

Asbestos Management Policy

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Owner: Compliance & Building Safety	Next Scheduled Review: 17/12/2028

1. Purpose

- 1.1 This Policy outlines how Flint Housing will fulfill its statutory duties in respect of asbestos control and management as required under current primary and secondary legislation and comply with the regulatory framework for social housing in England.
- 1.2 Flint Housing aims to protect the occupiers of its properties, visitors, staff, contractors and the public, from the risks associated with asbestos so far as is reasonably practicable. This Policy sets out key policy objectives, control measures and accountabilities to protect residents, staff, contractors and the public from harm.
- 1.3 For the purposes of this Policy, any reference to Flint Housing or “our” or “we” shall be relevant to all its associated entities and administered, where applicable, by its housing management provider(s).

2. Scope

- 2.1 Flint Housing is a relevant “duty holder” under the Control of Asbestos Regulations 2012/632 in respect of all properties owned by Flint Housing, including those managed by external housing management providers s. In some cases, Flint Housing will not hold the landlord’s duty of care for communal systems; this must be clearly established before we exclude these properties. Flint Housing does not hold a duty of care in respect of asbestos in leaseholders’ or shared owners’ homes.

3. Prevalence of Asbestos and Relevance to Flint Housing stock

- 3.1 Asbestos was very widely used in construction across the UK throughout the 1900s, and the properties at greatest risk of containing asbestos are those which were constructed in 1950 – 1985. A partial ban on the use and import and export of asbestos was introduced in 1985 in respect of certain classes of asbestos materials, and a full ban has been in force from late 1999.
- 3.2 Within properties containing asbestos the most common locations for it to be found are:
 - Lagging on plant and pipework
 - Insulation products such as thermal boards and fireproof panels
 - Cement roofing materials
 - Sprayed coatings on structural steelwork
 - Vinyl floor paneling
 - Certain types of mastics and adhesives and bitumen.
- 3.3 However, there will be no asbestos containing materials in new-build developments constructed specifically for Flint Housing. The risk of asbestos is therefore focused on properties that may have been built by others pre-2000, which are subsequently acquired by Flint Housing.
- 3.3 Although Flint Housing’s portfolio (post 2000) is considered low risk for asbestos, this policy equally applies to any future acquisitions of pre-2000 housing stock. A due diligence process, including Management or Refurbishment and Demolition (R&D) survey where applicable will be undertaken before acquisition.

4. Asbestos Risk Profile

- 2.1 The principal risk posed by Asbestos is inhalation. Breathing in air containing asbestos fibres can lead to asbestos-related diseases, including cancer of the lungs and/or chest lining and lung disease. Generally, the prognosis for asbestos related disease is poor with a high mortality rate, and in non-fatal cases will be life-changing, life limiting and incurable. Secondary risks of exposure include ingestion from drinking contaminated water, skin contact, or second-hand exposure. The Health and Safety Executive (HSE) estimate that past exposure to asbestos

currently kills around 5,000 people a year in Great Britain. Workers who carry out building maintenance and repair are particularly at risk.

- 2.2 There is usually a long delay between first exposure to asbestos and the onset of disease. This can vary from 15 to 60 years. Only by preventing or minimising these exposures now can asbestos-related disease eventually be reduced. It is now illegal to use asbestos in the construction or refurbishment of any premises, but many thousands of tonnes of it were used in the past and much of it is still in place.
- 2.3 There are three main types of asbestos that can still be found in premises, commonly called 'blue asbestos' (crocidolite), brown asbestos' (amosite) and 'white asbestos' (chrysotile). All of them are dangerous carcinogens, but generally blue and brown asbestos are considered to be more hazardous than white owing to composition and fibre structure. Despite their names, you cannot identify them just by their colour.
- 2.4 Any buildings built or refurbished before the year 2000 may contain asbestos. As long as the asbestos-containing material (ACM) is in good condition and is not being or going to be disturbed or damaged, there is minimal risk. However, if it is disturbed or damaged, it can become a significant danger to health given the risk of inhalation.

4. Persons most at risk

- 4.1 Whilst even small amounts of asbestos can lead to health complications, the risk is directly related to the number of fibres per milliliter of air or per cubic centimeter. The more asbestos fibres breathed in, the greater the risk to health. Therefore, workers who may be exposed to asbestos when carrying out maintenance and repair jobs are at particular risk. Such workers include:
 - Construction and demolition contractors, roofers, electricians, painters and decorators, joiners, plumbers, gas fitters, plasterers, shop fitters, heating and ventilation engineers, and surveyors;
 - Anyone dealing with electronics, e.g., phone and IT engineers, and alarm installers; and
 - General maintenance engineers and others who work on the fabric of a building.
- 4.2 If asbestos is present and can be readily disturbed, is in poor condition and not managed properly, others who may be occupying the premises could be put at risk.
- 4.3 Of the above examples of trades at risk to exposure, the HSE classifies carpenters, plumbers, electricians and joiners as particularly high-risk.
- 4.3 Generally, the HSE estimates around 2,500 deaths annually in the construction sector are attributable to asbestos related illness or complications including cancers such as mesothelioma, asbestosis, lung disease and other and related illnesses.
- 4.4 In 2023 (the most recently published statistics) there were 2,218 total deaths from mesothelioma which is a cancer closely related to Asbestos.
- 4.4 Owing to the typically slow manifestation of asbestos related illness, an estimated 70% of deaths occur in people aged over 75 years old and significantly more men than women die from exposure owing to historical occupational exposure and the fact that construction and trade work is predominantly a male vocation.

5. Legislation

- 5.1 Flint Housing intends to meet its obligations under the following legislation:
 - The Control of Asbestos Regulations (CAR) SI 2012/632
 - Health and Safety at Work etc. Act, 1974
 - Management of Health and Safety at Work Regulations 1999
 - Personal Protective Equipment at Work Regulations SI 1992/2966 (as amended)
 - Provision and Use of Work Equipment Regulations SI 1998/2306
 - The Control of Substances Hazardous to Health Regulations (COSHH) SI 2002/2677

- The Housing Act 2004
- The Housing Health and Safety Rating System (England) Regulations (HHSRS) SI 2005/3208
- Asbestos (Prohibitions) Regulations SI 1985/910
- Asbestos (Prohibitions)(Amendment) Regulations SI 1999/2373
- Health and Safety (Enforcing Authority) Regulations 1998 SI 1998/494
- Construction (Design and Management) Regulations 2007 SI 2007/320
- REACH Enforcement Regulations 2008 SI 2008/2852

4.2 To meet the aims set out in this policy, Flint Housing will take account of the following guidance:

- Approved Code of Practice (ACOP) L143 3rd Edition 2023
- HSG 264 - Asbestos: The survey guide
- HSG 227 - A comprehensive guide to managing asbestos in premises
- HSG 248 – Analysts' guide for sampling, analysis and clearance procedures
- HSG210 - 'Asbestos Essentials – A task manual for building, maintenance and allied trades and non-licensed asbestos work' (Fourth edition 2018).
- HSE: Topics – 'Asbestos' – guidance from the regulator and compliance requirements, available online (<https://www.hse.gov.uk/asbestos/index.htm>)

4.3 Sanctions: Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the HSE under the Health and Safety at Work Act 197,; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007, prosecution under the Control of Asbestos Regulations, and via regulatory notice from the Regulator of Social Housing.

5. Commitments and obligations

5.1 Flint Housing is obliged to manage asbestos under the Control of Asbestos Regulations 2012/62 (and associated primary and secondary legislation) and must:

5.1.1 Carry out a suitable and sufficient assessment to determine if asbestos is or is liable to be present in the premises. Where applicable, this should form part of Flint Housing's risk assessment for health and safety hazards and it should contain measures to mitigate the risks, including asbestos related risks;

5.1.2 Take reasonable steps, including reviewing building plans, considering the age of the premises and inspecting accessible areas;

5.1.3 If asbestos is identified or presumed, prepare a written plan specifying the parts of the premises concerned, assess the risk, and detail measures for managing it;

5.1.4 If a plan is required, it must include measures for monitoring asbestos, maintaining or removing it safely, providing information about its location and condition to those liable to disturb it, and making information available to emergency services;

5.1.5 The plan and assessment must be regularly reviewed and revised, especially after significant changes or if the assessment becomes invalid and records must be kept of all assessments, reviews and actions taken;

5.1.6 Employees (including any third-party employees, agents or contractors) must not be exposed to asbestos, and neither must demolition maintenance or other work be carried out unless a suitable assessment has been done and it is best practice to assume asbestos is present and observe applicable provisions;

5.1.7 Work with asbestos must not start without a written plan detailing methods, duration, location, protection measures, and compliance with relevant control and cleanliness regulations;

- 5.1.8 Employers must prevent exposure to asbestos so far as reasonably practicable, and where not possible, reduce it to the lowest practicable level by means other than respiratory protective equipment.
- 5.1.9 Adequate respiratory protective equipment must be provided, and exposure must not exceed the control limit. If exceeded, immediate measures must be taken, including air monitoring and informing employees;
- 5.1.10 Employees liable to be exposed to asbestos must receive adequate information, instruction, and training, including awareness of asbestos properties, health risks, safe work practices, emergency procedures, hygiene, decontamination, waste handling, and air monitoring results. Training must be regular and responsive to changes in work or risk assessment;
- 5.1.11 Work that exposes employees to asbestos must only be carried out where premises, equipment, plant and machinery are kept clean, and after completion, thoroughly cleaned;
- 5.1.12 The Regulations apply equally to self-employed persons as to employers and employees;
- 5.1.13 Personal Protective Equipment (PPE) must be provided to work that relates asbestos in accordance with the Personal Protective Equipment at Work Regulations SI 1992/2966 (as amended). All equipment, including PPE, must comply with the latest standards for safety and risk mitigation in accordance with the Provision and Use of Work Equipment Regulations SI 1998/2306 (as amended);
- 5.1.14 Ensure that where work requires a license, the contractors, employees or agents engaged have the requisite license to conduct the work. This includes where the exposure is not sporadic or of low intensity; the risk assessment cannot demonstrate that the control limit will not be exceeded; or the work is on asbestos coating; the work is on asbestos insulating board or asbestos insulation which is not for a short duration of work for example 2 hours in any 7-day period where no person works for more than 1 hour in that 2-hour period;
- 5.1.15 Where the work is licensable it will be notifiable and Flint Housing must promptly notify the relevant authority (usually the HSE) in accordance with regulations, a failure to do so can result in a criminal prosecution.
- 5.1.16 Flint Housing and its employees, contractors and agents will ensure that asbestos materials are handled and disposed of in line with regulation and that disposal will be via a refuse site designated to accept asbestos containing materials.

6. Monitoring & quality control

- 6.1 The CEO will provide an annual assurance report to the Board summarising any asbestos management activity. Asbestos risk will also form part of the organisational Health and Safety risk register and internal audit programme.
- 6.2 We will monitor implementation of this policy using the following performance measures:

Measure	Target	Reviewed by/ interval
No. of active & overdue high-risk actions	0	<u>Monthly</u> • Chief Executive Officer (CEO)
No. of blocks with asbestos survey on file / no. of blocks requiring asbestos survey	100%	
No. of blocks with routine inspection carried out within recommended interval (where required)	100%	<u>Quarterly</u> • Board of Directors

Flint Housing's housing management providers will be required to maintain the above KPI targets as part of the housing management services provided.

7. Policy implementation & responsibilities

- 7.1 Flint Housing's CEO retains overall accountability for this Policy. Flint Housing is the duty-holder.
- 7.2 The CEO is responsible for:
- Policy implementation and ensuring adequate resources are made available to meet the policy objectives;
 - The delivery of the key policy objectives and for achieving the associated targets;
 - Overseeing the implementation of this policy, including through housing management agreements entered into by Flint Housing;
 - Monitoring performance of housing managers against this policy;
 - Ensuring this Policy is reviewed and updated in line with legislation;
 - Reporting any breaches in the regulatory standards to the board of directors and to the Regulator of Social Housing.
- 7.3 The CEO will also be responsible for commissioning asbestos surveys as part of the due diligence process for potential future acquisitions of housing that may have been built prior to 2000 and therefore at risk of containing asbestos.
- 7.4 Flint Housing's partner housing management provider(s) will be responsible for the implementation of this Policy within the housing management services provided to Flint Housing as well as routine monitoring of the performance of maintenance and repairs to ensure observance with the asbestos legislation for Flint Housing's properties once acquired and under management. The relevant housing management provider(s) will also oversee the management of contractors carrying out the following activities:
- Removing, encapsulating, or protecting asbestos; and
 - Carrying out asbestos surveys.
- 7.5 Flint Housing and its third-party housing managers will be required to ensure, as far as is reasonably practicable, that all staff or contractors who may disturb asbestos consult and update the asbestos register.
- 7.6 The asbestos register will be maintained in the digital format integrated within Flint Housing's asset management system and retained for a minimum of 40 years in compliance with CAR 2012.
- 7.7 The third-party housing management provider(s) will be responsible for conducting 6 monthly visual inspection on the condition of asbestos found within a property, to the extent possible.

8. Objectives

- 8.1 Flint Housing acknowledges and accepts its responsibilities under CAR 2012 and recognises the main hazard in relation to asbestos is the non-identification of Asbestos Containing Materials (ACMs). As such, we will protect those persons potentially exposed to asbestos as far as is reasonably practical, using appropriate control measures and working methods.

To fully comply with CAR 2012, Flint Housing will have a Board of Directors approved Asbestos Policy and Asbestos Management Plan and maintain an Asbestos Register.

- 8.3 Flint Housing will:
- Make available, as far as practicable, a system to provide information about suspected / known asbestos to anyone who is liable to disturb it (the 'Asbestos Register'). This includes employees, housing managers, contractors, and residents.

- Carry out an intrusive refurbishment / demolition survey to properties as and when required, as per HSG264.
- Ensure there is a robust process in place to manage immediately dangerous situations identified during asbestos related works.
- Manage high-risk asbestos, identified on any survey, by controlled removal or encapsulation.
- Manage medium & low risk asbestos in-situ
- Commission a new (or if necessary, repeat) survey including in any dwelling in any of the following circumstances:
 - Where there is risk of asbestos being disturbed by works or other activity
 - When dwellings become void and have not previously had a survey
 - On demand, on request from a tenant.
- Survey all Flint Housing owned properties (non-dwelling areas and building fabric) for asbestos, where necessary, and hold the results on the Asbestos Register.
- Inspect asbestos listed on the Asbestos Register in properties (arising from the surveys), at the following intervals:
 - High Risk – 1-year
 - Medium Risk – 2 years
 - Low risk - 3 years
 - Very low risk – 5 years
- Place a duty on all staff / contractors, who may disturb asbestos to:
 - Carry out on-site risk assessments, to establish the likelihood of asbestos being disturbed and, in any event
 - Check the Asbestos Register
 - If there is risk asbestos may be disturbed request an appropriate survey, then act on the findings of any survey before any work is carried out
- Only utilise asbestos-removal contractors licensed by the Health and Safety Executive (HSE) for asbestos related work.
- Only utilise asbestos survey contractors that are United Kingdom Accreditation Service (UKAS) accredited.
- 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
 - Ensuring contractors' employee and public liability insurances are up to date on an annual basis.
- Use the legal remedies available within the terms of the tenancy and lease agreement should any resident refuse access to carry out essential asbestos related inspection and remediation works.

9. Asbestos Management Plan

- 9.1 Flint Housing will maintain an Asbestos Management Plan (AMP) and routinely carry out training with staff and contractors to ensure its requirements are understood. All relevant staff and contractors will complete asbestos awareness training annually, with records maintained and reviewed. Training should be role-appropriate and refreshed every 12 months.
- 9.2 The AMP will cover the following areas of asbestos management, amongst others:
- Allocation of specific roles and responsibilities to staff and contractors;
 - The means of populating and disseminating the Asbestos Register;
 - The competencies & responsibilities of contractors;
 - Reviewing asbestos surveys and establishing follow-on action;
 - Training requirements;
 - Processes for incident management / emergencies. Any asbestos exposure or fibre release incidents will be reported in line with RIDDOR and reviewed under Flint Housing's Health & Safety incident management process;
 - Contracting and subcontracting arrangements; and
 - Arrangements for management of asbestos in-situ.

10. Asbestos Surveys

- 10.1 Flint Housing will carry out a management survey on (the non-dwelling parts and fabric of) properties and establish, as far as is practicable, if asbestos is present. We will add the results to the Asbestos Register.
- 10.2 We will check asbestos information provided by the seller of any newly acquired stock and, if satisfactory, add it to the Asbestos Register. Otherwise, we will complete management surveys of a property of any newly acquired stock within three months of transfer or as part the diligence process.
- 10.3 We will action recommendations set out in asbestos surveys within the timescales given. If the Asbestos Containing Material (ACM) is in good condition, it shall be left in situ and re-inspected in accordance with the timescales set out in the survey.
- 10.4 We will commission a Management Survey with targeted R&D surveys prior to building work starting (including in dwellings) where an on-site risk assessment has determined there is risk asbestos may be disturbed.
- 10.5 We will carry out a Management Survey of empty properties (dwellings) before reletting (unless already on file). We will issue the results, in a simplified format, to the new resident on occupation.
- 10.6 Surveys will be carried out and documented in accordance with HSG264 - Asbestos: The survey guide. The survey shall contain recommended actions that will detail any remedial action necessary to deal with the asbestos material. This may be removing, repairing, encapsulating, or leaving in place, depending on the likelihood of disturbance, its location, and its condition.
- 10.7 Where areas cannot be accessed for survey, they shall be marked on the survey as 'not accessed' and designated 'unknown risk'.
- 10.8 Surveys are not required where the building is known to be built after year 2000. We will remain vigilant to the potential possibility that some buildings-built post 2000 may still contain asbestos, and R&D surveys will be carried out where any asbestos materials are suspected to be present.
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11. Removal / management of asbestos in-situ

- 11.1 Whether asbestos should be removed, sealed/encapsulated, or monitored depends on the nature of the asbestos, its condition, the degree to which it has been or will be disturbed and its overall associated risk profile. Flint Housing will seek advice by a licensed asbestos contractor as appropriate and in accordance with its relevant asbestos risk assessment.
- 11.2 In general, in accordance with HSE guidance unless damaged, disturbed (or liable to be disturbed), or deemed High-Risk, we will leave asbestos in-situ and manage it as set out in the table below. We will label asbestos where it is present.

Category	Priority	Dwelling
Critical	Immediate	Proceed as directed by asbestos contractor, pursuant to an INCIDENT where – “it is possible that asbestos fibres were released into the air of an occupied residential area”
High Risk	30 days	Proceed in line with recommendation (normally to remove or encapsulate material only if damaged, prone to damage, or if in the path of planned work). In certain circumstances, where removal may take some time, it will be necessary to reduce risk of harm by taking immediate measures (as soon as reasonably practicable or within 24 hours) such as cordoning off the immediate area, temporary encapsulation etc
Medium / Low Risk	-	Leave in place & re-survey in line with interval set out above, making resident aware as indicated below

- 11.2 At the discretion of the CEO, where safe to do so and in compliance with regulation, we may remove asbestos to avoid reinspection.
- 11.3 Removal, transfer, and disposal of asbestos shall be carried out by suitably competent contractors in accordance with the Control of Asbestos Regulations (CAR) 2012 and the Hazardous Waste Regulations 2005 (amended 2009) and waste will be disposed of at a site designated to accept asbestos material waste.

12. Protecting Residents

- 12.1 It is possible that residents may disturb asbestos present in their property. To mitigate this risk, we will:
- Provide advice to all residents (living in properties known to be built before year 2001) on the possibility of asbestos being present in their property, to include direction to contact the housing manager if they believe asbestos to be present and possibly disturbed.
 - Issue new residents with a user-friendly version of any surveys completed in their property (dwelling) and the implications explained.
 - Provide the survey to the resident, in a digestible format, on demand, where we have data relating to asbestos in a property. Where we do not hold a survey on file, we will commission and provide one.

13. Asbestos Register

- Flint Housing will compile, maintain and make available to those liable to disturb asbestos, a database of survey and removal records – The Asbestos Register. The Asbestos Register will be maintained in digital format integrated with Flint Housing’s asset management system and retained for a minimum of 40 years in compliance with CAR 2012.

- We will update the Register when: Premises are re-surveyed
- Information is obtained during building / maintenance work
- Material is removed or encapsulated

13.1 We will provide staff / housing manager / contractors with access to the Asbestos Register.

14. Onsite risk assessments

14.1 We will give all staff / housing manager / contractors who may carry out work which may disturb asbestos a copy of the Asbestos Management Plan (AMP). We will provide training on the requirements of the AMP to staff / housing manager/contractor's staff.

14.2 Staff / contractors must check the Asbestos Register and do an on-site risk assessment before carrying out any maintenance or building work where there is a risk asbestos may be present and disturbed (includes dwellings).

14.3 Customers are affected by works involving the removal of asbestos. Where this occurs staff / contractors will advise residents, in writing, ahead of the work being carried out, explain the implications, and keep customers informed.

14.4 Flint Housing will carry out routine checks to verify the Asbestos Register is being used.

14.5 An instruction or Works Order given to a Licensed Asbestos Contractor to carry out any work is considered a permit to work.

15. Non-compliance and escalation

15.1 Any non-compliance issue identified at an operational level will be formally reported to the CEO, who will agree an appropriate course of corrective action with the Compliance and Building Safety Team and/or Housing Management Provider responsible person.

15.2 The HSE can commence investigations, issue prohibition or enforcement notices and commence various enforcement processes should Flint Housing be found to be non-compliant and this can include auditing processes. Flint Housing colleagues will respond quickly to any HSE enquiries and work with them to provide information where requested.

16. Equality and Diversity

16.1 Flint Housing is committed to making sure all services are accessible to all our customers. Our staff will be trained to ensure they communicate appropriately with our customers, and they are provided with relevant information.

16.2 This Policy will be applied in a way which makes sure we treat all customers with fairness and respect. We recognise our duty to advance equality of opportunity and prevent discrimination or victimisation on the grounds of age, sex, sexual orientation, disability, race, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership and any other protected characteristic defined within the Equality Act 2010.

16.3 We recognise that some protected groups may be disproportionately impacted and will take additional steps in the application of this policy and make reasonable adjustments to ensure compliance with the Act. For example, Flint Housing will:

16.3.1 Provide a tailored response to the policy according to individual circumstances.

16.3.2 Provide support to residents who have difficulty in understanding the contents of the policy.

16.3.3 Provide information on request, in languages other than English, in Braille, Large Print and Audiotape where required. In addition, our receptions and interview rooms are fitted with a hearing loop system.

16. Review

16.1 This policy will be reviewed in conjunction with our housing management partners to address legislative, regulatory, best practice or operational issues at least every three years or more frequently where:

- 11.1.1 Legislation/regulation or industry changes require otherwise, making sure that it continues to meet our aims and industry best practice; and/or
- 11.1.2 We identify any problems or failures in this procedure as a result of customer and stakeholder feedback, complaints, or findings from any independent organisations; and/or
- 11.1.3 We become aware of any other circumstances which may affect the content of this policy.