



Asbestos Policy

Owner	Executive Director of Finance and Investment
Last Review	September 2022
Next Review	September 2024
Resident Consultation	TBC
Equality Impact Assessment	TBC
Board Approval	TBC
Confidentiality	Low

Compliance Policies (Asbestos)

Contents	Page
Introduction and objectives	2
Scope	2
Roles and responsibilities	2
Legislation, guidance, and regulatory standards	3
Obligations	4
Statement of intent	6
Programmes	6
Follow-up-work	7
Data and records	7
Resident and engagement	8
Competent persons	8
Training	8
Performance reporting	9
Quality assurance	9
Significant non-compliance and escalation	9
Glossary	10
Appendix 1 – additional legislation	11

1.0 Introduction and Objectives

1.1 As a landlord, Livin are responsible for the maintenance and repairs to Livin homes, communal blocks and other properties Livin own and manage, many of which will have been constructed using asbestos containing materials. As such, Livin have a legal 'duty to manage' asbestos in these buildings.

1.2 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 fibers 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 be put at risk.

1.3 The key objective of this policy is to ensure Livin Board, Executive Management Team(EMT), employees, partners, and residents are clear on Livin legal and regulatory asbestos safety obligations. This policy provides the framework Livin employees and partners will operate within to meet these obligations.

1.4 This policy forms part of Livin wider organisational commitment to driving a health and safety culture amongst employees and contractors (as detailed within Livin Health and Safety Policy). It will be saved on Livin shared drive and distributed to all employees.

2.0 Scope

2.1 This policy is relevant to all Livin employees, residents, contractors, stakeholders and other persons who may work on, occupy, visit, or use Livin premises, or who may be affected by Livin activities or services.

2.2 The policy should be used by all to ensure they understand the obligations placed upon us to maintain a safe environment for residents and employees within the home of each resident, and within all communal areas of buildings and other properties Livin own and/or manage. Adherence to this policy is mandatory.

3.0 Roles and Responsibilities

3.1 The Board has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As such, the Board will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).

Compliance Policies (Asbestos)

3.2 For assurance that this policy is operating effectively in practice, the Board will receive regular updates on its implementation, asbestos safety performance and non-compliance.

3.3 The Executive Director of Finance and Investment will receive monthly performance reports in respect of asbestos safety and ensure compliance is being achieved. EMT will also be notified of any non-compliance issue identified. EMT and the Board will receive quarterly performance reports.

3.4 The Executive Director of Finance and Investment has strategic responsibility for the management of asbestos safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.

3.5 The Compliance and Cyclical Works Manager has operational responsibility for the management of asbestos safety and will be responsible for overseeing the delivery of these programmes. The Compliance and Cyclical Works Manager will fulfill the role of the Appointed Person and will be the overall Responsible Person on behalf of Livin.

3.6 Housing teams will provide support where gaining access to properties is difficult.

3.7 The Executive Director of Corporate Services is designated as the health and safety lead as defined by the Social Housing (Regulation) Bill.

4.0 Legislation, Guidance and Regulatory Standards

4.1 Legislation - The principal legislation applicable to this policy is:

- The Control of Asbestos Regulations 2012

This policy also operates within the context of additional legislation (see Appendix 1).

4.2 Approved Code of Practice (ACoP) - The principal ACoP applicable to this policy is:

- ACoP L143 - Managing and working with Asbestos (Second edition, 2013).

4.3 Guidance – The principal guidance documents applicable to this policy are:

- HSG227 - A comprehensive guide to managing asbestos in premises (First edition, 2002)
- HSG247 - Asbestos: The licensed contractors' guide (First edition, 2006)
- HSG264 - Asbestos: The survey guide (Second edition, 2012)
- INDG223 - Managing asbestos in buildings: a brief guide (Revision 5, April 2012)

Compliance Policies (Asbestos)

- HSG210 - Asbestos Essentials: A task manual for building, maintenance and allied trades and non-licensed asbestos work (Fourth edition, 2018)
- HSG248 – Asbestos: The Analysts’ Guide (Second edition, 2021)

4.4 Regulatory Standards – Livin must ensure Livin comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

4.5 Sanctions – Failure to discharge Livin responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under the Control of Asbestos

Regulations; and via a regulatory notice from the Regulator of Social Housing.

5.0 Obligations

5.1 Under The Control of Asbestos Regulations 2012 (CAR 2012) Livin have 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. Livin are required to:

- Find out if asbestos containing materials (ACMs) are present, where Livin have an obligation to do so, presuming that materials contain asbestos unless Livin 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 Livin 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.
- Assess the reliability of the information Livin receive relating to asbestos within the properties Livin own and manage. Anyone who has information on the whereabouts of asbestos within these properties is required to make this available to us.

6.0 Statement of Intent

6.1 Livin acknowledge and accept Livin responsibilities under CAR 2012 as outlined in Section 5, and Livin recognise that the main hazard in relation to asbestos is the non-identification of ACMs. As such, Livin will protect those persons potentially exposed to asbestos as far as is reasonably practical, using appropriate control measures and working methods.

6.2 To fully comply with CAR 2012, Livin will have a Board approved Asbestos Policy, an Asbestos Management Plan and Livin will maintain an Asbestos Register.

6.3 Livin will carry out an intrusive refurbishment/demolition survey to domestic and nondomestic properties as and when required, as per HSG264.

6.4 Livin 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 residents.

6.5 Livin will generally not use asbestos labelling in domestic premises, however, in nondomestic premises and common areas of domestic blocks, labelling will be used where practicable.

6.6 Livin will ensure that there is a robust process in place to manage immediately dangerous situations identified during asbestos related works.

6.7 Livin will operate effective contract management arrangements with the contractors responsible for delivering the service, including 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.

6.8 Livin will use the legal remedies available within the terms of the tenancy and lease agreement should any resident, leaseholder or shared owner refuse access to carry out essential asbestos related inspection and remediation works. Where resident vulnerability issues are known or identified Livin will ensure Livin safeguard the wellbeing of the resident.

6.9 Livin will establish and maintain a risk assessment for asbestos management and operations, setting out Livin key risks from asbestos and appropriate mitigations.

Compliance Policies (Asbestos)

6.10 To comply with the requirements of the Construction (Design and Management) Regulations 2015 (CDM) a Construction Phase Plan will be in place for all repairs to void and tenanted properties (at the start of the contract and reviewed annually thereafter), component replacement works and refurbishment projects.

6.11 Livin will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to asbestos safety and will take action to address any issues identified and lessons Livin have learned, to prevent a similar incident occurring again.

7.0 Programmes

7.1 Non-domestic properties – All non-domestic properties (communal blocks/supported schemes/offices/depots) that Livin own or manage, built prior to the year 2000, will have an asbestos management survey that is compliant with CAR 2012 (dated after 6 April 2012 when this legislation came into effect) by 31st December 2022.

7.2 Thereafter, Livin will maintain a programme of asbestos re-inspections for all properties that contain ACMs (known or presumed). Re-inspections will either be annual or in accordance with the risk level as identified by the previous survey. Livin will not re-inspect any properties where the initial asbestos management survey confirms that there are no ACMs.

7.3 Domestic properties – Livin currently hold asbestos survey data on approximately 99.85 per cent of Livin domestic properties. Within the lifecycle of this policy, Livin aim to complete all domestic properties.

7.4 Garages – Livin own or manage 2359 garages, many of which may contain ACMs. Garages are included as part of Livin overarching asbestos inspection programme.

7.5 Repairs / planned maintenance - Livin 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, Livin will commission a refurbishment/demolition survey to the areas of the property that are likely to be disturbed as part of the proposed works.

Livin 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.

7.6 Properties managed by others – Where Livin own but do not manage properties and there is a requirement on the leaseholder to keep an up-to-date asbestos survey. Livin will request a copy of the survey from them. Where this applies and an asbestos management survey cannot

Compliance Policies (Asbestos)

be evidenced, Livin will commission the inspection and recharge the cost back to the leaseholder.

8.0 Follow-up Work

8.1 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) – by specifically trained contractors with appropriate equipment and working procedures in place which are sufficient to comply with the CAR 2012.
- Notifiable non-licensed works (as defined in regulation 2 of the CAR 2012) – by a licensed asbestos removal contractor (LARC) licensed by the Health and Safety Executive in compliance with the CAR 2012.
- Licensed works (as defined in regulation 2 of CAR 2012) – will be undertaken by a LARC, licensed by the Health and Safety Executive.

9.0 Data and Records

9.1 Livin will maintain a core asset register of all properties Livin own or manage, setting out which properties are and are not required to be included on the asbestos re-inspection programme.

9.2 Livin will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from asbestos programmes and the programme remains up to date.

9.3 Livin will keep an asbestos register within Keystone. The asbestos register will include details of ACMs in the properties Livin own or manage, with information on the type, address, location and condition. Livin will hold inspection dates, asbestos surveys, details of remediation works and evidence of completion of these works in the Keystone system.

9.4 Livin will keep all of these records for the duration that Livin own and manage the property. This is in line with Livin document retention policy and have robust processes and controls in place to maintain appropriate levels of security for all asbestos related data.

9.5 Livin will keep air monitoring and health surveillance records for at least 40 years.

10.0 Resident Engagement

Compliance Policies (Asbestos)

10.1 Livin consider good communication essential in the effective delivery of asbestos safety, therefore Livin will ensure Livin customer engagement policy and communication programme supports residents in their understanding of asbestos and advises them of how they can manage any risk if there is asbestos within their property, as well as encourage them to report any asbestos safety concerns.

10.2 Livin consider good communication essential in the effective delivery of asbestos safety, therefore Livin will establish a resident engagement strategy and communication programme. This will support residents in their understanding of asbestos, advise them of how they can manage any risk if there is asbestos within their property, and encourage them to report any asbestos safety concerns.

10.3 Livin also aim to successfully engage with vulnerable and hard to reach residents. Livin will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on Livin website.

10.4 Livin will provide residents with a copy of the asbestos survey for their property on commencement of a new tenancy, where Livin have carried one out. Livin will also provide asbestos surveys information to existing residents upon request.

11.0 Competent Persons

11.1 The operational lead will hold a P405, P402, P407 or W504 qualification (or equivalent). If they do not have one of these, they will obtain this within 12 months of the approval of this policy.

11.2 Only competent contractors (as per HSG264) will carry out asbestos management surveys.

11.3 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.

11.4 Suitably competent persons will undertake asbestos re-inspections and the removal of non-licensed asbestos, under the supervision of persons who are suitably trained and competent to manage this work.

11.5 Only suitably competent asbestos consultants and contractors will provide third party technical quality assurance checks.

11.6 Livin will check that Livin contractors hold the relevant qualifications and accreditations when Livin procure them, and thereafter on an annual basis; Livin will evidence these checks and each contractor's certification appropriately.

12.0 Training

Compliance Policies (Asbestos)

12.1 Livin will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic asbestos awareness training; and on the job training for those delivering the asbestos programme, planned maintenance and repair works as part of their daily job. All training undertaken by employees will be formally recorded.

13.0 Performance Reporting

13.1 Livin will report robust key performance indicator (KPI) measures for asbestos safety.

These will be provided to The Executive Director of Finance and Investment monthly and to EMT and the Board on a quarterly basis. As a minimum, Livin will report on the following, split down between domestic and non-domestic properties:

Data – the total number of:

- Properties – communal blocks and other properties;
- Properties on the asbestos management programme;
- Properties with a valid and in date survey;
- Properties without a valid and in date survey;
- Properties due to be surveyed/re-inspected within the next 30 days; and

Narrative - an explanation of the:

- Current position;
- Corrective action required;
- Anticipated impact of corrective action

14.0 Quality Assurance

14.1 Livin will require external contractors to provide the results of their own five per cent quality assurance audit checks, as required by UKAS, on a monthly basis.

14.2 Livin will commission an independent audit of asbestos management at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

15.0 Significant Non-Compliance and Escalation

15.1 Livin definition of significant non-compliance is: any incident which has the potential to result in a potential 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 employee becoming aware of it.

Compliance Policies (Asbestos)

15.2 Any non-compliance issue identified at an operational level will be formally reported to the Executive Director of Finance and Investment in the first instance, who will agree an appropriate course of corrective action with the Head of Property Services and report details of the same to the EMT.

15.3 In cases of serious non-compliance, EMT and Board 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.

16.0 Glossary

16.1 This glossary defines key terms used throughout this policy:

- **Duty Holder:** The owner of the non-domestic premises or the person or organisation that has clear responsibility for the maintenance or repair of non-domestic premises, for example through an explicit agreement such as a tenancy agreement or contract
- **Management survey:** A survey to enable the management of asbestos-containing materials during the normal occupation and use of premises
- **Refurbishment/demolition survey:** A refurbishment/demolition survey is a survey that is necessary prior to any works which may affect the fabric of a building, and which is used to locate (as far as reasonably practicable) asbestos-containing materials. The survey may be within a localised area or cover the whole building.
- **UKAS:** 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.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- Defective Premises Act 1972
- Health and Safety at Work Act 1974
- Landlord and Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- The Occupiers' Liability Act 1984
- The Workplace (Health Safety and Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- The Asbestos (Licensing) (Amendment) Regulations 1998
- The Management of Health and Safety at Work Regulations 1999
- Control of Substances Hazardous to Health Regulations (as amended) 2002 (COSHH)
- Hazardous Waste (England and Wales) Regulations 2005 (Amendment 2009)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 201