

Asbestos Safety Policy

Policy Owner	Patricia Carr, Group Health and Safety Manager
This policy is applicable to	All those within Karbon Homes and its subsidiary companies with strategic or operational responsibility for asbestos safety.
Approved by	KMT
Date approved by Group Board	27 January 2022
Frequency of review	Annually
Date of next review	August 2025
Implementation date	27 th January 2022
Key related documents (policy, procedure, customer literature)	All compliance documents.
Sources of best practice or guidance used in developing this policy	See section 2

Version control			
Version number (see note 1)	3	Author of Policy	Karbon Managers with advice from Savills
		Reviewed by	Patricia Carr, Group Health and Safety Manager
Equality Impact Analysis (see note 2)	Initial/Full	Equality Analysis Date	20 August 2021
Privacy Impact Analysis (see note 2)	Initial/Full	Privacy Analysis Date	20 August 2021

Document change history		
Version	Date	Changed sections
2	23/08/2021	Cover page, 2.0, 6.0, Make explicit the inclusion of YHA.
3	10/01/2023	Cover page, policy review frequency, change reference to YHA to include all subsidiaries
4	14/02/2024	Annual review – no changes
5	23/08/2024	Amended to include reference to our Approach to Vulnerability Policy

Consultation	
Consultation Group (if applicable)	Date of Consultation (if applicable)
Staff	Not applicable
Union(s)	Not applicable
Customers	Not Applicable

Human Resources / Organisation Development	Not applicable
Health and Safety Working Group	August 2021
Another stakeholder (please state)	KMT

Risk policy is designed to control
 To comply with all regulatory and legislative requirements plus ensure the safety of staff and customers.

1.0 Objectives of the Policy

Karbon Homes and its subsidiary companies (hereby known as ‘The Group’) are regulated by the [Regulatory Framework for Social Housing 2015](#), and the statutory responsibility for discharging the landlord obligations surrounding asbestos safety rests with them. The Group must also undertake a monitoring role to ensure that they can demonstrate a validated landlord compliance position, thereby leading to the Group being overall compliant against Legislative and Statutory requirements.

The objectives of this policy are detailed below;

- To ensure that all Group residential properties provide a safe environment within which our customers can live,
- To ensure that all Group commercial premises provide a safe environment within which our colleagues and visitors can work,
- Establish the key principles that the Group will utilise to ensure asbestos safety across the entire stock portfolio,
- Develop a framework to prevent or minimise the exposure to asbestos fibres to the lowest level reasonably practicable, to protect customers, colleagues, contractors and any other parties who may live, work and/or visit a Group property.
- In the case of non-domestic premises, and the common parts of premises containing dwellings, details of how the Group will discharge the landlord’s duties are set out in Regulation 4 of the [Control of Asbestos Regulations \(CAR\) 2012](#). It requires that the Group;
 - Take reasonable steps to assess if asbestos is present
 - Record the location, type and condition of the asbestos
 - Assess the risk of anyone being exposed to the asbestos
 - Prepare a plan on how to manage the risks
 - Put the plan into action, monitor it and keep it up to date
 - Provide this information to anyone who might work on or disturb the asbestos
- In the case of dwellings, the group will also conduct asbestos surveys, and take action as appropriate to ensure the occupants are not exposed to risk.

- To achieve full compliance with our asbestos management plan.
- Provide clear lines of responsibilities for the management of asbestos safety.
- Ensure the Asbestos Safety Management Plan supports the delivery of this policy.
- Provide a commitment to customers who are affected by asbestos safety to communicate and raise awareness regarding the key issues.

This document will be stored in Karbon Homes SharePoint for internal stakeholders and will be available to view by external stakeholders via Karbon Homes internet portal.

2.0 Compliance with Regulatory Standards and Legal Obligations

The application of this policy ensures compliance with the regulatory framework for social housing in England introduced by the HCA in April 2012 which requires all housing providers to 'meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.

The Group acknowledges and accepts its responsibilities under the [Health and Safety at Work etc. Act 1974](#), [Control of Asbestos Regulations \(CAR\) 2012](#) and [REACH \(Registration, Evaluation, Authorisation and Restriction of Chemicals Regulations 2006 which were brought into UK law under the European Union \(Withdrawal\) Act 2018 and are now referred to as UK REACH 2021\)](#) to identify and to safely manage asbestos containing materials (ACMs) in its premises. Approved Codes of Practice and guidance information published by the Health and Safety Commission and Executive shall be taken as the adopted standard.

The responsibility for the control and management of asbestos as set out in Regulation 4 of The CAR 2012 Regulations rests with the 'Duty Holder' (person in control of the premises and maintenance activities - normally the property manager) in non-domestic premises and to those 'common areas' (non-domestic areas) of properties associated with rented or leased accommodation.

In respect to the wider Group domestic housing stock (i.e. the inside of tenant's homes) the Duty Holder will be the Director of Pre-Tenancy and Property Services.

It is not a requirement of legislation for the Group to remove all asbestos when identified. However, by the use of a risk management process, the Group must manage asbestos containing materials (ACMs) via reasonably practicable means to prevent exposure to asbestos fibres in order to comply with the regulations.

It is essential we ensure customers, residents, contractors and visitors remain safe in our premises (including individual homes, common areas and offices) and failure to properly discharge our legal responsibilities may result in:

- Prosecution by the Health and Safety Executive under Health and Safety at Work etc. Act 1974

- Prosecution by the Local Authority under the Housing Act 2004
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007
- Regulator of Social Housing serious detriment judgement
- Reputational damage
- Loss of confidence by stakeholders in the organisation

This policy operates within the context of regulatory legal frameworks as follows:

- [The Health and Safety at Work etc. Act 1974](#)
- [Control of Asbestos Regulations \(CAR\) 2012](#)
- [Housing Act 2004](#)
- [The Management of Health & Safety at Work Regulations 1999](#)
- [Workplace \(Health, Safety and Welfare\) Regulations 1992](#)
- [Hazardous Waste Regulations 2005](#)
- [Construction \(Design and Management\) Regulations 2015.](#)
- [REACH \(Registration, Evaluation, Authorisation and Restriction of Chemicals Regulations 2006 – now UK REACH 2021\)](#)
- [Approved Codes of Practice \(ACoP\) \(Health & Safety Commission\)](#)
- [ACoP L143 - 'Managing and Working with Asbestos' \(December 2013\)](#)
- [HSG 264 \(Asbestos – The Survey Guide\)](#)
- [Guidance Documents \(Health & Safety Executive\)](#)
- [HSG247– 'Asbestos: The licensed contractors' guide'](#)
- [HSG248 – 'Asbestos: The analysts' guide'](#)
- [HSG189/2 – 'Working with asbestos cement'](#)
- [HSG213– 'Introduction to asbestos essentials \(First Edition\)'](#)
- [HSG210– 'Asbestos essentials task manual \(Fourth Edition\)'](#)
- [HSG33– 'Health and safety in roof work \(Fifth Edition\)'. \(Covers asbestos cement roof demolition\)](#)
- [HSG227– 'Comprehensive guide to managing asbestos in buildings'](#)
- [EH51– 'Respiratory equipment for use in removing asbestos'](#)
- [The Regulatory Framework for Social Housing 2015](#)

3.0 Scope

This policy relates to offices, general needs housing, supported housing, sheltered housing, other rented properties owned by the Group, communal areas including leaseholders/shared ownership, other rented housing managed by the Group on behalf of a third party, remote plant, and garages, (unless other parties are explicitly specified for statutory responsibility in the lease or management agreement.)

Where properties are managed on behalf of third-party property owner's the statutory responsibility will be as detailed in the terms of the management agreement.

This policy is applicable to all premises built or refurbished before the year 2000 and all properties constructed before this date will be managed in accordance with the Asbestos Safety Management Plan.

4.0 Policy detail

This policy must always be read in conjunction with the Asbestos Safety Management Plan.

The Group will work with third party landlords and occupiers to ensure that asbestos inspections are carried out. Where they are not, the Group will arrange for them to be undertaken in accordance with the anniversary date and may recharge the landlord.

Risk reduction priorities, related to asbestos management, will be considered as part of the annual budget setting process.

There will be a detailed record of all attempts to gain access. If reasonable access is not provided the Group will escalate action and seek a legal or legislative remedy to ensure access is gained at the earliest possible opportunity in accordance with best practice.

We will proactively assess data for relevant information about the customer to help gain access (disability, vulnerability etc.). The process will be detailed in the Asbestos Safety Management Plan.

Emergency evacuations relating to asbestos safety should be read in conjunction with Local Authority Local Emergency Response Plan (LERP) and Karbon Homes Business Continuity Plan (BCP) should an emergency incident be declared.

The Group Asbestos Safety Policy will ensure all residents, employees, contractors and visitors remain safe in their home or place of work which will be achieved through effectively identifying the properties covered by the CAR 2012 regulations and undertaking the following;

- Take reasonable steps to assess if there are materials containing asbestos in the premises, and if so, the type/amount, where it is, and the condition of the asbestos.
- Presume materials contain asbestos unless there is strong evidence that they do not
- Maintain up-to-date electronic records of the type, location and condition of the ACM's - or materials which are presumed to contain asbestos
- Ensure that where suspect materials are discovered, a relevant competent person undertakes an assessment of the risk to residents, employees and third parties.
- Assess the risk for anyone to potentially be exposed to fibres from ACM materials
- Prepare a plan that sets out in detail how the risks from these materials will be managed and mitigated
- Deploy the resources and take the necessary steps to put the plan into action
- Periodically review and monitor the plan and its implementation so that the plan remains relevant and up-to-date
- Provide site-specific advice and information on the location and condition of the ACM materials to anyone who is liable to work on or disturb them and raise awareness of the Asbestos Safety Policy and Asbestos Safety Management Plan with staff, operatives and contractors.
- The asbestos survey prioritisation programme and type of survey will be detailed in the Asbestos Safety Management Plan

We will ensure customers and leaseholders are informed about forthcoming work, any asbestos related risks that there may be, and our management and control of those risks.

Where necessary, we will arrange temporary accommodation for residents as works are undertaken.

Asbestos Safety Commitments

The Group will work within the following commitments

- We will ensure compliance with the requirements of the Health and Safety at Work Act 1974, Control of Asbestos Regulations (CAR) 2012 and REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals Regulations 2006 – now UK REACH 2021) and Approved Code of Practice (ACOP);
- Provide colleagues with appropriate asbestos awareness training based upon their role and responsibilities;
- Provide colleagues with line management responsibilities relating to asbestos safety with asbestos management training;
- Prepare an Asbestos Safety Management Plan to manage the risk and implement it to ensure that:
 - The condition of any material known or presumed to contain asbestos will be managed and re-inspected, where appropriate;
 - We assess the risk of the likelihood of anyone being exposed to asbestos materials;
 - Any material that contains or is presumed to contain asbestos is provided with a risk score which will determine the most appropriate course of action to minimise the release of fibres which will include manage in situ, encapsulate or remove;
 - Re-inspection surveys are undertaken to all communal (non-domestic) areas within the timescale identified in the priority risk assessment or sooner by a competent person;
 - Information on the location and condition of the material is provided to anyone potentially at risk.
- We will set out our emergency approach in the case of an unplanned incident, such as accidental damage of an ACM or uncontrolled release of fibres.
- Keep accurate, accessible records of the location and condition of asbestos and presumed ACM's and keep the records up to date.
- All activities will be subject to compliance with the [General Data Protection Regulations 2018](#).

Contractors Competency

The Group has responsibility to ensure that contractors are competent and the following controls will operate to ensure competence can be demonstrated.

- Only [UKAS](#) accredited Consultants to [ISO:17020](#) will be appointed to carry out surveys and persons appointed to measure the concentration of asbestos fibres will be [ISO:17025](#) accredited
- All non-licensed work involving ACMs will be carried out with the appropriate controls in place
- All ACM samples will be tested by a [UKAS](#) accredited laboratory.
- Maintenance work will only be awarded to and conducted by those contractors held on the Group's lists of Approved Contractors for asbestos related works
- Contractors appointed to undertake remedial work or removal of asbestos containing materials shall be competent and listed on the Group's lists of Approved Contractors. They shall hold a Licence issued by the Health and Safety Executive and be members of an appropriate trade association such as the [Asbestos Removal Contractors Association \(ARCA\)](#) or the [Thermal Insulation Contractors Association \(TICA\)](#).

The Group's organisational commitment to health and safety is set out in our Health and Safety Policy

Internal Competency

The Group will ensure that all colleagues undertaking key roles within the delivery and management of this area will have access to training and support applicable to their roles.

As part of the Asbestos Safety Management Plan a detailed competency framework will operate including requirements for regular training and appraisals.

5.0 Monitoring

The **Karbon Homes Board** will act as overall Duty Holder as the landlord and will receive regular reports on the performance of this policy and are accountable for ensuring its implementation. In terms of the CAR 2012 regulations local managers will be identified as specific duty holders under the regulations to ensure asbestos policy compliance.

Both Karbon Homes' and its subsidiary companies' **Boards** will receive regular summary reports of the performance in relation to the implementation of this policy and be responsible for ensuring the Group undertakes any necessary remedial action to comply with the policy.

Karbon Homes Audit and Risk Committee will be responsible for receiving quarterly reports and ensuring regulatory landlord compliance.

Karbon Homes Chief Executive will retain the overall responsibility for the monitoring of the consistent implementation of this policy.

Assistant Director of Asset and Regeneration and Head of Asset Management and Maintenance – The performance of the Responsible Person(s) duties are delegated to the AD Asset and Regeneration (Karbon Homes) and Heads of Asset and Maintenance (Subsidiary Companies) who are responsible for ensuring that sufficient competent resources are in place to ensure their capability to comply with this policy. The duties are detailed in the Asbestos Safety Management Plan.

Group Health and Safety Manager – Responsible Person duties for monitoring and review of this Policy are delegated to the Group Health and Safety Manager

This service area will be included within the annual Internal Audit programme which will review, in particular, adherence to process, data and record keeping.

In addition, the Group will seek additional independent quality assurance to ensure we can robustly demonstrate asbestos safety compliance by procuring a third party external independent specialist to regularly inspect, monitor and report on the technical performance and quality of asbestos surveys, asbestos removal or encapsulation works, and other monitoring activities associated with the safe delivery of such works.

The Group will be notified of any corrective actions that are required and records shall be recorded electronically on the Capita system.

Asbestos safety is a high risk area and this policy will be reviewed annually. An external strategic review will be undertaken every 2 years which will include all operating procedures. If as a result of either the finding of the internal audit process or the independent quality assurance work, the service is not performing to the desired level then this will trigger an earlier external strategic review.

6.0 Glossary of Terms

- **Health and Safety Executive (HSE)** – Non-departmental public body in the United Kingdom responsible for the encouragement, regulation and enforcement of workplace health, safety and welfare, and for research into occupational risks in England and Wales and Scotland.
- **Capita** - Housing Management System, Karbon Homes electronic housing management system.
- **Duty Holder** - The person responsible for ensuring the requirements of the CAR 2012 Regulation 4 are carried out. Under Regulation 4, landlords have certain duties towards their customers to minimise the risk of exposure to asbestos.
- **ACM** – A material that contains asbestos
- **UKATA** – UK Asbestos Training Association - set standards and audit and manage the list of asbestos training providers.
- **Reasonably Practicable** - means that the degree of risk in a particular situation can be balanced against the time, complexity, cost and physical difficulty of taking measures to avoid the risk.
- **Asbestos - Management Survey**- is a survey to identify if asbestos is present in a property which includes sampling, but may be restricted to sampling only those materials where the presumption of asbestos could create difficulties or unnecessary expense for the building's duty holder.

- **ACOP** – Approved Code of Practice which are regarded as best practice and supplement regulation giving practical guidance on compliance.
- **UKAS** - the United Kingdom Accreditation Service who are the 'sole national accreditation body recognised by Government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services'.
- **CAR** - is the Control of Asbestos Regulations (2012) which came into force on 6 April 2012, updating previous asbestos regulations to take account of the European Commission's view that the UK had not fully implemented the EU Directive on exposure to asbestos (Directive 2009/148/EC).
- **MRA** – is the Material Risk Assessment (as defined within HSG264)
- **PRA** - is the Priority Risk Assessment (as defined within HSG227)
- **Local Emergency Response Plan (LERP)** – Plan that deals with a Local Authority/Karbon Homes response in managing an emergency situation across the property portfolio.
- **Business Continuity Plan (BCP)** – Plan that deals with Karbon Homes response in managing an emergency situation that affects the function of the organisation.

7.0 Equality and Diversity

This policy is implemented in line with the Group's Equality and Diversity Policy and associated legislation. Consideration will be given to all protected characteristics under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations.

This policy and associated documents are available in different languages and alternative formats where necessary.

8.0 Data Protection and Privacy

We have a clear policy on data protection and sharing data with other partners/outside agencies under the requirements of the Data Protection Act 1998. This is clearly set out in our Data Management Policy which, along with the supporting Data Management Guidelines, must be followed throughout the operation of this policy.

9.0 Approach To Vulnerability Policy

This policy is applied in line with Our Approach To Vulnerability Policy. Everyone matters. We want people to be treated fairly, have equality of opportunities, freedom, respect, and access to our services.

We will offer support, reasonable adjustments, and adaptations to remove barriers. We will discuss with our customers what is reasonable and appropriate. In delivering this service we may need to escalate a particular case – if we do then customer vulnerabilities will be considered as part of the decision-making process.

We will support people with vulnerabilities to deliver this service. We will work alongside external agencies such as social services, the police and fire services and other appropriate agencies to help and support people with vulnerabilities in the delivery of our services but also to ensure we meet our statutory and regulatory requirements as a social landlord.

Details are provided in the appropriate areas in this policy.

All our customer policies are available on the website.