



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

Housing Management

Asbestos Policy

November 2020 – November 2021

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Updated by	Daniel Major
Responsible Officer	Asbestos Compliance Manager
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Note: This is to be read in conjunction with the RBKC Housing Management Asbestos Management Plan.

1. Introduction

- 1.1. As owners and managers of homes, the Royal Borough of Kensington and Chelsea (RBKC) have a duty of care to ensure that residents and visitors can use its buildings safely. This policy sets out;
- How RBKC Housing Management will meet its statutory obligations to manage the risk from Asbestos Containing Materials at premises for which it is responsible.
 - Lines of responsibility within RBKC Housing Management for the management of asbestos
 - Individual responsibilities in the management of asbestos
 - Our approach to identifying properties with asbestos
 - The method of reviewing and monitoring asbestos compliance
- 1.2. This policy applies to properties managed by RBKC Housing Management
- General Needs Accommodation
 - Supported and Sheltered Housing
 - Other Rented Housing Owned by RBKC
 - Temporary Accommodation
 - Communal Areas, including related to Leasehold properties
 - Plant
 - Garages and out-buildings
- 1.3. Any properties subject to a management agreement will be managed as set out in the terms of the management agreement or lease.
- 1.4. Where RBKC Housing Management is not the duty holder but is involved with the site or service, it will cooperate as much as is reasonably possible with the duty holder.
- 1.5. The policy applies to employees, agents and contractors.
- 1.6. This asbestos policy should be read in conjunction with the RBKC Housing Management Asbestos Management Plan (AMP) which covers roles and responsibilities and all aspects of the asbestos management process.

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2. Related Documents

- Asbestos Management Plan and procedures
- RBKC Corporate Health and Safety Policy
- Fire Safety Strategy
- Repairs Policy
- Voids Policy/Procedure
- Mutual Exchange Policy
- Tenancy Management Policy
- Supporting Residents Policy
- DPA and GDPR guide for Housing staff

3. Legislative Context

3.1. Principle Legislation

- The Landlord and Tenant Act 1985
- Health and Safety at Work Act 1974
- Control of Asbestos Regulations 2012
- Hazardous Waste (England and Wales) Regulations 2005

3.2. Guidance and Codes of Practice

- L143 Managing and working with asbestos (2013)
- HSG 264 Asbestos: The Survey Guide (2012)
- HSG 247 Asbestos: The licensed asbestos contractor's guide (2006)
- HSG 227 A comprehensive guide to managing asbestos in premises
- HSG 53 – Selection, use and maintenance of respiratory protective equipment?
- HSG 213 – Introduction to Asbestos Essentials
- HSG 248 – The analysis guide for sampling, analysis and clearance procedures
- HSG 210 – Asbestos Essentials
- Control of Asbestos regulations 2012 Approved Code of Practice and guidance

3.3. Additional Legislation

This policy also operates in the context of the following additional legislation:

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- The Management of Health and Safety Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- The Housing Act 2004
- The Defective Premises Act 1972
- Construction Design and Management Regulations 2015
- Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013
- Occupiers Liability Act 1984

4. Policy Statement

- 4.1. The Royal Borough of Kensington and Chelsea is committed to ensuring the safety of residents, staff, contractors and visitors. This extends to managing any risk associated with asbestos to employees, residents, visitors, contractors and members of the public as far as reasonably practicable.
- 4.2. Keeping residents safe from harm is paramount. There is legislation and regulation relevant to this area which we will comply with to help keep residents safe.
- 4.3. We acknowledge and accept responsibility under the Health and Safety at Work Act 1974, and the Control of Asbestos Regulations (CAR) 2012 to identify and to safely manage Asbestos Containing Materials on our premises. Approved codes of practice and guidance information published by the Health and Safety Executive will be taken as the adopted standard.
- 4.4. We will manage Asbestos Containing Materials through reasonable, practicable means to prevent exposure to asbestos fibres and therefore comply with the regulations.
- 4.5. We will manage Asbestos Containing Materials safely, unless it becomes a risk for it to remain in-situ as it is not always essential to remove Asbestos Containing Materials
- 4.6. In order to manage and control the risks from Asbestos Containing Materials to employees, occupants, contractors and others, the measures within this policy, the Asbestos Management Plan (AMP) and procedures will be adopted.

5. Our Commitments

- 5.1 The Royal Borough of Kensington and Chelsea will take reasonable steps to find materials likely to contain asbestos by carrying out surveys, and we will presume materials contain asbestos unless there is strong evidence that they do not.
- 5.2 We will implement the requirements set out in our Asbestos Management Plan
- 5.3 Where there is no existing information held, for non-domestic premises we will conduct a survey for the presence of Asbestos Containing Material. For domestic premises, we will conduct a survey where intrusive works are planned or at change of tenancy.

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- 5.4 Surveys will be conducted by approved UKAS accredited consultancies and in accordance with “Asbestos: The survey guide” (HSG 264).
- 5.5 We will maintain an Asbestos Register as an up to date record of the location and condition of all known or presumed asbestos. This will be held in the Keystone Asset Management database and maintained by Property Services. The Asbestos Register will be updated following new survey results, asbestos removal work or a change in risk assessment.
- 5.6 The risk assessment of all Asbestos Containing Materials will be conducted by a competent person and priorities set for its removal or management.
- 5.7 We will ensure that any Asbestos Containing Materials identified as being damaged or at risk of damage are repaired, protected, or removed by a competent person in line with regulations and best practice.
- 5.8 Periodic inspection will be undertaken of materials known or presumed to contain asbestos in accordance with the management plan to ensure the condition of the material has not changed. The frequency of inspection will be based on the risk assessment of the material. The results of the inspection will be recorded in the asbestos register.
- 5.9 We will ensure that information on the location, condition and risk of Asbestos Containing Material is available to contractors prior to work taking place and to anyone else who may need it. This will be via access to the Asbestos Register.
- 5.10 We will ensure that we meet our responsibilities in relation to asbestos information defined by the Construction Design and Management Regulations 2015.
- 5.11 All intrusive works will be carried out with a suitable assessment of asbestos risk in place.
- 5.12 We will only use approved HSE licensed asbestos removal contractors (irrespective of whether the Asbestos Containing Materials are ‘notifiable’) for removal of Asbestos Containing Materials.
- 5.13 We will appoint a suitably competent and adequately resourced ‘Appointed Person’ to manage and oversee all processes and procedures in relation to asbestos.
- 5.14 We will provide appropriate guidance and awareness training for all employees who are involved in the management, administration and maintenance of its managed properties. All contractors undertaking construction work will be required to show evidence of appropriate guidance and training to their staff.
- 5.15 We will give information to people living in its properties, of Asbestos Containing Materials and will provide advice on the dangers from disturbance of asbestos.
- 5.16 In support of this Policy, we will maintain a written Asbestos Management Plan detailing
- roles and responsibilities
 - how the risk of asbestos will be managed through processes and procedures
 - and include an emergency procedure
- 5.17 RBKC Housing Management is responsible for Asbestos Containing Materials in the structure of the building containing leaseholders. If any work is required, we will contact all residents before a S20 notice is issued to the leaseholders. This notice will tell the leaseholders that we

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intend to carry out work and that they will be required to pay towards the cost of any asbestos removal / remedial work. The notice will seek observations and comments from all the leaseholders in the building. It will also be accompanied by clear explanations on how costs have been calculated and why the cost is rechargeable under the terms of the lease.

6. Monitoring and Audit

- 6.1. We will carry out checks to ensure that all asbestos inspection, repairs and installation contractors comply with all relevant health and safety legislation and hold appropriate qualification and certification.
- 6.2 We will manage compliance by keeping comprehensive and accurate records, which will be stored securely and not in a contractor system.
- 6.3 A suitable suite of performance measures will be put in place which allows accurate performance monitoring and HMT and the Housing Management Compliance Board will be provided with regular updates on performance against asbestos compliance.
- 6.4 Should any part of this policy not be complied with it will be escalated in accordance with the roles and responsibilities stated in this policy.
- 6.5 Compliance with the policy will be monitored by the appointed person as an integral part of the internal audit programme and by departments as an integral part of local safety audit programmes. Results shall be reported to HMT and Housing Management Health and Safety Committee.
- 6.6 All employees who are involved in the management of premises or the management of building and maintenance works shall monitor compliance with this policy within their area of responsibility.

7. Roles, Responsibilities and Delegation of duties for Asbestos Safety

- 7.1. **The Chief Executive** is ultimately responsible for ensuring compliance with current legislation and ensuring that RBKC fulfils its duties and responsibilities as laid out in this document and others including the Asbestos Management Plan and associated procedures.
- 7.2. **The Executive Director of Housing, Social Investment and Property** is accountable and responsible for ensuring, adequate funding, competent staff, contractors, facilities and IT to enable the execution of the policy.
- 7.3. **The Director of Housing Services** is accountable and responsible for ensuring that the organisation manages risks associated with Asbestos safety.
- 7.4. **The Assistant Director for Property Services** is responsible for the overall implementation of this policy and its associated procedures. They shall ensure that:
 - The Strategic Compliance Lead and the Asbestos Compliance Manager are adequately resourced and suitably competent to fully implement this policy and the management plan

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- Housing Management's executive team (referred to as HMT) and the Council's Senior Management Team are informed annually on the implementation of this Policy
- HMT and the Council's executive team are immediately informed of any incidents that may affect the image or reputation of RBKC or may lead to enforcement action, criminal prosecution or civil action being taken against RBKC
- Financial requirements needed to maintain compliance with the Asbestos Regulations are reported to Housing Management's executive team

7.5. **The Head of Resident Safety**¹ is responsible for the operational implementation of this policy, and shall ensure that:

- The Asbestos Compliance Manager is adequately resourced and suitably competent to fully implement this policy
- Adequate resources are provided and allocated to carry out the policy
- This policy and associated processes are integrated in to RBKC's operating procedures and measured via appropriate KPI and audit

7.6. **The Asbestos Compliance Manager** is RBKC's nominated 'Responsible Person' under the Asbestos Regulations and is responsible for the operational delivery of the Management Plan. They shall ensure that:

- Records of Asbestos safety activities are recorded and accessible within RBKC's data management systems
- Contractors and any person employed by RBKC to deliver asbestos safety are procured or recruited and managed and in accordance with this and related policies and procedures
- The Assistant Director of Property Services is immediately informed of any incidents that may affect the image or reputation of RBKC or may lead to enforcement action, criminal prosecution or civil action being taken against RBKC
- Ensure that any Asbestos related incident is reported to the Health, Safety and Resilience Team through the Accident / Incident reporting system

7.7. **The Asbestos Data Compliance Officer** is responsible for the day to day administration of the asbestos team and ensuring that the Asbestos information is uploaded into the organisation's asset database Keystone accurately and in a timely manner.

7.8. **Scheme Managers** or others with responsibility for supported or sheltered housing must ensure that the contractor for which they manage, follow the RBKC asbestos procedure and ensure the asbestos register is checked prior to commencing works.

7.9. **The Head of Health, Safety and Resilience in Housing Management** shall:

- ensure that regular audit and review are undertaken of RBKC systems and processes

¹ The Resident Safety Lead is the manager who oversees Compliance and the Contracts Management Team

- ensure that all incidents related to asbestos safety breaches are investigated and if there is a RIDDOR breach, it is reported to the Director of Housing Management Services and to the HSE via the RIDDOR procedures where required
- liaise with Corporate Health and Safety Team in any investigation, audit or review

7.10. **The Corporate Health and Safety Team** as the competent person for the Council will

- monitor and audit organisational activities, management, facilities and training take-up;
- investigate major accidents and incidents, and support managers in investigations, making appropriate recommendations where required; and,
- review the health and safety management system on a rolling programme; and escalate and intervene as necessary to protect staff and the public.

7.11. **All residents** are responsible to ensure that we have reasonable practical access to undertake inspection, repairs & maintenance.

7.12. **Contractors** carrying out works on our properties, whether or not they are directly related to Asbestos works are responsible for ensuring that:

- They ensure that they refer to all RBKC relevant asbestos records prior to commencing works and they take all practicable measures to not damage Asbestos Containing Materials in RBKC premises.
- Suitable and sufficient risk assessments and method statements are available to RBKC for the works that they are undertaking prior to commencement of works
- They report any suspected damaged asbestos hazards immediately to the Asbestos Team and follow RBKC's asbestos emergency procedures in reporting to RBKC as soon as possible.
- They must ensure that all operatives are competent and suitably trained and qualified to undertake the work for which they are engaged and that their work is subject to regular inspection and audit.

8. Equalities

8.1. We are committed to helping customers to access information about their homes and services in a way that suits individual needs. Our Equalities statement details our approach to ensuring we treat all our customers fairly and with respect.

8.2. **Equalities Statement:** The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.

8.3. Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability and age is not acceptable: The Council will take action to ensure no person using the council's premises or services receives less favourable treatment or is

disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.

- 8.4. The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, and victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.
- 8.5. Further detail on the Duty, and the Council's approach to fulfilling its requirements, can be found at www.rbkc.gov.uk.

9. GDPR and Data Protection Act 2018

- As a directorate of RBKC, Housing Management Services shares the commitment to ensure that all data is:
- processed lawfully, fairly and in a transparent manner
- collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices
- relevant and limited to whatever the requirements are for which the data is processed
- accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay
- stored for as long as required, as specified within RBKC's Records Retention policy
- secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction or damage.
- For further information about the Council's commitment to the General Data Protection Regulations (GDPR), visit the Council's website at www.rbkc.gov.uk.

10. Review and Communication of Policy

- 10.1. This Policy and associated procedures are subject to an annual review. Additionally, the Policy and associated procedures will be reviewed to respond to any Legislative or Regulatory changes that may occur.
- 10.2. This Policy and associated procedures will also be reviewed following a significant incident (whether internal or external to RBKC) relating to the areas covered by this Policy.
- 10.3. This policy will be launched to Staff by means of promotion on the staff intranet. A copy of the current policy and procedure documents will be stored in the policies and procedures section of the intranet.

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11. Glossary

Term	Definition
HMT	Housing Management Team
AAC	Approved Asbestos Consultant
KEYSTONE	RBKC's Asset Management Database that holds RBKC's Asbestos Register.
Keystone Mini	Web-based application that provides access to RBKC's Asbestos Register data accessible on multimedia devices (smart phone/ PDA).
ACM	Asbestos Containing Materials
ACoP	Approved Code of Practice produced by the Health and Safety Executive, e.g. ACoP L127 The Management of Asbestos in Non-Domestic Premises.
AMP	Asbestos Management Plan – required by legislation, a document that sets out the mechanism by which Asbestos Containing Materials are managed.
ARCA	Asbestos Removal Contractors Association
Asbestos	A group of fibrous natural materials composed chiefly of silicates. Large amounts of asbestos were used in new and refurbished buildings before 2000. Exposure to Asbestos fibres can cause several serious diseases, including cancer.
Asbestos Register	The survey data and information will be used to complete an asbestos register and building diagram(s) showing the Asbestos Containing Materials locations. It will also feed into the risk assessment, which will be used to develop the management plan. A key component of the Asbestos Management Plan formed of the information from the asbestos survey reports. The asbestos register must always contain current information, will need regular updating and must be readily accessible. The register can be paper or electronic, but they are increasingly held as electronic databases.
BOHS	British Occupational Hygiene Society
CAR	Control of Asbestos Regulations
CST / CSA	Customer Service Team / Customer Service Advisor
Duty Holder	CAR Regulation 4 defines “the duty holder” as: a) every person who has, by virtue of a contract or tenancy, an obligation of any extent in relation to the maintenance or repair of non-domestic premises or any means of access or egress to or from those premises; or

	<p>(b) in relation to any part of non-domestic premises where there is no such contract or tenancy, every person who has, to any extent, control of that part of those non-domestic premises or any means of access or egress to or from those premises, and where there is more than one such duty holder, the relative contribution to be made by each such person in complying with the requirements of this regulation will be determined by the nature and extent of the maintenance and repair obligation owed by that person.”</p> <p>These parties might include owners of buildings, tenants, managing agents, etc.</p> <p>It is intended that the existing contractual arrangements for dealing with building related matters should be reflected in respect of the duty to manage Asbestos.</p> <p>The duty holder needs to establish clear lines of responsibility for asbestos management and implementation of the asbestos management plan.</p>
HSE	<p>Health and Safety Executive - HSE is the national independent watchdog for work-related health, safety and illness.</p> <p>They provide the authoritative web-based source of asbestos information: http://www.hse.gov.uk/asbestos/</p>
HSG264	<p>HSG 264 Asbestos: The Survey Guide. This document expanded on and replaced MDHS 100 on January 2010. It is aimed at those conducting surveys, those who commission surveys and those with specific responsibilities for managing Asbestos in accordance with Control of Asbestos Regulations.</p>
MDHS	<p>Methods for the Determination of Hazardous Substances (MDHS100) superseded by HSG264 (see above)</p>
MA	<p>The Material Assessment risk score calculated using an algorithm based on the type and condition of the Asbestos Containing Materials and the ease with which they will release fibres if disturbed.</p>
Licensed Asbestos Works	<p>If the risk of fibre release is high when the material is disturbed the work must be carried out by a Licensed Asbestos Contractor.</p> <p>Notifiable work (Form ASB5) on high grade material/exceeding control limits requiring 14day notice and method statement etc.</p>
Notifiable Non-Licensed Asbestos Works (NNLW)	<p>From April 2012, some non-licensed work, where the risk of fibre release is greater, is subject to three additional requirements – notification of work (Form ASBNNLW1), medical examinations and record keeping (the requirement for medical examinations does not come into force until April 2015).</p>

Non-Licensed Asbestos Works	<p>If the risk of fibre release is low when the material is disturbed the work can be carried out by a Non-Licensed Contractor.</p> <p>Non-licensed work includes work on asbestos-containing textured coatings and asbestos cement.</p>
PA	The Priority Assessment risk score calculated using an algorithm based on the likelihood of someone disturbing the Asbestos Containing Materials.
ORA/RA	The Overall Risk Assessment or Risk Assessment for the Asbestos Containing Materials, (MA+PA)
Responsible Person	To help comply with the legal requirements and to ensure that Asbestos Containing Materials in premises are properly managed, duty holders should identify a person (and in some cases a deputy) within their organisation who will be responsible for that management. A responsible person will be essential where the duty holder has a large or complex building portfolio. The responsible person will need the resources, skills, training and authority to ensure that the Asbestos Containing Materials are managed effectively. Part of their responsibilities will include managing the survey, including contractual and reporting arrangements, quality and subsequent use of the data. (as defined in HSG264).
UKAS	United Kingdom Accreditation Service which has developed accreditation schemes for organisations undertaking asbestos surveys, sampling and analysis of asbestos in materials.

12. Version Control

VERSION CONTROL			
Version	Author	Date	Changes
1	Chris Cloete	October 2019	Agreed by HMT
2	Daniel Major	November 2020	tbc