 4, the Duty to Manage, and Regulation 5, Identification of Asbestos, the Defective Premises Act 1972 and the Landlord and Tenant Act 1985.

This policy demonstrates Ealing Council's commitment to managing asbestos to provide safe living and working environments for residents, staff, and contractors.

3. Legislative and regulatory context

The following statutory and regulatory requirements apply to this policy:

- Health and Safety at Work etc. Act (HSW) 1974
- Control of Asbestos Regulations (CAR) 2012
- Management of Health & Safety at Work Regulations 1999
- The Construction (Design and Management) Regulations 2015
- Workplace (Health and Safety and Welfare) Regulations 1992
- Hazardous Waste (England & Wales) (Amendment) Regulations 2016

- The Housing Act 2004
- The Defective Premises Act 1972
- Environmental Protection Act 1990
- Occupiers Liability Act 1984
- Landlord and Tenant Act 1985
- Homes (Fitness for Habitation) Act 2018

Health and Safety Executive (HSE)-issued guidance documents:

- L143 – HSE Approved Code of Practice (ACoP) to CAR 2012
- HSG227 - A comprehensive guide to managing asbestos
- HSG264 - Asbestos: the survey guide
- HSG247 - The Licensed Contractor's Guide
- HSG248 (2nd Edition, 2021): Asbestos Analysts' guide

4. Inspections

Ealing Council will take reasonable steps to determine the location of materials likely to contain asbestos by employing competent United Kingdom Accreditation Service (UKAS) accredited experts to undertake surveys, and presume materials contain asbestos unless there is strong evidence that they do not.

UKAS accredited experts will undertake an assessment of the risk of any identified asbestos and record this assessment on the asbestos register. We will maintain an up-to-date record of the location(s) and condition of known or presumed asbestos and hold this on a database (the asbestos register).

We will ensure that the condition of any material containing or presumed to contain asbestos is periodically assessed in accordance with the risk it poses by an accredited expert (through a programme of reinspection surveys) and that the outcome of assessments are recorded on the asbestos register.

We will ensure that information on the location, condition and risk of asbestos containing materials is available to contractors prior to work taking place and to anyone else who may need it.

Supplementing this policy is the asbestos management plan that details roles and responsibilities of those managing asbestos.

5. Governance

The council's cabinet has overall responsibility for ensuring that this policy is implemented to ensure compliance with the law.

In practical terms, the chief executive reports to cabinet to demonstrate accountability for corporate health and safety across the council and will also ensure that property health and safety compliance management duties in its landlord function are properly assigned and managed.

The day-to-day responsibility for asbestos management in the council's housing stock has been delegated, via the chief executive, to the strategic director of housing and environment. These arrangements are monitored by the housing and environment leadership team.

The strategic director of housing and environment has delegated their duty holder responsibility to the assistant director, housing asset management who has professional and technical responsibility for buildings owned and managed by Ealing Council. The head of building safety and compliance is classed as the responsible person under CAR 2012, they advise and take the lead in reacting to any emergency incidents under the guidance and supervision of the duty holder.

The asbestos management plan also identifies the roles and responsibilities of those who will undertake the day-to-day tasks on behalf of the strategic director of housing and environment.

6. Contractors

We will only use licensed asbestos removal contractors to work on asbestos containing materials.

Contractors are required to carry out all work, risk assessment, notifications, and reporting to the council for all areas relating to asbestos in accordance with the regulations, the council asbestos management plan, and the relevant contract. In addition, all contractors are required to show evidence of appropriate guidance and training to their staff.

7. Resident engagement

Ealing Council has a leaflet on asbestos which is made available to residents, upon request and also as part of the tenancy sign up guidance. It aims to inform and not alarm residents about asbestos. We want to inform residents on what they can do if they suspect asbestos is present, whilst providing reassurance on how the council will deal with asbestos and address queries/concerns.

Residents whose homes contain or are likely to contain asbestos will be advised where the asbestos is, what Ealing Council plans to do about it, how best to minimise any risk that may be associated with the material and who to contact if the material deteriorates or is damaged. When notified about the presence of asbestos within their homes, residents will be asked to notify the council of any damage to or deterioration in its condition.

8. Resident responsibilities

We will use the legal remedies available within the terms of the tenancy and lease agreements should any tenant or leaseholder refuse access to carry out essential asbestos related inspection and remediation works.

Where a resident seeks approval to carry out improvement works to their property the resident will be advised if there is asbestos in their property and given advice on how to deal with it. Where an improvement will disturb asbestos in the home, Ealing Council may arrange for its removal.

9. Supporting vulnerable residents

We are committed to ensuring that vulnerable residents are supported, and that household vulnerability and reasonable adjustment requirements are considered when providing services to residents.

We will assess the needs of residents who inform us that they have a disability such as a hearing impairment, visual impairment or mobility issue, and will adjust our approach to best meet the needs of the resident whilst ensuring compliance with our obligations as a landlord and maintaining the safety of our wider resident and community base.

10. Monitoring, compliance, and review

This policy will be reviewed annually or sooner if there are changes to legislation, best practice or internal arrangements which mean it may no longer be valid, or in the event of a relevant major incident.

The council asbestos management plan will initially be reviewed after 6 months, then annually or sooner if there are changes to legislation, best practice or internal arrangements which mean it may no longer be valid.

The general performance of asbestos management processes and overall risk is monitored through a set of key performance indicators, which are reviewed monthly through a monitoring dashboard.

11. Diversity and inclusion

Ealing Council will ensure that all information about asbestos is shared with residents in a form and language that is easily understood.

An equality impact assessment 'initial screening' has been carried out which has influenced the formation of this policy and will also affect the procedure to make sure that our implementation of this policy does not have a detrimental impact on our disabled or elderly residents.

12. Implementation

Implementation of this policy is through the asbestos management plan and associated documents.