



# Asbestos Policy (Housing)

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<b>Policy Name</b>	Asbestos Policy (Housing)
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## **2. Purpose of the Policy**

The purpose of this policy is to ensure Wigan Council (hereafter referred to as 'the Council') administers its duty to manage asbestos in its homes and buildings, and that this is done in accordance with The Control of Asbestos Regulations (CAR) 2012.

2.1 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. Past exposure to asbestos currently kills around 5,000 people a year in Great Britain.

2.2 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.

2.3

Any council home or 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, because people may breathe in any asbestos fibres released into the air.

2.4

Workers who carry out repairs and maintenance work are at particular risk. If asbestos is present and can readily be disturbed, is in poor condition and not managed properly, others who may be occupying the homes or buildings could also be put at risk.

2.5

The Council is responsible for the maintenance and repair of its social housing portfolio some of which may have been constructed using asbestos-containing materials.

## **3. Policy Objectives & Scope**

The key objective of this policy is to ensure Wigan Council, the Senior Leadership Team, employees, partners and residents are clear on our legal and regulatory Asbestos safety obligations.

3.1

The Council must establish a policy which meets the requirements of The Control of Asbestos Regulations (CAR) 2012, which came into force on 6th April 2012. The policy must provide assurance to the Council that measures

are in place to identify, manage and/or mitigate risks associated with asbestos.

### 3.2

In addition, the Council must establish an Asbestos Management Plan (AMP), which outlines key information on roles and responsibilities, and the management of information, works, and ACMs.

### 3.3

The Council must also ensure that compliance with asbestos is formally reported to Cabinet, including the details of any non-compliance and planned corrective actions.

### 3.4

The policy is relevant to all Council employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.

### 3.5

It should be used to ensure the obligations placed upon the Council are fully understood, in order to maintain a safe environment for tenants and employees within the homes of each tenant, and within all communal areas of buildings and other properties owned and/or managed by the Council.

## **4. Legal & Regulatory Framework**

This policy forms part of Wigan Council's wider organisational commitments to driving a health & safety culture amongst staff and contractors (as detailed with Wigan Council's Health & Safety policy). It will be saved on Wigan Council's shared drive and distributed to all relevant members of staff.

### 4.1

Regulatory Standards - Wigan Council will ensure it complies with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.

*The Social Housing (Regulation) Act 2023* changes the way social housing is regulated and may result in future changes to this policy.

## 4.2

Legislation - the principal legislation applicable to this policy is The Control of Asbestos Regulations (CAR) 2012, which came into force on 6th April 2012. The Council has a legal obligation under Regulation 4 of the legislation (Duty to manage asbestos in non-domestic properties) and is the 'Duty Holder' for the purposes of the legislation.

The Council is the 'duty holder' by virtue of the fact that it owns and manages homes and buildings that house tenants and leaseholders. The Council has obligations with regard to health and safety that are set out in the tenancy and lease agreements.

## 4.3

Approved Codes of Practice and Guidance – 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' (First edition 2006)
- HSG247 - 'Asbestos: The licensed contractors' guide' (First edition 2006)
- HSG227 - 'A comprehensive guide to managing asbestos in premises' (First edition 2002)
- HSG210 - 'Asbestos Essentials – A task manual for building, maintenance and allied trades and non-licensed asbestos work' (Fourth edition 2018)

## 4.4

Sanctions - 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.

In addition, the Regulator of Social Housing has powers to proactively intervene where landlords are performing badly on consumer issues (including noncompliance with building safety measures) and may conduct routine inspections to investigate systematic issues.

## 4.5

The Council will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential asbestos related inspection and remediation works.

#### 4.6

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

### **5. Responsibility**

The Council's Cabinet will have overall governance responsibility for ensuring the asbestos policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice. The Council's Cabinet will formally approve this policy and review it annually (or sooner if there is a change in regulation, legislation or codes of practice).

#### 5.1

The Council's Director of Housing, Property & Corporate Assets has strategic responsibility for the management of asbestos and ensuring compliance is achieved and maintained.

#### 5.2

The Council's Statutory Compliance Manager will be responsible for overseeing the delivery of the agreed domestic and communal inspection

programmes and the prioritisation and implementation of any works arising from the surveys. The day-to-day operational delivery will be delegated to the Statutory Compliance & Building Safety Team Manager (Asbestos, Lifts & Legionella).

### 5.3

The Housing Compliance Leadership Teams will receive reports in respect of asbestos management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified

### 5.4

The housing teams will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so.

### 5.5

The Council's Director for Housing, Property and Corporate Assets will be responsible for ensuring the policy is reviewed annually and will notify The Council's Leadership Team and operational team(s) responsible for the delivery of the compliance programme, of the upcoming review.

### 5.6

The Council will ensure that the role with lead responsibility for operational delivery is suitably qualified and experienced, holding one of the following as a minimum:

- P405, P402 & S301/W504 qualification;
- Level 4 qualification in a related subject such as Level 4 Building Studies & Construction
- Level 4 NEBOSH National Certificate/Diploma in health and safety

### 5.7

Where the appropriate qualification has not yet been obtained, the Council will seek assistance from a relevant external consultant, until the Council

employee(s) has obtained the qualification(s).

#### 5.8

The Council will ensure that competent contractors (as per HSG264) are procured and appointed to deliver asbestos management surveys (UKAS accredited).

#### 5.9

The Council will ensure that competent licensed asbestos removal contractors are appointed for all notifiable non-licensed work or licensed works (Fully licensed by the HSE).

#### 5.10

The Statutory Compliance Team (Asbestos) with responsibility for delivery will check the relevant qualifications of employees working for these contractors on an annual basis and evidence this appropriately.

#### **Guidance – The principle guidance documents applicable to this policy area:**

- HSG227 - A comprehensive guide to managing asbestos in premises (First edition, 2002).

- HSG247 - Asbestos: The licensed contractors' guide (First edition, 2006).

- HSG264 - Asbestos: The survey guide (Second edition, 2012).

- INDG223 - Managing asbestos in buildings: a brief guide (Revision 5, April 2012).

- HSG210 - Asbestos Essentials: A task manual for building, maintenance and allied trades and non-licensed asbestos work (Fourth edition, 2018).

- HSG248 – Asbestos: The Analysts' Guide (Second edition, 2021).  
The Policy

## 6. Obligations

The duty to manage asbestos is included in The Control of Asbestos Regulations (CAR) 2012. The duty requires the Council to manage the risk from asbestos by surveying for any asbestos present, identifying its location and condition.

### 6.1

The Council has an obligation to do this in the homes and buildings it owns and manages. In practice this means assessing if asbestos-containing materials are liable to be present and making an assumption that materials may contain asbestos, unless it has strong evidence that they do not.

### 6.2

The Council must also identify the location of any asbestos-containing material (ACM) and identify what condition it is in. If the home or building was built prior to the year 2000 the Council will assume asbestos is present. If the home or building was built after the year 2000 asbestos is unlikely to be present and no further action will be required.

### 6.3

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.

### 6.4

The Council must also review and monitor the asbestos management plan and the arrangements made to put it in place; and 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.

6.5

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

## **7. Statement of Intent**

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.

7.1

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

7.2

In order to fully comply with the legislation, the Council will have a Cabinet approved Asbestos Policy. In addition, the Council will have an Asbestos Management Plan and develop an Asbestos Register which will hold records of the assets which have asbestos-containing materials in them.

7.3

The Council will hold accurate records against each property it owns or manages, identifying whether the property has had its initial asbestos management survey and when the next re-inspection is due.

7.4

Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically.

## 7.5

The Council will employ competent external contractors (in line with HSG264) to undertake asbestos management surveys. Licensed asbestos removal operatives and/or contractors will be employed to carry out licensed remediation works (where necessary) to non-domestic (communal blocks/ 'other' properties) and domestic properties as outlined in section 8 of this policy.

Wigan Council will operate effective contract management arrangements with the contractors responsible for delivering the service, including ensuring contracts/service level agreements are in place, conducting client-led performance meetings and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.

## 7.6

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

## 7.7

The Council will also undertake an intrusive refurbishment and demolition (R&D) survey to domestic and non-domestic properties as and when required as per HSG264. This will also be in accordance with the criteria set out in the Council Asbestos Management Plan, which should be read in conjunction with this policy.

## 7.8

The Council considers good communication essential in the safe delivery of asbestos management and will therefore ensure that information about asbestos-containing materials (known or suspect) is provided to every person liable to disturb it, accidentally or during the course of the work. This includes employees and tenants.

## 7.9

The Council will ensure contracts/service level agreements are in place with the contractors responsible for delivering the compliance service.

## 7.10

The Council will ensure there are effective contract management arrangements in place, 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.

## 7.11

The Council will provide leaseholders and tenants with an asbestos survey report on request.

## 7.12

The Council will provide tenants with information about asbestos via their website that will: tell them of possible asbestos-containing materials (ACMs) in their home, advise them what to do if they wish to carry out DIY or employ a contractor to undertake work, and advise them who to contact if ACMs are accidentally disturbed.

Wigan Council consider good communication essential in the effective delivery of Asbestos works / surveying programmes, therefore we will establish a resident engagement strategy and communication programme.

This will support residents in their understanding of Asbestos, advise them of how they can keep themselves and other residents safe, and encourage them to report any Asbestos safety concerns. Wigan Council will also aim to engage with vulnerable and hard to reach residents.

The Council will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.

## 7.13

The Council will generally not use asbestos labelling in domestic premises, however, in non-domestic premises and common areas of domestic blocks, labelling will be used where practicable.

#### 7.14

The Council will implement a robust process to deal with all changes to stock, including new property acquisitions, disposals and stock transfers, in order to ensure that properties are not omitted from the compliance programme, and to ensure the programme remains up-to-date.

#### 7.15

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.

#### 7.16

The Council will have a robust controlled access procedure in place should any tenant refuse access to carry out essential safety related inspection and/or remediation works. The Council will make every effort to obtain access giving reasonable notice, and before the inspection/certificate is due to expire.

However, if access has still not been granted, or in cases of emergency, we will take enforcement action to gain entry to the property if necessary. This may mean undertaking a 'controlled entry'.

#### 7.17

Where a controlled entry is required, a locksmith appointed by the Council will gain entry to the property and change the lock. Work will be completed with or without the tenant's presence and the tenant will be recharged for the work.

## **8. Compliance Risk Assessment / Inspection Programmes**

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

### 8.1

Non-Domestic (communal) Stock – The Council will review existing asbestos management survey information prior to carrying out any repairs or planned maintenance works which may involve working on, or adjacent to, any asbestos-containing materials within a non-domestic (i.e. communal) block.

### 8.2

This is to ensure that any asbestos-containing materials likely to pose a risk are identified prior to works commencing and the details passed onto the relevant operatives or external contractors and managed in an appropriate way. Where required a new hybrid R&D/management survey will be commissioned prior to work commencing.

### 8.3

The Council will ensure that all non-domestic (communal blocks) have an initial asbestos management survey carried out. All surveys comply with the CAR 2012 legislation and are therefore dated after 6th April 2012 when the legislation came into effect.

### 8.4

Thereafter all non-domestic (communal blocks) where ACM has been identified (but deemed safe to leave in place) will be recorded on the Council's Asset Management system, and will have a re-inspection survey and an assigned reinspection date where applicable. This date will be in accordance with the specific needs of the building. It will either be annually or at a period dictated by the previous survey/re-inspection. Re-inspection

dates may change following the re-categorisation of a property or a building.

## 8.5

The Council will not need to re-inspect any non-domestic (communal blocks) built after the year 2000, or where the initial asbestos management survey confirms that there are no asbestos-containing materials present.

## 8.6

This policy applies to the following property types:

- Domestic Building Stock
- Communal Blocks
- Sheltered / Independent Living schemes

Domestic Building Stock – The Council will review existing asbestos survey information prior to carrying out any void repairs, day to day repairs, or planned maintenance works which may involve working on or adjacent to any asbestos-containing materials within a domestic property.

## 8.7

This is to ensure that any asbestos-containing materials likely to pose a risk are identified prior to works commencing, and the details passed onto the relevant operatives or external contractors and managed in an appropriate way.

## 8.8

Where there is no previous asbestos-related information in respect of a domestic property which requires an asbestos survey ahead of void repairs, day-to-day repairs or planned maintenance work, a survey will be

undertaken and the scope of the survey agreed in accordance with the works due to be carried out.

#### 8.9

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

#### 8.10

Refurbishment Work – The Council will undertake an intrusive refurbishment and demolition (R&D) survey to domestic, non-domestic (communal blocks) and ‘other’ properties prior to planned maintenance works taking place to the areas of the property that are likely to be disturbed as part of the proposed works. This will be in accordance with the criteria set out in the Council’s Asbestos Management Plan, which should be read in conjunction with this policy.

#### 8.11

Garages – The Council will carry out asbestos management surveys on garages prior to any work being carried out.

### **9. Compliance Follow-Up Work**

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. Wigan Council will operate a robust process to manage immediately dangerous situations identified during Asbestos safety programmes.

#### 9.1

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: Under the requirements of the Social Housing ( Regulation ) Act 2023 Wigan Council have appointed a Senior Health and Safety Consultant as Health & Safety lead.

## **10. Asbestos Surveys**

The Council will establish and maintain a programme of non-domestic (communal blocks) and 'other' property surveys and re-inspections, and an Asbestos Register of all the asbestos-containing materials by type, address, location and condition.

### 10.1

Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically.

### 10.2

Compliance software will be used to record the details of all asbestos surveys undertaken on The Council's non-domestic (communal), domestic and other properties. This will include the date and type of the most recent survey and/or re-inspection where applicable.

### 10.3

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 compliance software.

10.4

Appropriate asbestos information will be made available to all interested stakeholders as required.

## **11. Training**

The Council will ensure that all operatives working for, or on behalf of, the organisation have the relevant training required for their role. This will be managed via periodic assessments of training needs and resulting programmes of internal and/or external training.

## **12. Performance Reporting**

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

12.1

Performance measures will be produced and provided at Senior Leadership Team (SLT) and Housing Cabinet as part of the reporting cycle, as required.

As a minimum these measures will include reporting on:

- Communal properties with a valid asbestos check. This is the level of compliance expressed as a number and/or as a percentage.

12.2

In addition, performance reporting may include (where necessary):

- Domestic properties with a valid asbestos check. This is the level of compliance expressed as a number and/or as a percentage.
- Written narrative on the current position, corrective action applied, and/or progress on follow-up works.

### 12.3

The Senior Leadership Team (SLT) will receive monthly performance reports in respect of Asbestos safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.

We will report key performance indicator (KPI) measures for Asbestos safety that follow the requirements set out in the Tenant Satisfaction Measures (TSMs) and must be reported to the RSH on an annual basis. We will report using the below framework:

<b>Report Recipient</b>	<b>Frequency</b>
Regulator of Social Housing	Annually
Senior Leadership Team	Monthly
Housing Advisory Panel	Quarterly
Residents / Tenants	Quarterly

The Corporate Performance System will capture the performance indicators for Asbestos (see corporate performance system for a breakdown of individual indicators). The system will have a narrative explanation of the:

- Current position.
- Corrective action required.
- Progress with completion of follow-up works.
- Number of RIDDOR notifications to the Health and Safety Executive.

### **13. Quality Assurance**

The Council will require external contractors to provide the results of their own assurance audit checks, on a minimum of 5% of inspections (or a percentage determined through agreed contractual arrangements).

#### 13.1

We will undertake 100 per cent internal, desktop audits of Asbestos compliance records. We will ensure there is a programme of third-party quality assurance audits of 10 per cent of Asbestos compliance records. We

will conduct 10 per cent post-inspections for building fabric remedial actions.

13.2

The Council will commission an independent audit of asbestos no longer than 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.

Wigan Council will conduct an independent, internal audit of Asbestos safety at least once every two years, to test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.

#### **14. Non-Compliance/Escalation Process**

Significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety, and which needs to be managed as an exception to routine processes and procedures.

14.1

All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of a Wigan Council employee becoming aware of it.

14.2

Any non-compliance issue identified at an operational level will be formally reported to the Council's Assistant Director of Property & Assets as part of the reporting cycle who will agree an appropriate course of corrective action and report details of the same to the SLT.

14.3

The Council's Director of Place will ensure the appropriate Cabinet Member(s) is made aware of any non-compliance issue.

14.4

In cases of serious non-compliance, SLT and the Director of Place will consider whether it is necessary to disclose the issues to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health & Safety Executive.

14.5

Wigan Council will ensure there is a robust process in place to investigate and manage all RIDDOR notifications made to the HSE in relation to Asbestos safety and will take action to address any issues identified and be proactive to prevent similar incidents occurring in the future.

## **15. Data & Records**

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

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

## **16. Glossary**

This glossary defines key terms used throughout this policy:

**UKAS:** The National Accreditation Body for the United Kingdom, appointed by government to assess and accredit organisations that provide services including certification, testing, inspection and calibration.