



Asbestos Policy

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1. Introduction

- 1.1 Dover District Council (“the Council”) are responsible for maintaining and repairing properties within its Housing Revenue Account (HRA) including its shared areas, many of which will have been constructed using Asbestos Containing Materials (ACMs). The Council has a legal ‘duty to manage’ asbestos in its shared areas, this will be done in accordance with the Control of Asbestos Regulations (CAR) 2012. The regulation will be followed to ensure the management of ACM in accordance with the guidelines for our HRA stock. The Council is responsible for the safety of tenants within internal areas through other legislation and is relevant in the context of responsive repairs, voids and planned works.

2. Definitions

- 2.1 For the purposes of this Policy:
- ‘We’, ‘ours’, ‘us’ and ‘landlord’ refers to Dover District Council. We are the landlord because we own and manage homes through the HRA tenancy agreement.
 - ‘Staff’ refers to members of staff who provide housing related services, including housing management, housing options, strategic housing, and property services.
 - ‘Contractors’ refers to third party organisations who provide housing-related services on our behalf.
 - ‘Tenants’ refers to an individual or individuals who have an active tenancy agreement with the Council and live in and rent a Council-owned property.
 - ‘HRA blocks’ refers to a building or complex that contains multiple residential units within our HRA.
 - ‘UKAS’ refers to the appointed national accreditation body for asbestos surveyors. Accreditation is a means of assessing, in the public interest, the technical competence and integrity of organisations offering evaluation services.
 - The ‘Policy’ refers to this Asbestos Policy.

3. Asbestos surveys

- 3.1 Asbestos management surveys intend to locate and assess ACMs that could be damaged or disturbed during normal occupancy or routine maintenance. This allows an asbestos register and asbestos management plan to be produced. If the survey does not identify asbestos or if it is removed, there will not be a reinspection. If asbestos is identified and not removed, this will be reinspected annually. This applies to shared areas of HRA blocks and maisonettes as per CAR 2012. Internal areas of HRA properties will have an asbestos management survey if required as a result of responsive repairs, voids and planned works (the Council's ambition is to survey 100% of HRA properties).
- 3.2 Refurbishment and Demolition (R&D) surveys involve destructive inspection to ensure there is no asbestos hidden (such as behind walls and under floors) in the specific area which is being worked on, e.g. the kitchen (or the whole building if demolition is

planned); this is to ensure all ACMs are identified and removed as far as reasonably practicable before major refurbishment or demolition (as per CAR 2012).

4. Licensable works

- 4.1 Depending on the type of work and its level of risk, an employer must decide if the work requires a licenced contractor or whether the appropriate enforcing authority must be notified. This is in accordance with the Control of Asbestos Regulations (CAR) 2012.

Non-licensed work

- 4.2 Work with ACM that can be done without a licence must meet specific conditions and be carried out so exposure to workers will not exceed the control limit. Examples include:

- cleaning up small quantities of asbestos dust and debris
- drilling textured decorative coatings to install fixtures or fittings
- encapsulation or sealing-in asbestos that is in good condition

Notifiable work but no licence is required

- 4.3 Some non-licensed work must still be notified to the correct authority. Examples include:

- asbestos cement products (for example roof sheeting) where the material will be substantially damaged or broken up
- repair of asbestos insulation on a pipe where the exterior coating has been damaged
- large-scale removal of textured decorative coatings using steaming or gelling methods - beyond that required for maintenance such as installation or replacement of smoke alarms and fittings

Licensed work

- 4.4 Higher-risk work with asbestos must only be done by a contractor holding a licence from HSE. Examples include:
- any work on sprayed asbestos
 - most repair or any removal of asbestos insulation, for example lagging on pipes and vessels for thermal insulation
 - most work on asbestos insulating boards, such as removal of partition walls, linings and suspended ceilings

5. Policy purpose and scope

- 5.1 The purpose of this Policy and its associated procedures is to set out how the Council will identify, manage, remove and/or mitigate risks associated with asbestos. In addition, we must establish an Asbestos Management Plan (AMP), which outlines key

information on roles and responsibilities, and the management of information, works, and ACMs.

- 5.2 We must take all reasonable steps to maintain a safe environment within buildings within our Housing Revenue Account (HRA), this includes Council properties with an active tenancy agreement, void/empty properties, and internal and external shared areas of properties owned or partially owned by the Council.
- 5.3 This policy, associated procedures and AMP must be used by all Council staff and approved contractors working on the Council's behalf to ensure they understand the obligations placed upon the Council to maintain the safety of our tenants within their homes.
- 5.4 The Policy should be read alongside the following Policies:
 - Vulnerable Tenant Policy

6. Policy aims

- 6.1 The aim of this Policy is to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal areas (shared areas); the specific aims of the Policy are:
 1. To identify and assess the presence of asbestos in our HRA properties through an inspection programme.
 2. Council staff and contractors are clear and confident about our responsibilities relating to asbestos management.
 3. ACMs are safely managed and removed where appropriate.
 4. Establish a system to record the location and condition of the ACMs or presumed asbestos and assess the risk of the asbestos found.

7. Legal duties

Legal duties owed to employees

- 7.1 Health and Safety at Work Act 1974 is the primary piece of legislation covering occupational health and safety. The Act requires employers to ensure their work environments are safe and free from risks to health. It sets out the duties which:
 - Employers have towards employees and members of the public
 - Employees have to themselves and to each other
- 7.2 Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) is the law that requires employers, and other people in charge of work premises to inform the Health and Safety Executive (HSE) or relevant enforcing authority that a work-related accident or incident has happened. This is so that the HSE can respond to ensure compliance with health and safety law, we must report and keep records of all:

- work-related fatalities
- work-related reportable injuries
- diagnosed cases of reportable occupational diseases
- certain dangerous occurrences (incidents with the potential to cause harm)

Legal duties owed to tenants

- 7.3 The Control of Asbestos Regulations (CAR) 2012 aim to ensure that asbestos is managed safely and that exposure risks are minimised, it applies to the ‘common parts’ (shared areas) of multi-occupancy domestic premises. This places the following requirements on us:
- The duty to manage asbestos
 - Identification of asbestos and its presence assessed before any work begins
 - Before carrying out work, which is liable to asbestos exposure, a risk assessment must be conducted to determine the likelihood of exposure (and the nature and degree of exposure)
 - A detailed plan must be created outlining how asbestos work will be carried out safely
 - Certain types of asbestos work require a license
 - Notify the appropriate enforcing authority of licensable work with asbestos
 - Workers are given adequate information, instruction and training where appropriate
 - Implement appropriate control measures to minimise exposure
- 7.4 The Landlord and Tenant Act 1985 require landlords to keep the structure and exterior of the property in good repair, this includes addressing any issues related to asbestos if it is part of the building’s structure, such as in walls, roofs or other structural element.
- 7.5 The Housing Act 2004 introduces the Housing Health and Safety Rating System (HHSRS) which identifies whether any specified hazards are present and categorises those hazards according to objective criteria. A hazard is any risk of harm to the health or safety of an actual or potential occupier of accommodation that arises from a deficiency in the dwelling, building or land in the vicinity.
- 7.6 The Homes (Fitness for Human Habitation) Act 2018 amends the Landlord and Tenant Act 1985 to require all landlords to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout.
- 7.7 The Social Housing (Regulation) Act 2023 introduced new rules that social housing landlords must comply with regarding the safety and quality of homes. The revised consumer standards set a requirement for social housing landlords to take all reasonable steps to ensure the health and safety of tenants in their homes and associated communal (shared) areas. Registered providers must also provide an effective, efficient and timely repairs, maintenance and planned improvements service for the homes and communal (shared) areas for which they are responsible.

Additional legislation, regulations and associated documents

7.8 The Policy also operates in the context of, but is not limited to:

- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- Corporate Manslaughter and Corporate Homicide Act 2007
- Personal Protective Equipment at Work Regulations 1992 (as amended)
- Hazardous Waste (England and Wales) Regulations 2005 (Amendment 2009) (as amended)
- Control of Substances Hazardous to Health (COSHH) Regulations (as amended) 2002
- Construction (Design and Management) Regulations 2015
- Defective Premises Act 1972
- Data Protection Act 2018
- The Asbestos (Licensing) Regulations 1983 (as amended)
- 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' (second edition 2021)
- 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' (Fourth edition 2018)
- BS EN ISO/IEC 17020

8. Policy Statements

- 8.1 We recognise that one of the main hazards in relation to asbestos is the non-identification of ACMs, and as such we will protect those persons potentially exposed to asbestos as far as is reasonably practical.
- 8.2 We recognise that good communication is essential in the safe delivery of asbestos management and will therefore ensure that information about ACMs (known or suspected) is provided to every person liable to disturb it, accidentally or during the work. This includes employees, contractors and tenants.

Roles and responsibilities

- 8.3 Staff are responsible for complying with all relevant asbestos and safety legislation, this Policy, and associated processes when inspecting and controlling ACMs (or suspected

ACMs). Staff are also responsible for attending training when required as appropriate for their role.

- 8.4 The housing management team will provide key support in gaining access into properties where access is proving difficult in accordance with our tenancy agreement.
- 8.5 Contractors are responsible for complying with all relevant asbestos and safety legislation in force at the time.
- 8.6 The duty to manage asbestos is included in CAR 2012 as established in paragraph 7.3.
- 8.7 Cabinet will receive updates on the implementation of the Asbestos Policy and asbestos performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice. This is the same report detailed in paragraphs 8.37 and 8.38.
- 8.8 The Head of Property Assets has strategic responsibility for the management of asbestos and for ensuring compliance is achieved and maintained.
 - Oversee the implementation of the Policy.
 - Be responsible for overseeing the delivery of the HRA block and maisonette (shared areas) reinspection programme.
 - Prioritise and implement any works arising from the asbestos surveys.
- 8.9 As per the Social Housing (Regulations) Act 2023 (amending the Housing and Regeneration Act 2008), our designated health and safety lead has the following responsibilities in relation to the health and safety of tenants:
 - Monitoring compliance with health and safety requirements.
 - Assessing risks of failing to comply with these requirements.
 - Assessing hazards under the Housing Act 2004
 - Notifying the Regulator of Social Housing about:
 - o Risks of material failures.
 - o Actual material failures.
 - Providing advice to the responsible body as to how we should address these risks and failures to ensure compliance.

Information on our designated health and safety lead is available on our website.

Inspection Programmes

- 8.10 We will ensure that an asbestos management survey is in place on shared areas of HRA blocks and maisonettes. All surveys comply with the CAR 2012 legislation and are therefore dated after 6th April 2012 when the legislation came into effect.
- 8.11 Shared areas of HRA blocks and maisonettes will have a re-inspection survey and an assigned re-inspection date where applicable. This date will be in accordance with the specific needs of the building. It will either be annually or at a period dictated by the previous survey/re-inspection. Re-inspection dates may change following the re-categorisation of a property or a building.

- 8.12 We will provide the asbestos management survey report on request.
- 8.13 We will implement a data reconciliation process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, to ensure that properties are not omitted from the reinspection programme, and to ensure the programme remains up to date.

Responsive repairs, voids, and planned works

- 8.14 We will review existing asbestos management survey information prior to carrying out any void repairs, day to day repairs, or planned maintenance works which may involve working on or adjacent to any ACMs within properties. This is to ensure that any ACMs likely to pose a risk are identified prior to works commencing, and the details passed onto the relevant operatives or external contractors and managed in an appropriate way.
- 8.15 Where there is no previous asbestos related information in respect of a property which requires an asbestos survey ahead of day-to-day repairs, void repairs or planned maintenance work, an asbestos survey will be undertaken and the scope of the survey agreed in accordance with the works due to be carried out.
- 8.16 A management survey will be completed for all voids as a minimum, if intrusive repair works are required then a Refurbishment and Demolition (R&D) survey will be completed before any works are undertaken.

Refurbishment Work

- 8.17 We will undertake an intrusive R&D survey to properties prior to planned maintenance works taking place to the areas of the property that are likely to be disturbed as part of the proposed works. This will be in accordance with the criteria set out in our Asbestos Management Plan, which should be read in conjunction with this Policy. The R&D survey will be provided to all working on the relevant property.

8.18 Access to properties

- Our tenancy agreement outlines that tenants must allow staff, contractor operatives, or agents acting on our behalf to enter the property at reasonable hours on requests for the purposes of inspecting the property or carrying out any works. Unless otherwise agreed or in an emergency, or we are investigating alleged tenancy breaches, we will give tenants at least 24 hours' notice.
- In accordance with our Vulnerable Tenant Policy, if the tenant's vulnerability is preventing the Council from entering the property to carry out and complete repairs and maintenance, we will work with the tenant to make adjustments that are reasonable and justified while allowing us to carry out the repair work.

Follow up Work

- 8.19 Follow-up works required following the completion of any asbestos survey and/or reinspection will be managed through the applicable contract.

- 8.20 Within the applicable contract, there is a robust process in place for the management of immediately dangerous situations identified from any asbestos related works undertaken on properties.
- 8.21 Where asbestos is positively identified and, because of a risk assessment (conducted in accordance with published guidance), removal, sealing or encapsulation is recommended, this will be carried out by our applicable contractor in accordance with CAR 2012.

Competency and compliance

- 8.22 We will employ competent external contractors to undertake asbestos surveys and reinspections. Only licensed asbestos removal operatives and/or contractors will be employed to carry out licensed remediation works (where necessary).
- 8.23 Suitably competent persons to manage and remove non-licensed ACMs.
- 8.24 We will also undertake an intrusive R&D survey to properties as and when required. This will also be in accordance with the criteria set out in our Asbestos Management Plan, which should be read in conjunction with this policy.
- 8.25 We will ensure that the manager with lead responsibility for operational delivery is suitably qualified and experienced, holding one of the following as a minimum:
- P405 qualification.
 - Level 4 qualification in a related subject such as Level 4 VRQ Diploma in Asset and Building Management Compliance.
 - Or qualification and/or experience of equal standing.
- 8.26 We will fund training as necessary; the manager with lead responsibility gains these qualifications and membership. Any new employee will commence any required qualification within 12 months of the start of employment.
- 8.27 The Property Assets team will check the relevant qualifications to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.
- 8.28 We will ensure that competent contractors (as per HSG264 & BS EN ISO/IEC 17020) are procured and appointed to deliver asbestos management surveys.
- 8.29 We will ensure that competent licensed asbestos removal contractors are appointed for all notifiable non-licensed work or licensed works.
- 8.30 We will ensure that all contractors' employee and public liability insurances are up to date on an annual basis. Furthermore, contracts/service level agreements will be in place with the contractors responsible for delivering the compliance service.

Record keeping

- 8.31 We will establish and maintain an Asbestos Register of all ACMs by type, address, location and condition.

- 8.32 We will hold accurate records against each property and shared areas of HRA blocks and maisonettes we own or manage, identifying whether the property has had its initial asbestos management survey and when the next re-inspection is due if necessary. As a minimum, the aim is to have an asbestos management survey for all properties.
- 8.33 An asset management system will include the date of the most recent survey and/or re-inspection where applicable.
- 8.34 The findings from the asbestos survey, including any ACMs and remediation works identified and subsequently completed (including evidence of removal and encapsulation) will be recorded on a tracker spreadsheet and/or the contractor portal, or our asset management system.
- 8.35 Appropriate asbestos information will be made available to all relevant stakeholders as required.
- 8.36 Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically.

Performance Reporting

- 8.37 Robust Key Performance Indicator (KPI) measures will be established and maintained to ensure we are able to report on performance in relation to asbestos management surveys. We will also provide further information on our position within our narrative to enable understanding.
- 8.38 KPI measures will be produced and provided to the Corporate Management Team (CMT) and Cabinet on a quarterly basis. These KPI measures may include reporting on:

Data – the total number of:

- Properties – shared areas of HRA blocks and maisonettes;
- Properties on the asbestos management/re-inspection programme;
- Properties not on the asbestos management/re-inspection programme;
- Properties with a valid ‘in date’ survey/re-inspection. This is the level of compliance expressed as a number and a %;
- Properties where the survey/re-inspection has expired and is ‘out of date’. This is the level of non-compliance expressed as a number and a %;
- The percentage of domestic stock with full asbestos data;
- The number of follow up works/actions arising from any surveys, and the numbers ‘completed’, ‘in time’ and ‘overdue’.

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action;
- Progress with completion of follow-up works.

Quality Assurance

- 8.39 We will appoint an independent competent person and/or consultant to complete an audit of compliance at least once every two years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

Non-Compliance/Escalation Process

- 8.40 The definition of non-compliance in relation to this Policy refers to any incident which results in a potential breach of legislation or regulatory standard, or which causes or has the potential to cause a significant risk to health or safety, including RIDDOR (see para 7.2).
- 8.41 Any non-compliance issue identified at an operational level will be formally reported to the Head of Property Assets and the Designated Health and Safety Lead in the first instance.
- 8.42 The Head of Property Assets will agree an appropriate course of corrective action with the relevant operational team(s) in order to address the non-compliance issue and report details of the same to CMT.
- 8.43 CMT will ensure the Portfolio Holder for Housing, Skills and Education is made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

9. Implementation, monitoring and review

- 9.1 Monitoring is necessary to ensure that the Council delivers the aims and objectives set out in this Policy. Senior Managers will be responsible for ensuring that staff are complying with this Policy and national guidance on asbestos.
- 9.2 Staff will be provided with procedures to ensure that they comply with the Policy provisions and both legislation and regulation. The procedures will also ensure that staff are providing a consistent approach to asbestos.
- 9.3 This Policy will be reviewed every three years, or in response to relevant changes in legislation, organisational structure, development of good practice, or to address operational issues.
- 9.4 Any minor amendments required will be made by Officers of the Council. Any significant amendments required as a result of changes to legislation or regulation, or Council operations, will be approved by the Council's cabinet. Where significant changes are required, relevant Officers and teams will be consulted before these are implemented.

10. Complaints

- 10.1 The Council's definition of a complaint is:

“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or a group of residents.”

- 10.2 The Council takes complaints made about any service it provides, officers who work for the Council or contractors who provide our services, seriously. If a tenant wishes to make a complaint about the service they have received, a Council officer or contractor, they can be made:
- In writing (letter or email)
 - Using our online complaint form
 - Using the Council’s Complaint Leaflets (these are available at the Council’s office reception, or our residents can request them to be posted)
 - Via telephone; or
 - In person by an appointment
- 10.3 Reasonable adjustments will be made during the complaints process for vulnerable residents (please see our Vulnerable Tenant Policy).
- 10.4 All complaints received will be dealt with in accordance with the Council’s Complaints Policy and Procedure. More information about how to make a complaint can be found on our website: [If you are unhappy \(dover.gov.uk\)](https://www.dover.gov.uk/if-you-are-unhappy).

11. Equality, diversity and inclusion

- 11.1 The Council is committed to promoting equality of opportunity and to eliminating unlawful discrimination on the grounds of race, age, disability, gender, sexual orientation, religion, belief, financial status, and any other difference that can lead to discrimination or unfair treatment considering the principles of the Equality Act 2010. Please see our Equality Policy for more details.
- 11.2 A full Equality Impact Assessment (EIA) was conducted for this policy in accordance with our Public Sector Equality Duty (PSED) when carrying out our duties (s149 of Equality Act 2010). The overall impact for each characteristic is deemed to be positive. Where potential negative impacts to individuals have been identified, particularly in relation to age and disability, mitigative actions have been documented on the EIA.

12. Data protection and confidentiality

- 12.1 We process personal data in compliance with data protection legislation including the Data Protection Act 2018 & General Data Protection Regulation 2016. All processing of personal data will be done in line with the data protection principles and where appropriate the necessary exemption applied.
- 12.2 Full details of how we store and use personal information about our residents can be found on our website and in our privacy statement at www.dover.gov.uk/privacy. This

will also contain contact information if you have any questions or require assistance from the data protection/information governance team.

13. Version control

Approval date	TBC
Approved by	Cabinet
Policy owner	Property Services
Scheduled review	TBC

Policy controls sheet		
Date	Summary of change	Author and approver
		Author: Approver(s):