

## Asbestos Safety Policy

At the time of Policy approval Flagship Housing Group owns and manages in the region of 30,318 tenanted properties.

A proportion of these properties are flats, a majority of which have communal/common areas. It has a responsibility to identify and manage Asbestos Containing Materials (ACMs) within its stock and to reduce the risk of possible exposure to asbestos fibres.

<b>Department</b>	<i>Asset Management</i>
<b>Policy Owner</b>	<i>Matt Smith</i>
<b>Approved Date</b>	<i>25<sup>th</sup> July 2023</i>
<b>Date for Review</b>	<i>July 24</i>
<b>Approving Body</b>	<i>Asset Management Committee</i>
<b>Associated Legislation/Regulation</b>	<i>Control of Asbestos Regulations (CAR) (2012)</i>
<b>Equality Impact Assessment Date</b>	<i>31/5/23</i>
<b>Version Number</b>	<i>V1.0</i>

## Purpose / Principles

This Policy explains how Flagship Housing Group's commitments to Asbestos Safety will be met. It will be supported by an Asbestos Safety Management Plan providing more detailed guidance and procedures.

Large amounts of asbestos were used in new and refurbished buildings before Year 2000. Blue (crocidolite) and Brown (amosite) asbestos were banned by law in 1985. Manufacture and supply of all asbestos was banned by the end of 1999. Many premises and older plant and equipment still contain some asbestos. Workers most likely to encounter ACMs are those in the construction, maintenance, refurbishment, and related trades. Tenants may also come into contact, particularly when undertaking DIY work. When ACMs are damaged or disturbed, they may release dangerous fibres which, if breathed in, can cause serious diseases.

The key objective of this Policy is to describe how Flagship Housing Group will meet the required statutory, legislative, and regulatory requirements in relation to Asbestos Safety management. It will also cover how Flagship's Board, as Duty Holder, will receive assurance of statutory, legislative, and regulatory compliance.

In summary Flagship Housing Group, will:

- Take reasonable steps to assess if asbestos is present.
- Record the Location, Type and Condition of any asbestos.
- Assess the Risk/s of anyone being exposed to the asbestos.
- Prepare a Plan on how to Manage the Risk/s
- Put the Plan into Action, monitor it and keep it up to date.
- Provide information to anyone likely to work on, or disturb, ACMs.

This Policy is applicable to all properties built or refurbished before the Year 2000 and all properties constructed before this date will be included within the Asbestos Surveying Programme – and assumed to contain ACMs until a survey has been completed and the presence or absence of asbestos has been confirmed.

Flagship Housing Group will comply with all current and relevant legislation and specifically as detailed in the following:

- **Control of Asbestos Regulations (CAR) (2012)**

Flagship Housing Group takes the view that delivery of the commitments within this Policy will ensure that the requirements of other legislation, such as the Health and Safety at Work Act (HASAWA) 1974 and Landlord Tenant Act 1985, will also be met.

In addition, as a landlord and provider of Social Housing Flagship Housing Group must meet the requirements of the Regulator of Social Housing's (RSH) Home Standard.

It is essential to ensure that tenants, contractors, staff and visitors remain safe in our premises (both Domestic and Non-Domestic). Failure to properly discharge our statutory, legislative, and regulatory responsibilities may also result in:

- Prosecution by the Health and Safety Executive under HASAWA 1974.
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007.
- RSH scrutiny and potential determination of a breach of the Home Standard and serious detriment having been caused/potentially caused.
- Reputational damage.
- Loss of confidence by stakeholders in the organisation

## Roles / Responsibilities

Role	Responsibilities	Frequency
Flagship Housing Group Board	<ul style="list-style-type: none"> <li>• They are the responsible legal entity and must oversee the discharge of the required standards.</li> <li>• They act as Duty Holders and are accountable for ensuring the implementation of this Management Plan and the associated Policy.</li> <li>• They will receive assurance through regular performance reports that the Management Plan and Policy are being implemented and that the regulations are being fully complied with.</li> <li>• In doing so they will ensure that the safety of tenants, staff, Contractors and any other parties and the wider public has not been compromised.</li> <li>• They will also ensure that appropriate governance arrangements are in place to keep internal</li> </ul>	6 Monthly/ Annually

	<p>stakeholders, and other interested third parties, informed of the regulatory Landlord Compliance position.</p> <ul style="list-style-type: none"> <li>The Board will be responsible for ensuring that any necessary Remedial Action, arising from Performance Reports, is undertaken to comply with the Policy and ensure that a regulatory Landlord compliant position is maintained.</li> </ul>	
<b>Audit and Risk Committee</b>	<ul style="list-style-type: none"> <li>Will receive Quarterly KPI reports and commentary on Asbestos Safety Compliance Performance.</li> <li>They will receive Internal Audit reports and monitor the delivery of managers' actions arising through to successful completion.</li> <li>They will draw any concerns they may have arising from such reports to the attention of the Board.</li> </ul>	Quarterly
<b>Chief Executive Officer</b>	<ul style="list-style-type: none"> <li>Retains the overall responsibility for the monitoring of the consistent implementation of this Management Plan and Policy.</li> <li>Through the implementation of the Management Plan and Policy to effectively comply with the regulatory standards.</li> <li>If the regulatory standards are not maintained to report any breach in standards to the Regulator of Social Housing.</li> </ul>	Ongoing
<b>Director of Strategic Asset Management</b>	<ul style="list-style-type: none"> <li>Agree and set budgets that are sufficient to meet the compliance requirements.</li> <li>Appoint/nominate sufficient resources to fulfil the Responsible Person roles for all Asbestos Safety requirements and use this Management Plan to define their duties.</li> <li>Delegate appropriate authority for in-house delivery or procurement to meet the requirements.</li> <li>Ensure that the conditions of all contracts are being fulfilled either by Internal Service Provider/s and/or external Contractors.</li> <li>Will oversee the programme of Policy and Strategic Review.</li> </ul>	Ongoing
<b>Director Legal and Governance</b>	<ul style="list-style-type: none"> <li>Seek assurance that the regulations are being adhered to and regularly review Internal Service Provider and/or external Contractor operational practices and performance.</li> </ul>	Ongoing
<b>Head of Landlord Compliance</b>	<ul style="list-style-type: none"> <li>Will manage the strategic implementation of this Management Plan and Policy and ensure compliance with all regulations.</li> <li>Will formulate Programmes of Work consistent with the delivery of this Management Plan and Policy.</li> </ul>	Ongoing

	<ul style="list-style-type: none"> <li>• Will liaise with Neighbourhood Management Team/Housing Team and tenants to explain the importance of compliance and the need to achieve access to complete Safety Checks and Works.</li> <li>• Receive feedback from Third Party External Validation Consultants and liaise with Operational Managers and Contractors (Internal and/or External) to address any delivery shortfalls.</li> <li>• Will ensure the operational delivery of this Management Plan and Policy and compliance with the regulations.</li> <li>• Will produce, review, and update the Policy at the appropriate review dates.</li> <li>• Will provide an effective Performance Management Framework that will strengthen risk control and provide greater levels of assurance.</li> <li>• Will implement Data Governance Protocols.</li> <li>• Will manage the availability of accurate Stock Data and Landlord Compliance Data sub-sets against which to prepare Work Programmes and Contracts.</li> <li>• Will receive audit feedback and act upon the findings.</li> </ul>	
<b>Compliance Manager (Asbestos)</b>	<ul style="list-style-type: none"> <li>• Will instruct/liaise with internal operational managers and external Contractors in respect to the operational delivery of this Management Plan.</li> <li>• To assist and carry out internal audits on both internal and external contractors in relation to asbestos works.</li> <li>• Managing tenants feedback (enquiries, complaints, and compliments) handling and progress.</li> <li>• Monitor the quality and correct storage of all Certification and documents required to demonstrate Landlord Compliance</li> <li>• Will oversee the preparation of the KPI/MPI and OPI reporting suite.</li> </ul>	
<b>Specialist Asbestos Surveying Consultants and Asbestos Contractors</b>	<ul style="list-style-type: none"> <li>• Operational delivery of Planned Asbestos Surveys and Re-Surveys to Non-Domestic Properties within an Annual Programme.</li> <li>• Operational delivery of an agreed Programme of Planned Asbestos Surveys within the Domestic Stock.</li> <li>• Delivery of Reactive Asbestos Surveys.</li> <li>• Asbestos Removal and Encapsulation.</li> <li>• Air Testing and Monitoring.</li> </ul>	Ongoing

	<ul style="list-style-type: none"> <li>• Review Property Addresses and reconcile with Contractor Databases to ensure the Programme remains accurate.</li> <li>• Liaise with tenants in relation to arranging/keeping appointments.</li> <li>• Liaise with the Compliance Team in relation to access issues.</li> <li>• Update System(s) with accurate data.</li> <li>• Provide appropriate, complete, and correct Certification for all Asbestos Safety works.</li> <li>• Provide Quality Assurance (QA) checks in accordance with the contract.</li> </ul>	
<b>Tenant</b>	<ul style="list-style-type: none"> <li>• Agreeing to and keeping appointments to provide access.</li> <li>• Liaising with Flagship Housing Group staff in relation to any poor service, failure to attend/poor repair etc.</li> <li>• Provide tenant satisfaction information.</li> <li>• Take note of asbestos advice provided and follow the appropriate procedures in respect to seeking authorisation for any alteration work which could disturb ACMs.</li> </ul>	As required.
<b>Director Health and Safety</b>	<ul style="list-style-type: none"> <li>• Deliver an internal assurance framework to provide assurance on operational procedures.</li> <li>• Provide critical friend support and advice</li> </ul>	Ongoing
<b>Independent External Auditor</b>	<ul style="list-style-type: none"> <li>• Undertake 5% External Validation of Asbestos Safety Inspections in line with this Management Plan.</li> </ul>	Ongoing

## Main Content

To comply with statutory, legislative, and regulatory standards, and to ensure the safety of our tenants, staff, contractors and visitors to our properties, Flagship Housing Group will:

### Process

Provide clear lines of responsibilities for the management of Asbestos Safety, supported by written guidance in the Asbestos Safety Management Plan.

Ensure that a clear and consistent process including front-line engagement and enforcement is in place to obtain access to properties to conduct the Asbestos Survey and any subsequent remedial works, which shall include legal action when required.

Proactively assess available data for relevant information about the tenant to help gain access (disability, vulnerability, local connections, etc.).

Develop a framework to prevent or minimise the exposure to asbestos fibres to the lowest level reasonably practicable to protect tenants, colleagues, contractors, and visitors on Flagship Housing Group property.

Prepare an Asbestos Safety Management Plan to Manage the Risk and Implement the Plan. Set out its emergency approach in the case of an unplanned incident, such as accidental damage to ACMs and/or uncontrolled release of fibres. This will be detailed in the Asbestos Safety Management Plan.

## Delivery

Take reasonable steps to assess if there are ACMs in the premises and, if so, determine the Type/Amount, Location and Condition of the asbestos through the following activities:

- Hold up to date Management Surveys of all Non-Domestic properties constructed prior to 2000 in accordance with recommended Health and Safety Executive (HSE) guidance – HSG264 and HSG227.
- Aim to survey 100% of its Domestic Stock (constructed prior to 2000) by delivering a Programme to undertake Management Surveys of the Domestic Stock by 31 December 2030.
- Undertake Asbestos Surveys prior to any planned maintenance activity where there is the potential to disturb asbestos or where work is planned for previously un-surveyed areas. This will include a Refurbishment and Demolition Survey localised to the area of work and a Management Survey to the rest of the property in accordance with recommended Health and Safety Executive (HSE) guidance – HSG264 and HSG227.
- Re-inspection of ACMs within the Non-Domestic Stock annually or sooner at a frequency recommended by the Competent Person.
- Re-inspection of ACMs in Domestic Properties at void stage as required, depending on the void works to be carried out.

Assess and Manage the Risk posed by ACMs by doing the following:

- Presume materials contain asbestos unless it is confirmed that they do not.
- Training those liable to disturb ACMs in accordance with this Policy and the Asbestos Safety Management Plan

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- Ensuring that those liable to work on ACMs are competent in accordance with this Policy and the Asbestos Safety Management Plan and that work is notified where required i.e. HSE notification.
  - Providing Asbestos Safety information to tenants in accordance with the Policy (see section on Communication)
  - Providing site-specific advice (including being clear where ACM is presumed or if a Survey has not been undertaken one is to be carried out prior to any works commencing) and information on the Location and Condition of the ACMs to those liable to work on or disturb them.
  - Carrying out a Material Risk Assessment (MRA) considering the (i) Material, (ii) Product Type, (iii) Asbestos Type and (iv) Asbestos Fibre Content, (v) Location, and (vi) Condition together with an assessment of the likelihood of disturbance based on accessibility and the activities carried out in the area around the ACM. Based on this assessment a risk score will be calculated.
  - Re-inspection Surveys will be undertaken to all ACMs within Communal (Non-Domestic) areas annually, or on such an earlier date which will be determined by the Location, Condition and Risk of Disturbance.
  - Undertaking remedial action, in accordance with the Asbestos Safety Management Plan and recommendation of the Competent Person, where the risk identified by the MRA requires it.
  - Label ACMs as detailed within the Asbestos Safety Management Plan.



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## Additional Safety Measures

Require that tenant alterations that may have an implication regarding Asbestos Safety should be subject to prior notification, agreement, and appropriate landlord's permission from Flagship Housing Group to proceed before they are undertaken – as is required by the Tenancy Agreement. Permission will not be unreasonably withheld and when given will be on the proviso that certain requirements are met e.g. the tenant arranges for relevant Risk Assessments to be undertaken and that work is undertaken by suitably qualified contractors.

Any work carried out by tenants that is deemed unsafe will be rectified at the tenant's own cost and by Flagship Housing Group's appointed contractor.

## Contractors Competency

Ensure that contractors are competent, with the following controls operated to ensure competence can be demonstrated:

- Asbestos Management Surveys required under CAR and pre-works Refurbishment and Demolition Surveys will be undertaken by [UKAS \(United Kingdom Accreditation Service\)](#) accredited Consultants to [ISO/IEC:17020:2017](#).
- Persons appointed to measure the concentration of asbestos fibres will be [ISO/IEC:17025:2017](#) accredited.
- All ACM samples will be tested by a [UKAS](#) accredited laboratory.
- All non-licensed work involving ACMs will be carried out with the appropriate Method Statements and Controls in place.
- Maintenance work will only be awarded to/conducted by those contractors held on Flagship Housing Group's list of Approved Contractors for Asbestos Related Works.
- Contractors appointed to undertake remedial work or removal of ACMs shall be competent and listed on Flagship Housing Group's list of Approved Contractors. They shall hold a Licence issued by the [Health and Safety Executive \(HSE\)](#) and be members of an appropriate trade association such as the [Asbestos Removal Contractors Association \(ARCA\)](#) or the [Thermal Insulation Contractors Association \(TICA\)](#) (where appropriate).
- All contractor competencies will be subject to annual assessment or at change of contract/contractor, as detailed within the Asbestos Safety Management Plan.

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## Internal Competency

Maintain a Skills/Training Matrix to ensure that all staff undertaking key roles within the scope of this Policy have appropriate training.

## Data

Maintain a Master Database of all properties indicating if they do and do not have a requirement for an Asbestos Survey and the associated responsibility.

Maintain up-to-date electronic records of the Type, Location and Condition of the ACMs (or presumed ACMs) within the Asbestos Register.

Hold Asbestos Safety maintenance records electronically in the Master Database, by the relevant Operational Department (to be specifically identified in the Asbestos Safety Management Plan), with other Landlord Compliance records. There may be instances where a hard copy is kept on site and these will be detailed again in the Asbestos Safety Management Plan.

Maintain detailed information on Re-inspection frequencies and of any remedial works required. These will be prioritised according to Risk in the view of a Competent Person. Include due dates and most recent status date in the Master Database (with detailed evidence supporting the current status).

Provide details relating to the accessibility of all Asbestos Data/Information in the Asbestos Safety Management Plan.

## EIA statement

An Equality Impact assessment was undertaken on this policy on 23/05/2023 and all identified negative impacts have been mitigated.

## Training statement

This Asbestos Safety policy will be trained to the Compliance Team, Asset Management Team, Flagship Services and Gasway.

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## Supporting documents

This policy is supported by:

1. The Asbestos Management Plan
2. Asbestos Operational Guidance Notes
3. The Landlord Compliance Policy

## Measuring Effectiveness

### Assurance

Ensure that all persons involved with Asbestos Safety are properly trained and accredited in accordance with this Policy.

Carry out works-based assurance activity including checks on Asbestos Surveys, post-inspection of on-site works, and certification checks to the level stated within the Asbestos Safety Management Plan. A proportion of such checks will be carried out by an Independent 3<sup>rd</sup> Party.

Set a timetable for the review of the Asbestos Safety Policy and the associated Asbestos Safety Management Plan.

### Communication

Encourage tenants, through the provision of publicity information, on the importance of Asbestos Safety and of allowing access to carry out Surveys and undertake works.

Flagship Housing Group has considered the creation of an executive summary that can be provided to tenants. After careful consideration and consultation with 3<sup>rd</sup> parties it has been decided to remove the provision. Summary detail could, if not detailed enough, encourage unintentional or deliberate damage to identified or unidentified ACM's This process will be kept under review and is subject to change.

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## Implementation

This Policy is approved by the Asset Management Committee and is effective from July 2023.

Staff will be made aware of the Policy at priority training and a copy will be available on the Intranet and on the Board App. Where appropriate we will publish on our website.

This Policy should also be read in conjunction with overarching Landlord Compliance Policy and Asbestos Safety Management Plan.

There will be training provided for all those staff involved with the operational delivery and implementation of the Landlord Compliance requirements and obligations in respect to Asbestos Safety detailed within this Policy.

## Consultation

This Policy is based on statutory, legislative, and regulatory requirements and, as such, consultation with tenants has not taken place. There has been consultation with Internal Teams within Flagship Housing Group.

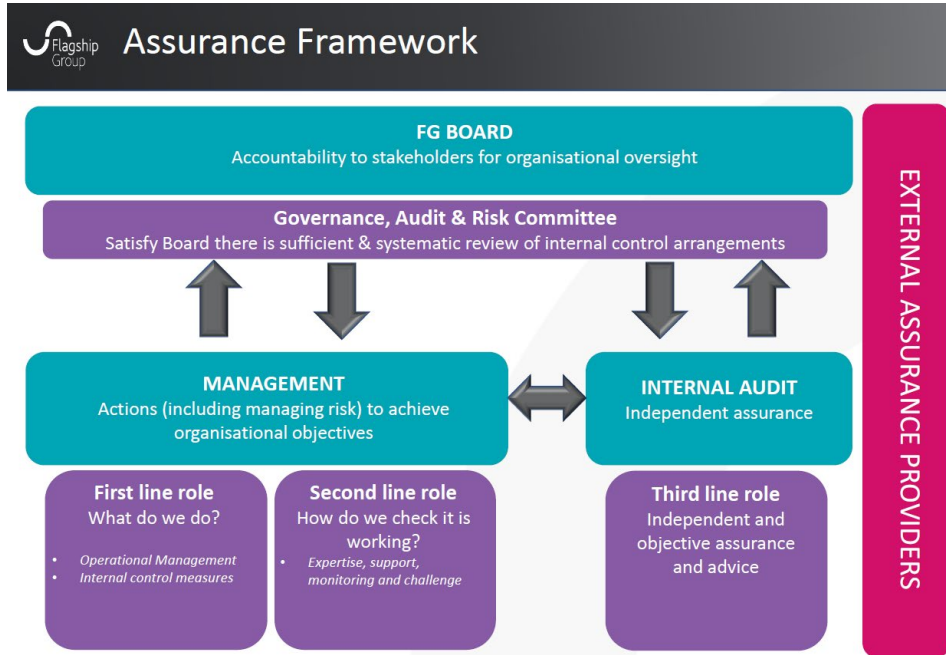
The following measures will be subject to reporting:

- % of Block/Communal/Commercial Units (against the stated Total Landlord Requirement) requiring an Asbestos Survey and all Re-inspection activity within target
- Asbestos Management Surveys completed % (against the stated Total Landlord Requirement) coverage (Domestic Properties)
- Asbestos remedial works completed within target.

Commentary will be provided for any properties out of date to include the date they became overdue, days overdue and the action proposed to bring them back into a compliant position. Commentary will also be provided if any properties have outstanding overdue actions. Additional context commentary will also include information on the proportion of activities within the reporting period that were undertaken before and after their due date.

A detailed PI suite will be defined within the Asbestos Safety Management Plan.

Quality Assurance (QA) activity will be undertaken using our approach of three Lines of Defence (LOD) and typically over a three-year cycle. Outcomes of the audit program will be reported via the Flagship Group H&S Committee:



### Review Period

This Policy will be reviewed annually or earlier if deemed necessary through the Performance Monitoring process.