



# **Oxford City Council**

## **Asbestos Policy**

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## **1. Purpose of the Policy**

- 1.1 The purpose of this policy is to ensure the Council discharges its duty to manage asbestos in all HRA properties, where there is responsibility for the management of asbestos and that this is done in accordance with The Control of Asbestos Regulations (CAR) 2012.
- 1.2 Breathing in air containing asbestos fibres can lead to asbestos-related diseases, mainly cancer of the lungs and chest lining. Asbestos is only a risk to health if asbestos fibres are released into the air and breathed in.
- 1.3 There is usually a long delay between first exposure to asbestos and the onset of the disease (15-60 years). Only by preventing or minimising these exposures now can asbestos-related disease eventually be reduced.
- 1.4 Any building built before the year 2000 may contain asbestos. As long as the asbestos-containing material (ACM) is in good condition and is not going to be disturbed or damaged, there is negligible risk. However, if it is disturbed or damaged it can become a danger to health.
- 1.5 People who occupy or visit premises could be at risk should the asbestos not be managed properly or if it is in poor condition or has the potential to be disturbed. The Council is responsible for managing asbestos in all of its properties and buildings.

## **2. Policy Objectives and Scope**

- 2.1 The Council must have a policy which meets the requirements of The Control of Asbestos Regulations (CAR) 2012. The policy must provide assurance to the Council that measures are in place to identify, manage and/or mitigate risks associated with asbestos.
- 2.2 The Council must establish an Asbestos Management Plan (AMP), which outlines key information on roles and responsibilities, and the management of information and works.
- 2.3 The Council must also ensure that it remains compliant and that the Council Executive appoints appropriate responsible and competent persons to undertake the management of asbestos along with appropriate reporting and monitoring processes.
- 2.4 The policy is relevant to all Council employees, residents, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its HRA properties, or who may be affected by its activities or services.
- 2.5 It should be used to ensure that all persons effected understand and are aware of the duty placed on them and the Council to maintain a safe environment for HRA buildings.

### 3. Legal/Regulatory Framework

3.1 The principal legislation applicable to this policy is the Control of Asbestos Regulations (CAR) 2012. The Council has a legal obligation to manage asbestos appropriately and is the Duty Holder for this purpose.

3.2 This policy also ensures compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).

3.3 The principal approved codes of practice and guidance (as updated) applicable to this policy are:

- 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'
- HSG247 - 'Asbestos: The licensed contractors' guide'
- HSG227 - 'A comprehensive guide to managing asbestos in premises'
- HSG210 - 'Asbestos Essentials – A task manual for building, maintenance and allied trades and non-licensed asbestos work'

3.5 The Council acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation, and approved codes of practice, and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health and Safety Executive under the Health and Safety at Work Act 1974, and/or prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007.

3.6 In addition, the Regulator of Social Housing has powers to proactively intervene where landlords are performing badly on consumer issues (including non-compliance with building safety measures) and may conduct routine inspections to investigate systematic issues in regard to its Social Housing properties

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

- Health and Safety at Work etc Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety and Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Hazardous Waste (England and Wales) Regulations 2005 (Amendment 2009)
- Control of Substances Hazardous to Health (COSHH) Regulations (as amended) 2002
- Construction (Design and Management) Regulations 2015
- Defective Premises Act 1972

- Landlord and Tenant Act 1985
- Data Protection Act 2018
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013
- Homes (Fitness for Human Habitation) Act 2018
- The Asbestos (Licensing) (Amendment) Regulations 1998

3.8 The Council will use the legal remedies available to it to enforce its management of asbestos.

#### **4. Responsibilities**

4.1 The Council's Cabinet will formally approve this policy and review it every three years (or sooner if there is a change in regulation, legislation or codes of practice).

4.2 The Council's Corporate Leadership Team has responsibility for ensuring the asbestos policy is implemented and that the asbestos policy is adhered to in full

4.3 The Council's Director of Housing has strategic responsibility for the management of asbestos and ensuring compliance is achieved and maintained within the Councils Housing stock and The Director of Corporate Property & Assets the same responsibility for all Corporate property

4.4 The Council's Asbestos Manager (Appointed Person) will be responsible for ensuring the policy is reviewed every three years, and will notify the Council's Corporate Leadership Team of the upcoming review.

#### 4.5 Competent Persons

4.5.1 The Council will ensure that the Appointed Person is competent and suitably qualified, holding one of the following as a minimum:

- BOHS (Management of Asbestos in Buildings including removal) P405 qualification
- Level 6 NEBOSH National Diploma in health and safety

4.5.2 The Council will ensure that competent contractors are procured and appointed to deliver asbestos management surveys. The Council will ensure that competent licensed asbestos removal contractors are appointed for all notifiable non-licensed work or licensed works.

4.5.3 The operational team with responsibility for the delivery of any works will only instruct a suitably qualified and competent contractor approved by the Property Services appointed person. The Appointed person will check the relevant qualifications of employees working for these contractors on an annual basis and evidence this appropriately.

## **5. Obligations**

5.1 The Council must identify the location of any asbestos-containing material (ACM) and identify what condition it is in. If the building was built prior to the year 2000 the Council will assume asbestos is present. If the building was built after the year 2000 asbestos is unlikely to be present and an initial inspection of the building to confirm the absence of asbestos is required.

5.2 The Council must establish and keep an up-to-date record (referred to as the 'asbestos register') of the location and condition of the asbestos-containing materials (ACMs) or presumed asbestos-containing materials in the homes and buildings it owns and manages, in order to:

- Assess the risk from the asbestos-containing materials found;
- Prepare an Asbestos Management Plan that sets out in detail how the Council is going to manage the risk from the asbestos-containing materials and taking steps to put the asbestos management plan into action.

5.3 Anyone who has information on the whereabouts of asbestos in buildings is required to make this available to the Council as the 'duty holder', and the Council then has to assess its reliability.

5.4 The Council must have a suitable asbestos management plan for each building where asbestos is identified. The Management plan should be available upon request and should be reviewed at relevant intervals as outlined within the plan.

5.5 The Building operator must set up a system for providing information on the location and condition of the asbestos-containing materials to anyone who is liable to work on or disturb these materials.

## **6. Statement of Intent**

6.1 The Council recognises that the main hazard in relation to asbestos is the nonidentification of ACMs, and as such will protect those persons potentially exposed to asbestos as far as is reasonably practical by minimising the exposure through the use of appropriate control measures and working methods.

6.2 The Council accepts that asbestos is likely to be present in the majority of its properties built prior to the year 2000 and will therefore manage these properties accordingly.

6.3 The Council will employ suitably competent persons to undertake asbestos reinspections and the removal of non-licensed asbestos.

6.4 The Council will also employ suitably competent persons to undertake an intrusive refurbishment and demolition (R&D) survey to domestic and non-domestic properties if required.

6.5 The Council will ensure there are effective arrangements in place for managing Asbestos contractors, in the form of client-led meetings taking place regularly, with

standard agendas and minutes produced, key performance indicators analysed and programmes and performance scrutinised.

6.6 The Council will provide leaseholders and tenants with an asbestos survey report and register where available, on request.

6.7 The Council will not use asbestos in any form when undertaking works or refurbishments.

6.8 The Council will implement a robust process to deal with all changes to stock, including new property acquisitions to ensure that the Asbestos register remains up to date at all times.

6.9 The Council will ensure that there is a robust process in place for the management of immediately dangerous situations identified from any asbestos related works undertaken on the Council's properties.

6.10 Within Communal Areas or Corporate Buildings – The Council will refer any contractor to the Asbestos Register as required and prior to, carrying out any repairs or planned maintenance works which may involve working on, or adjacent to, any asbestos-containing materials.

## **7. Asbestos Risk Assessment/Inspection Programmes**

7.1 The Council will ensure that all HRA properties will have an appropriate asbestos management survey carried out.

7.2 The Councils Asbestos register will be updated following the completion of a survey and the subsequent inspection or survey date identified.

7.3 The Council will not need to re-inspect any built after the year 2000 where the initial asbestos management survey confirms that there are no asbestos-containing materials present.

7.4 All contractors undertaking intrusive works shall carry out a relevant survey or risk assessment to confirm the presence or absence of asbestos prior to undertaking any works

7.5 Contractors will review existing asbestos register information prior to carrying out any void or vacant unit repairs, day to day repairs, or planned maintenance works which may involve working on or adjacent to any asbestos-containing materials .

## **8. Compliance and Asbestos Surveys**

8.1 The Council will establish and maintain a programme of surveys and re-inspections of all asbestos assets, and maintain an Asbestos Register of all the asbestos-containing materials by type, address, location and condition.

8.2 The Council will ensure there is a robust process in place for the management of any follow-up works required following the completion of an asbestos management survey.

8.3 Where asbestos is positively identified and, as a result of a risk assessment (conducted in accordance with published guidance), removal, sealing or encapsulation is recommended, 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; or
- Licensed works - as defined in regulation 2 of the CAR 2012 – by a LARC, licensed by the Health and Safety Executive in compliance with the CAR 2012. Key controls and reporting

8.4 A cloud based web system will be used to record the details of all asbestos surveys undertaken on HRA properties. This will include the date and type of the most recent survey and/or re-inspection where applicable.

8.5 The findings from the asbestos survey, including any ACMs and remediation works identified and subsequently completed (including evidence of removal and encapsulation) should also be recorded on the system

## **9. Training**

9.1 The Council will ensure that all employees working in our properties have appropriate training relevant to their function/duty. As a minimum, everyone should have basic asbestos awareness training.

9.2 Contractor staff working for, or on behalf of, the organisation must have the relevant training required for their role. This will be managed via periodic review of accreditations.

## **10. Performance Reporting**

10.1 Robust performance indicator measures will be maintained to ensure the Council is able to report on performance in relation to asbestos.

10.2 Performance measures will be produced and provided at Corporate Leadership Team (CLT) and Cabinet as part of the reporting cycle, as required. As a minimum these measures will include reporting on:

Relevant properties with a valid asbestos management survey where required. This is the level of compliance expressed as a number and/or as a percentage;

## 11. Quality Assurance

11.1 The Council will require external contractors to provide the results of their own assurance audit checks of management survey programmes, on a minimum of 5% of inspections (or a percentage determined through agreed contractual arrangements). The Council will undertake on site post inspections of asbestos work for 5% of completed works.

11.2 The Council will commission an independent audit of asbestos at least once every 5 years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

## 12. Non-Compliance/Escalation Process

12.1 The definition of non-compliance in relation to this policy refers to any incident which results in a breach of legislation.

12.2 Any non-compliance issue identified at an operational level will be formally reported to the Council's Director of Corporate Property and Assets, and/or, Director of Housing.

12.3 Where necessary, the relevant Director will agree an appropriate course of corrective action with the relevant operational teams in order to address any non-compliance issue.

12.4 The relevant Director will ensure the appropriate Cabinet Member(s) is/are made aware of any non-compliance issue.

## 13 Resident Engagement

13.1 Residents who are concerned about asbestos in their property can contact the Council's call centre for assistance. The Council's surveyors will also provide first hand help and advice with the occupants, on inspecting the property. Residents can contact the Council's call centre for assistance. Telephone **01865 249811** Tenants can also use the on-line service [Report a housing repair | Oxford City Council](#)

13.2 There will be communications with residents on the detail of this policy with residents using a range of communication mechanisms.

## 14 Equality and Diversity

14.1 An Equality Impact Assessment has been carried out to determine whether the policy would have an impact on any member of staff, tenants or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010. Adherence to the policy provides the same level of protection for all building users and no impacts have been identified that would adversely affect one group more than any other.

14.2 In relation to social housing properties, provision has been made to record any tenant vulnerability issues that are known or identified, and therefore taken account of, when gaining access to properties to undertake necessary safety checks. However, ensuring we can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant and/or other building occupants, is the Council's primary concern

## Appendix A

# Contingency Policy for Absent Responsible Persons (Asbestos)

### *1. Purpose and Scope*

The purpose of this policy is to ensure that the responsibilities for managing asbestos remain effective during the absence of the designated Appointed Person (AP). This policy applies to all City Council owned or occupied properties where OCC have responsibility for asbestos management.

### *2. Appointed Person (AP)*

The AP is responsible for ensuring that the asbestos management plan (AMP) is implemented, monitored, and updated as required. The AP's duties include conducting risk assessments, liaising with contractors, ensuring compliance with regulations, and maintaining asbestos records.

### *3. Contingency Arrangements for Absence*

In the event that the AP is absent for any reason (e.g., holiday, sickness, personal leave), the following contingency measures will be activated to ensure that compliance management continues without disruption.

### *4. Designated Alternate Responsible Person*

A **Designated Alternate responsible Person (DARP)** will be nominated and trained to take over the AP's duties during their absence. The DARP should be familiar with the asbestos management plan, the latest asbestos survey, and the procedures to follow in case of asbestos-related incidents.

Key individuals are designated to take over the AP's duties in their absence.

All designated persons must be familiar with the asbestos management plan, the asbestos policy, the latest asbestos survey, and procedures to follow in case of asbestos-related incidents.

### *5. Delegated Responsibilities*

The following key responsibilities will be delegated to the DAAP or other designated individuals during the absence of the AP:

- **Monitor and Review Asbestos Management Plan (AMP):** Ensure that the AMP remains up to date and that regular inspections are carried out.
- **Ensure continuation of the Asbestos re-inspection programme**

- **Incident Response:** In case of accidental disturbance or damage to asbestos-containing materials (ACMs), the DAAP will act as the point of contact for emergency procedures, including:
  - Stopping any activities that may disturb ACMs.
  - Contacting licensed asbestos contractors for urgent remediation if required.
  - Notifying relevant authorities, such as the Health and Safety Executive (HSE).
- **Liaison with Contractors:** Ensure that any contractors working on the premises are made aware of the asbestos survey and are provided with the necessary information regarding the location of ACMs.
- **Training and Awareness:** Ensure that any personnel (e.g., volunteers, maintenance staff) are reminded of their asbestos awareness responsibilities and have the appropriate resources and training to deal with potential asbestos risks.

#### *6. Emergency Contact Details*

The following details must be available to all relevant parties during the absence of the RP:

- **List of accredited asbestos removal contractors**  
**DCUK Ltd:0330124 5671**
- **HSE emergency contact details** in case of a major asbestos incident.  
**0345 300 9923**

## *7. Communication Protocol*

- **Notification of Absence:** The AP must inform the relevant stakeholders (e.g., management, volunteers, contractors) of their planned absence in advance, ensuring that a handover to the DAAP is done seamlessly.
- **Regular Updates:** During the absence, the DAAP must provide regular updates to the AP (or management if the absence is extended) regarding the status of asbestos management, including inspections, maintenance, or incident reports.

## *8. Documentation and Record-Keeping*

All actions taken by the DARP in relation to asbestos management during the absence of the AP must be properly documented. This includes:

- **Inspection reports, contractor communication, and training records.**
- **Any asbestos incidents and the response taken.**
- **Any updates or changes made to the asbestos management plan.**

## *9. Return of the Responsible Person*

Upon the return of the AP, a debriefing should take place to update the AP on any changes, incidents, or important activities that took place during their absence. The AP should review all records and ensure that the management of asbestos has been carried out in line with regulatory requirements.

## *10. Review of Contingency Plan*

The contingency plan should be reviewed annually or following any significant changes, such as a new AP or DAAP, changes in property management, or changes in the regulations governing asbestos.

## Appendix B

# Emergency Procedure for the Disturbance of Asbestos-Containing Materials (ACMs)

### 1. Immediate Action

- **Stop Work Immediately:** Any activity that disturbs asbestos-containing materials (ACMs) must be halted at once.
- **Evacuate the Area:** Clear all personnel from the affected area. Only trained asbestos personnel should remain.
- **Prevent Further Exposure:** Secure the area to prevent further disturbance of the ACMs. This may involve cordoning off the area, closing doors, and putting up warning signs (such as 'Asbestos Hazard').

### 2. Assess the Situation

- **Visual Inspection:** The appointed asbestos person should carry out a visual assessment of the situation to determine the extent of the disturbance.
- **Identify the Type of Material:** If possible, identify whether the material is ACM (e.g., insulation, tiles, sprayed coatings). Do not attempt to handle the material without proper protective equipment and procedures in place.
- **Check Airborne Fibre Levels:** In the event of a suspected disturbance, the air quality may need to be monitored for asbestos fibres, with the appropriate testing equipment or by calling in an external asbestos surveyor for immediate testing.

### 3. Notify Authorities and Relevant Parties

- **Contact the HSE:** In the event of significant disturbance or potential exposure to asbestos, contact the **Health and Safety Executive (HSE)** immediately. A notifiable incident, such as the uncontrolled release of asbestos fibres, must be reported under the **Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations (RIDDOR)**.
- **Inform the Council Asbestos Team:** Notify the council's safety team and management to ensure that a coordinated response can be made, including organising the necessary resources for decontamination and investigation.
- **Notify Contractors or Work Teams:** If the disturbance was caused by contractors or external workers, they must be informed immediately, and the nature of the disturbance should be reported.

### 4. Implement Control Measures

- **Seal the Area:** Use plastic sheeting, barriers, and tape to prevent the spread of asbestos fibres beyond the immediate vicinity of the disturbance.

- **Use PPE (Personal Protective Equipment):** Ensure that all personnel entering the area wear the appropriate PPE, such as **disposable coveralls, P3 respirators, protective gloves, and footwear.**
- **Decontamination Procedures:** If personal contamination is suspected, ensure all personnel follow appropriate decontamination procedures, including using a **boot wash, decontamination units,** and ensuring any contaminated clothing is disposed of safely.

#### *5. Establish Air Monitoring*

- **Air Sampling:** If not already done, arrange for immediate air sampling to determine the level of airborne asbestos fibres.
- **Stop Work Until Safe:** Work should not resume until air monitoring has been conducted, and the results indicate that the air is safe (fibre levels must be below the exposure limits).

#### *6. Arrange for Asbestos Removal or Repair*

- **Licensed Asbestos Removal:** If the disturbance involves significant damage to ACMs or if removal is necessary, ensure that licensed asbestos removal contractors are contacted and instructed to deal with the situation as per **CAR 2012** regulations.
- **Emergency Repair:** If the disturbance is minimal and repair is appropriate (e.g., sealing a crack in asbestos insulation), ensure that work is conducted by a competent person, following approved emergency procedures and the correct methodology.

#### *7. Post-Incident Investigation and Reporting*

- **Incident Investigation:** Conduct a thorough investigation of the cause of the disturbance. Review the risk assessments and safe systems of work that were in place before the disturbance occurred to identify gaps or failings.
- **Review Control Measures:** Review and update the emergency procedures, training, and monitoring systems to prevent similar incidents in the future.
- **Documentation:** Ensure that all steps taken during the emergency procedure are documented, including the initial assessment, actions taken, air quality monitoring results, and any investigations conducted.

#### *8. Reopening the Area*

- **Air Clearance Certificate:** Once air monitoring confirms that fibre levels are below the action limit, an independent asbestos air clearance certificate should be obtained before the area is reopened for work.
- **Restore the Work Area:** Once clearance is granted, the area may be re-entered by workers. Ensure that the area remains secure and that safe working practices are followed going forward.

## Key Considerations:

- **Emergency Planning:** It's essential that emergency procedures for asbestos disturbance are included in the **site-specific asbestos management plan** and that staff are trained to follow them.
- **Record Keeping:** All incidents of asbestos disturbance must be documented and the relevant regulatory authorities (including the HSE) notified within required timeframes.
- **Compliance:** This procedure must be aligned with **Control of Asbestos Regulations 2012** and the advice provided by the **Health and Safety Executive (HSE)**, ensuring that both local authority responsibilities and the safety of employees are met.

## Emergency Equipment Required:

- Personal Protective Equipment (PPE): Disposable coveralls, P3 respirators, gloves, footwear, etc.
- Air monitoring and sampling equipment.
- Warning signs and barriers for site containment.
- Asbestos waste bags and containers for disposal.