

Growth and Place Directorate (G&P)

ASBESTOS POLICY

Directorate	Growth and Place
Responsible Person	Strategic Head of Property Services
Resident Sign-off	
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CONTENTS

1.0 Introduction	4
2.0 Purpose	4
3.0 Scope	5
4.0 Policy	6
5.0 Responsibilities	8
6.0 Monitoring, Review, and Evaluation	12
7.0 Associated policies and documents	13
8.0 Definitions	14

1.0 Introduction

- 1.1 This document sets out how the Growth and Place Directorate (GPD) of London Borough of Hammersmith & Fulham (LBHF) shall meet their statutory obligations to manage the risk from Asbestos Containing Materials (ACMs) at premises for which it is responsible.
- 1.2 If maintained in good condition and not disturbed, asbestos is safe. This Policy details the primary ways in which GPD will ensure that ACMs are managed in such a way that they do not pose a risk to health to council employees, contractors, residents or visitors.
- 1.3 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.
- 1.4 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.
- 1.5 This asbestos policy should be read in conjunction with the LBHF GPD Asbestos Management Plan which details the processes and procedures for the strategic and operational management of asbestos risk.

2.0 Purpose

- 2.1 The primary purpose of this policy is to outline how the GPD, on behalf of LBHF, will deliver adequate and effective management of asbestos containing materials (ACMs) in order to prevent exposure to asbestos.
- 2.2 This will ensure that the Council and GPD meet the statutory duties under the Control of Asbestos Regulations 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.
- 2.3. This Policy outlines how the responsibilities for asbestos management are assigned at both a strategic and operational level.
- 2.4 This Policy provides high level guidance to allow adequate resources to be directed to asbestos management to ensure risk is mitigated.
- 2.5 This policy demonstrates the high-level commitment of LBHF to managing asbestos in order to provide safe living and working environments for residents, staff and contractors.

3.0 Scope

- 3.1 This policy covers all properties where the LBHF GPD have a maintenance or repair responsibility.
- 3.2 There is a distinction in responsibility under Control of Asbestos Regulations (CAR) 2012 between 'domestic' and 'non-domestic' areas.
- 3.2.1 Under Regulation 4, LBHF have 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 ACMs (by undertaking a survey) and maintaining these in good condition.
- 3.2.2 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.
- 3.3 LBHF 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 LBHF 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.
- 3.4 All contractors and staff employed by, or contracted to, the LBHF GPD must adhere to this policy
- 3.5 All residents (tenants and leaseholders) residing in LBHF GPD properties, and visitors, must adhere to this policy
- 3.6 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

4.0 Policy

- 4.1 The Growth and Place Directorate (GPD) shall achieve the objectives of this Policy by:
- 4.2 Taking reasonable steps to determine the location of materials likely to contain asbestos by employing competent UKAS accredited experts to undertake surveys, and presume materials contain asbestos unless there is strong evidence that they do not;
- 4.3 Maintaining an up to date record of the location and condition of known or presumed asbestos and hold this on a database ('The Asbestos Register');
- 4.4 Undertaking an assessment of the risk of any identified asbestos and recording this assessment on the Asbestos Register;
- 4.5 Ensuring 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 this assessment is recorded on the Asbestos Register;
- 4.6 Ensuring 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;
- 4.7 Effectively controlling works through workflow processes to ensure that no intrusive works take place in either domestic or non-domestic premises without a suitable assessment/asbestos survey being undertaken and the results fully communicated and understood;
- 4.8 Ensuring that any asbestos containing materials identified as being damaged or at risk of damage are repaired, protected, or removed by a competent person in line with Regulations and best practice;
- 4.9 Ensuring that all persons who have responsibility for managing, organising, or carrying out works have undergone sufficient training to allow them to manage the risk of exposure to asbestos containing materials and to keep a record of this training;
- 4.10 Ensuring only competent persons are used in the risk assessment, works planning, sampling, analysing and removal of asbestos;

- 4.11 Adequately controlling asbestos removal and remedial work and maintaining accurate records including updating the Asbestos Register;
- 4.12 Where LBHF is not the duty holder but is involved with the site or service, cooperating fully with the duty holder;
- 4.13 Having a procedure in place for dealing with unplanned, uncontrolled release of asbestos fibres including immediate measures to protect operatives and residents;
- 4.14 Having a process in place for providing information on asbestos risk to tenants and leaseholders;
- 4.15 Preparing a written Asbestos Management Plan detailing roles and responsibilities and how the risk of asbestos will be managed through processes and procedures;
- 4.16 Regularly reviewing this policy and Asbestos Management Plan to ensure compliance with current legislation.

5.0 Responsibilities

Full responsibilities under this Policy are detailed in the LBHF GPD Asbestos Management Plan. The summary responsibilities are as follows;

5.1 Councillors

5.1.1 Councillors are responsible for ensuring that suitable arrangements are in place for the management of asbestos throughout the councils' portfolio and that there are sufficient resources to discharge these duties effectively.

5.2 Chief Executive

5.2.1 The Chief Executive is legally responsible for ensuring that the arrangements in place for the management of asbestos containing materials are suitable and sufficient.

5.2.2 The Chief Executive is accountable for the facilitation, implementation, and adherence to this policy, including the allocation of sufficient resources and funds.

5.2.3 The Chief Executive retains accountability as the "responsible person" within the scope of the relevant legislation.

5.2.4 The Chief Executive will delegate the responsibility for implementation of this policy to the GPD Strategic Head of Property Services as appropriate and in line with the GPD Asbestos Management Plan.

5.3 Strategic Head of Property Services

5.3.1 The Strategic Head of Property Services will undertake practical application of the Policy within their areas of responsibility, delegating duties as appropriate, and ensuring that:

5.3.2. Suitable and sufficient risk assessments are carried out for their areas of responsibility and subsequent actions implemented as appropriate;

5.3.3 Resources and equipment are correctly used and maintained;

5.3.4 Identify and facilitate training in accordance with the requirements of this policy;

5.3.5 Systems are periodically reviewed and tested, ensuring that failures and shortcomings are reported and addressed;

5.3.6. All staff in their control are made aware of the requirements of this policy and any amendments made to it;

5.3.7 All staff and officers are fully supported in decisions made in accordance with this policy;

- 5.3.8 The Asbestos Policy is relevant to all assets falling within the remit of the Strategic Head of Property Services and is signed and dated;
- 5.3.9 Managing all contact with press, enforcing authorities, and legal queries with respect to asbestos or asbestos exposure;
- 5.3.10 Reviewing and, where appropriate, implementing recommendations received by the Head of Health and Safety Compliance Manager and/or the findings of any audit or review;
- 5.3.11 Leading enforcement action on non-compliant contractors.

5.4 Head of Health and Safety Compliance

The Head of Health and Safety Compliance is responsible for:

- 5.4.1 Ensuring that the Growth and Place Directorate (GPD) complies with the overarching LBHF corporate asbestos policy;
- 5.4.2 Ensuring that the Asbestos Management Plan (AMP) and associated appendices are integrated into the GPD operating procedures;
- 5.4.3 Participating in regular AMP reviews;
- 5.4.4 Providing advice and information to the Strategic Head of Property Services and, through liaison with the Asbestos Manager/asbestos specialist contractor ensuring that instructions received from the Strategic Head of Property Services are implemented;
- 5.4.5 Facilitating audits carried out by the Asbestos Manager, Health and Safety and/or commissioned party;
- 5.4.6 Ensuring that the implementation of the AMP is monitored to ensure that working arrangements and provision of financial, technical, human, and other resources are suitable and sufficient to meet its requirement;
- 5.4.7 Ensuring that relevant contracts are monitored and managed in a timely manner;
- 5.4.8 Reviewing and, if appropriate, implementing recommendations received from the Health and Safety Manager or any other audits or reviews of asbestos management;
- 5.4.9 Reporting incidents to the Health and Safety Executive under the Reporting of Injuries, Diseases, and Dangerous Occurrences (Amendment) Regulations 2012 (RIDDOR);

5.4.10 Participating in all meetings with the HSE or enforcement bodies and assisting managers in providing details on GPD asbestos policies, procedures, and management plan to enforcement bodies where requested.

5.5 Asbestos Manager

The Asbestos Manager is the Duty Holder's nominated representative and is responsible for the day to day operational management of asbestos including:

- 5.5.1 Contract Management of Asbestos Surveying and Analytical Company;
- 5.5.2 Ensuring that the Asbestos Register is maintained and updated including risk assessments and ensuring that there is a quality control process in place;
- 5.5.3 Ensuring that regular re-inspection surveys are undertaken in line with the intervals specified in the Asbestos Management Plan;
- 5.5.4 Ensuring that any ACMs that are high risk are removed or encapsulated so as to reduce their risk;
- 5.5.5 Ensuring that records of asbestos remedial works are kept;
- 5.5.6 Providing general technical advice on asbestos to GPD staff;
- 5.5.7 Providing Key Performance Indicator (KPI) data for monthly reporting;
- 5.5.8 Undertaking an auditing role on representative projects and the Asbestos Management Plan, including the performance of the Asbestos Contractors, and Asbestos Analysts/Surveyors;
- 5.5.9 Ensuring that emergency procedures are established, implemented, and remain appropriate for the GPD;
- 5.5.10 Ensuring that all work is halted if suspect ACMs are discovered during work and, if required, further advice is sought from the Asbestos Surveying Company;
- 5.5.11 Ensuring any breaches of compliance with the Asbestos Management Plan and the Control of Asbestos Regulations are fully investigated and that Corporate Health and Safety are notified. Ensure all incidents and accidents are recorded on the Council's online reporting system.
- 5.5.12 Ensuring that health surveillance is carried out where appropriate and necessary;
- 5.5.13 Maintain a competent person status in matters of asbestos management.

5.6 Staff

All staff will ensure that they:

- 5.6.1. Comply fully with the principles and actions required in this document;
- 5.6.2 Correctly utilise all systems and equipment provided for compliance with this document, including the reporting of any apparent defects with the equipment or systems;
- 5.6.3 Ensure the safety, health and welfare of themselves and others who may be affected by the employees' acts or omissions.
- 5.6.4 Discuss with their line manager any issues or concerns arising with or about this policy;
- 5.6.5 Bring to the attention of senior management and the health and safety advisor any matters that are not resolved in a reasonable time;
- 5.6.6 Undertake training as required.

5.7 Contractors

- 5.7.1 The council have a range of contractors across the full range of compliance issues. All contractors are responsible for the following:
- 5.7.2 To only use competent contractors with work on asbestos containing materials including using only Licensed Asbestos Removal Contractors for all work on materials;
- 5.7.3 The contractor is 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 LBHF GPD Asbestos Management Plan, and the contract.

5.8 GPD Health and Safety Team

- 5.8.1 Coordinating any training needs assessment for all members of staff and facilitating the Asbestos Manager or external asbestos specialist to deliver relevant Asbestos Awareness Training.
- 5.8.2 Managing and collating Accident Book/corporate incident reporting system records and Dangerous Occurrence records.

- 5.8.3 Undertaking inspections and audits to ensure adherence to this Policy and the Asbestos Management Plan and to make recommendations as applicable.

5.9 Corporate Health and Safety Team

The Corporate Health and Safety team shall:

- 5.9.1 Consult with the appropriate Senior Management Team on asbestos related matters;
- 5.9.2 Undertake Auditing and inspection against compliance with this policy; and
- 5.9.3 Inform the relevant Director of any non-compliance

6.0 Monitoring, Review, and Evaluation

- 6.1 This Policy is to 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.
- 6.2 The LBHF GPD Asbestos Management Plan will initially be reviewed after six months, then annually or sooner if there are changes to legislation, best practice or internal arrangements which mean it may no longer be valid.
- 6.3 It is the responsibility of the Asbestos Manager to review this policy as agreed.
- 6.4 The general performance of asbestos management processes and overall risk is monitored through a set performance Key Performance Indicators (KPI's), which are reviewed monthly through a monitoring dashboard.
- 6.5 GPD Health and Safety Team will carry out routine evaluation of compliance with this policy. The team will report findings to the Strategic Head of Property Services.
- 6.6 Corporate health and safety will report performance against this policy twice annually to the senior leadership team and annually to the Audit and Pensions Committee.

7.0 Associated policies and documents

Linked Documents:

- LBHF Health and Safety Policy
- Fatal Injuries and Major Incidents Procedure and Guidance
- LBHF Accident & Incident code of practice
- GPD Asbestos Management Plan
- LBHF Corporate Asbestos Policy

8.0 Definitions

For the purpose and life of this document, the following definitions will apply:

GPD PREMISES – properties controlled, managed, owned, leased or other authorised occupation by RPHS or their agents and representatives.

DOMESTIC residential property managed or controlled by GPD. This includes all single dwellings and individual flats including bedsits whether owner occupier or let to a single family and private and common rooms in sheltered accommodation.

NON-DOMESTIC non-residential areas of property managed or controlled by GPD including the common parts/communal areas of blocks. The common parts of such domestic premises might include foyers, corridors, lifts and lift shafts, staircases, roof spaces, gardens, yards, outhouses, and garages but not the private domestic area inside each flat. Common parts do not include rooms within a private residence that are shared by more than one household such as bathrooms and kitchens in shared houses and communal dining rooms and lounges in sheltered accommodation.

RESIDENTS – persons residing in GPD property under a tenancy (probationary or secure) or leasehold agreement including their normal household members and authorised guests.

STAFF/EMPLOYEES – for the purpose of this document the terms “staff” and “employee” shall mean persons employed directly by the GPD, agency and contract personnel provided to the GPD (for the duration of the time that they are working for GPD) to undertake works normally carried out by direct employees of the GPD.

CONTRACTORS – persons employed by or provided by another organisation contracted to undertake work for or on behalf of GPD.

COMMUNAL AREAS – Internal and external areas of residential properties that are not within any leased or tenanted area.

TENANTED AREAS – parts of residential property that are included within the tenancy or leasehold agreement.

RESPONSIBLE PERSON – person with ultimate control of the premises

COMPETENT PERSON – A person or persons who are deemed competent by means of knowledge, training and experience to provide advice and guidance to the organisation, its’ management and staff.