

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Monday 24 January 2022

Notice of Meeting

Dear Member

Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance

The **Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance** will meet in a **Virtual Meeting - online** at **11.00 am** on **Tuesday 1 February 2022**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance members are:-

Member

Councillor Elizabeth Smaje
Councillor Susan Lee-Richards
Councillor Amanda Pinnock
Councillor Anthony Smith
Kevin McAllister (Co-Optee)
Linda Summers (Co-Optee)

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Panel

To receive any apologies for absence.

2: Minutes of the Previous Meeting

1 - 6

To approve the minutes of the meeting of the Panel held on 22nd December 2021.

3: Interests

Councillors will be asked to advise if there are any items on the Agenda in which they have a disclosable pecuniary interest, which would prevent them from participating in any discussion or vote on an item, or any other interests

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations and Petitions

The Panel will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on a particular issue of concern, relevant to that body's terms of reference. In accordance with Council Procedure Rule 10 (2) members of the public should provide at least 24 hours' notice of presenting a deputation. A member of the public can also hand in a petition at the meeting subject to the petition relating to something on which the body has powers and responsibilities.

6: Public Question Time

The Panel will hear any questions from the general public in accordance with Council Procedure Rule 11.

7: Fire and Asbestos Policy Review

7 - 22

The Panel will receive a report on the updates made to the Fire Safety Management Policy and the Asbestos Management Policy.

Contact:

Eric Hughes – Head of Assurance and Transformation

Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

AD HOC SCRUTINY PANEL – RESIDENTIAL HOUSING STOCK, HEALTH AND SAFETY COMPLIANCE

Wednesday 22nd December 2021

Present: Councillor Susan Lee-Richards
Councillor Elizabeth Smaje
Councillor Anthony Smith
Linda Summers (Co-optee)

In attendance: Kevin McAllister, Independent Advisor

Observer: Councillor Harpreet Uppal

Apologies: Councillor Amanda Pinnock

- 1 Membership of the Panel**
Apologies were received from Councillor Amanda Pinnock.
- 2 Minutes of Previous Meetings**
The minutes of the meetings of the Panel held on 26th October 2021 and 10th November 2021 were agreed as a correct record.
- 3 Interests**
No interests were declared.
- 4 Admission of the Public**
All items were considered in public session.
- 5 Deputations and Petitions**
No deputations or petitions were received.
- 6 Public Question Time**
No questions were received.
- 7 Fire Safety Resident Engagement Framework**
Representatives of the Tenant Advisory and Grants Panel (TAGP), the Housing Advisory Board (HAB) and a Fire Safety Champion (FSC) were welcomed to the meeting to speak with the Panel about the Fire Safety Resident Engagement Framework.

These were:
Antoinette Cooper and Mel Spencer from the TAGP
Isaac Dziya and Brooke Reed from the HAB

Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance - 22 December 2021

Paul Lee, a Fire Safety Champion.

Michelle Anderson-Dore - Head of Partnerships, Homes and Neighbourhoods and Graham Sykes, General Manager Partnerships gave a short introduction outlining the background to the development of the Framework, as part of the Fire Safety Management Plan, and the approach to engagement and communication with residents to ensure that the voice of the tenant was strong and effective.

Naz Parkar - Service Director, Homes and Neighbourhoods and Eric Hughes - Head of Business Assurance and Transformation were also in attendance.

Antoinette and Mel gave a presentation and explained that:

- The TAGP members were all tenants of Kirklees living in different places.
- Fire safety was an item on all TAGP agendas. Updates and answers were demanded and expected on issues raised previously.
- Issues could be escalated through the management structure if it was considered that a quick enough response was not being achieved, but excellent support was given by officers.
- The Panel had a tracker to follow-up on actions, which was reviewed at each meeting.
- The Panel could be very persistent and would provide challenge when needed.
- Tenants provided feedback in various ways such as directly to individual members of the Panel, or via the Tenants and Residents' Associations (TRAs) and Community Voices.
- It was considered that the fire safety information provided for tenants in the high-rise and six storey blocks had been significantly improved.
- The Panel recognised that individual tenants, and their visitors, had responsibilities of their own and that the Council, as landlord, had responsibilities to ensure that the policies and procedures were carried out.
- The Panel was fully aware of how an issue could be escalated and how to pursue an issue until resolved including, ultimately, to the Health and Safety Executive or the Ombudsman.

Questions and comments were invited, with the following issues being covered:

- In terms of the position of more vulnerable tenants, there was a 'stay safe' policy in place and every tenant was aware of this or had the opportunity to be aware of it. Information notices were provided near lifts.
- In respect of how the Housing Advisory Board held the Council to account; Isaac and Brooke explained that the Board had looked at the strategies, plans, finances and risks associated with all programmes and would hold the Authority to account, querying any variances and the underlying reasons for these. It was considered that there was a good working relationship with Council officers, but members were clear on the need for assurance in terms of due diligence and accountability and would escalate issues if necessary. The Board took its responsibilities very seriously and were very thorough. The Head of Building Safety provided an informative review at each meeting.
- Paul explained that he was newly appointed to the role of Fire Safety Champion but had received an induction including basic fire safety training and a tour of the

Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance - 22 December 2021

high-rise blocks. He had also spoken with senior social housing officers, visited the security room and met the team working on the fire doors. Speaking as a resident of one of the six storey blocks, he did not consider that the same level of awareness existed in respect of the 'stay safe' policy in his block. He considered that he had a clear understanding of how the role would develop and agreed that he felt supported and valued. He said that there was a lot of information and background, such as the existence of the TRAs, TAGP and HAB, that he had previously been unaware of. The current level of engagement with other tenants was not significant but this was something that would be built up through speaking to the local TRA and Community Voices.

- In response to a question about whether residents felt that they were listened to and were confident that concerns would be actioned/receive a response:
 - Paul said that his experience of communication with the Council was good, he always received a response and was in touch with the ward councillors. He gave an example of issue with an external fire door which had been dealt with in a matter of hours. He was aware of how to progress any issues or problems.
 - Antoinette said that timely answers were normally received and, when a concern had been raised, the Head of Service had met with the Panel to answer all their queries.
 - Isaac said that he considered that the communication with officers was good, and that training and orientation had been provided to the tenant members of the HAB. Answers were usually provided immediately to queries put forward in meetings, but members could also raise an issue by phone or, more formally, in writing.
- In respect of communication with the wider body of tenants and leaseholders and their ability to raise issues and concerns, it was explained that:
 - The TAGP met every month with officers and prior to this meeting met as a tenants' group to review and discuss the agenda. TRA meetings also took place on a regular basis and there was also input through the Community Voices. Members attended forum meetings four times a year to meet with TRAs and voices from around the district.
 - Brooke explained that she received feedback informally from attendance at her community centre, and considered that networking was important, such as that between the different panels.
 - Paul said that he believed further training and background knowledge would be required as the FSC role progressed and it was important to be kept informed. He was also conscious of the need to become more involved in networking opportunities.
- In relation to awareness and understanding of the resources and information being made available by the Authority, such as the compliance videos and Fire Risk Assessments:
 - Paul said that he was not aware of these but would be interested in having access.
 - Antoinette explained that the Fire Risk Assessments were available online for the six-storey blocks; previously they had not been specific to each block but this was the case now. A newsletter had been sent to all tenants on the issue of keeping safe at Christmas.

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- It was explained that, as the numbers of Fire Safety Champions increased, the intention was to bring them together to look at best practice across the blocks and share ideas.
- Ward Councillors had previously been notified of TRA Forum meetings, this had halted due to the pandemic but had been, or would certainly be, reinstated.
- The TAGP representatives were asked if their action tracker could be shared with the members of the Panel and it was suggested that there did not appear to be any reason why this could not be done.
- There was an aspiration to share the minutes of the TAGP meetings to increase transparency and celebrate the work of the Panel and possible mechanisms to do this would be considered.
- In respect of discussion with the HAB and TAGP about the lessons learned from engagement on the high-rise blocks that could be taken forward within the roll-out of engagement with other tenants:
 - Brooke explained that most of the information provided to the HAB, to date, had related to the high-rise blocks but fire safety information for the rest of the housing stock would be welcomed.
 - Antoinette said that she considered that many of the issues for the high-rise blocks would also apply to the six-storey blocks.
 - It was explained that full communications and engagement, in respect of the low-rise blocks, would be undertaken once the programme started to be rolled out. It was important to note that the low-rise blocks were not currently in scope in Government guidance but all the high risk actions identified under the Fire Risk Assessments were being undertaken and the medium to low risks were to be included in the relevant contract.
- In respect of the flow of information to tenants and leaseholders, it was considered to be important that this was done at the earliest possible opportunity and it was questioned what communications had been/were planned. It was explained that only the four high-rise blocks were statutorily defined high risk residential buildings at present, but the authority had chosen to expand the scope to include the six storey blocks and retirement living schemes in the first instance and then the low-rise blocks with communal areas. The engagement strategy used for the high-rise, six storey and retirement living schemes would be used for the low-rise blocks. Learning would be taken into account as the process moved forward and good practice incorporated. Officers were confident that they knew what worked in terms of communication, albeit that there were some gaps to address, and they were conscious that messages needed to be constantly reinforced.
- In response to a question about communication with vulnerable tenants, reassurance was given that the importance of face-to-face engagement was recognised, both in terms of engagement and understanding, and that there would be direct communication with tenants about the changes.
- It was suggested that an email should be sent out to councillors, at an early opportunity, to inform them of the process that would be followed in respect of engagement, to map out the process and provide information on the programme.

Thanks were extended to the Fire Safety Champion and the representatives of the TAGP and the HAB for attending and contributing to the meeting.

**Ad Hoc Scrutiny Panel – Residential Housing Stock, Health and Safety Compliance - 22
December 2021**

The Chair gave an update on the work of the Ad Hoc Panel and the information that had been made available to it since commencing work in July 2021.

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Name of meeting: Ad Hoc Scrutiny (Council Housing Health and Safety Compliance)

Date: 1st February 2022

Title of report: Fire and Asbestos policy review

Purpose of report:

The following report updates Ad Hoc Scrutiny (Council Housing Health and Safety Compliance) on the updates made to the Fire Safety Management policy and Asbestos Management policy

Recommendations for Ad-Hoc Scrutiny:
Scrutiny Committee is recommended to note these policies.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not Applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?	No Private Report/Private Appendix – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Naz Parkar, Service Director Homes and Neighbourhoods
Cabinet member portfolio	Cllr Cathy Scott

Electoral wards affected: ALL

Ward councillors consulted: No

Public:

Has GDPR been considered? Yes

Context

An extensive review of Building Safety Compliance was completed in April 2021. The review found that whilst it was positive that Homes and Neighbourhoods (H&N) had approved policies for each area of compliance, the format and content of the policies was not uniform. Asbestos Safety, Legionella, Fire Safety and Lifting Equipment all utilised the short form template for policies; and Electrical Safety and Gas Safety used a long form template.

Recommendation 2 in the Building Safety Compliance Report [April 2021] set out the requirement to:

‘engage with the BSAB on policy principles, and then, through the BSAB, all building safety compliance policies should be re-drafted under one standard template.’

Working with the Building Safety Assurance Board [BSAB], the policy principles were established and this work, led by the Head of Business Assurance, was completed on 4th October 2021.

Through the work on policy principles, it was determined that the short form template for policies would be utilised by H&N and these would be supported by detailed management plans. This approach will ensure that policies are specific, clear and stable – in that they set out the objectives and statement of intent for H&N while avoiding being too detailed that they require continuous update.

The policies have been updated reflecting changes to the following:

- Rebranded to represent Kirklees Council Homes and Neighbourhoods
- Adopt a format (similar to the original) approved by BSAB and in line with Kirklees Council (KC) compliance policies
- Add new or updated legal and regulatory requirements
- The most significant changes affect the responsibilities section that now reflects changes in the service and compliance functions

Fire Safety Management Policy

The Fire Safety Management Policy 2021 was approved by the Building Safety Assurance Board in December 2021 and it is attached at appendix 1.

The policy sets out how H&N will manage fire safety in compliance with statutory legislation covering all properties in management by H&N. This is approximately 22,500 domestic premises and non-domestic premises owned by Kirklees Council.

The key legislation in England and Wales that covers safety in social housing is the Housing Act 2004, which identifies 29 categories of potential hazards, one of which is fire.

Additionally the Regulatory Reform (Fire Safety) Order 2005 (commonly known as the FSO) applies to the common parts of multi-occupied residential housing, and requires landlords to carry out a fire Risk Assessment and implement appropriate precautions.

The policy statement sets out H&N's commitment to:

- Provide adequate resources for fire safety
- Implement and maintain a programme of fire risk assessments and remedial works programmes
- Provide a fire management plan and fire safety procedures taking a risk based approach to Higher Risk Residential Buildings
- Ensure all staff and contractors are trained in fire safety
- Provide a framework for managing fire safety in multi-occupancy residencies including evacuation and communication strategies and taking into account resident vulnerabilities.
- Ensure fire safety arrangements are in place for work premises including fire drills and fire safety inspections

Roles and Responsibilities are clearly defined in the Fire Safety Management Policy providing strong governance and a framework for performance management.

The Fire Safety Management Policy will be reviewed annually.

Asbestos Management Policy

The Asbestos Management Policy was approved subject to some agreed revisions by the Building Safety Assurance Board in December 2021 and it is attached at appendix 2.

The policy sets out how H&N will manage asbestos in compliance with statutory legislation covering all properties in management by H&N. This is approximately 22,500 domestic premises and non-domestic premises owned by Kirklees Council.

The key legislation in England and Wales that covers safety in social housing is the Housing Act 2004, which identifies 29 categories of potential hazards, one of which is asbestos.

Additionally the Control of Asbestos Regulations 2012 applies to the common parts of multi-occupied residential housing, and requires landlords to carry out asbestos management surveys and inspection programmes

The policy statement sets out H&N's commitment to:

- Provide adequate resources for the management of asbestos
- Implement and maintain a programme of asbestos inspections and remedial works programmes
- Provide a framework for managing asbestos in homes and in communal areas – this will be set out in the Asbestos Management Plan (AMP). The AMP will detail how the risks from asbestos materials will be managed by effective controls. It will also outline the necessary steps required to put the Asbestos Management Plan into action
- Ensure all staff and contractors are trained in asbestos awareness and ensure that each individual involved in the control of asbestos is trained, competent and holds relevant industry recognised qualifications
- Ensure asbestos management arrangements are in place for work premises.

Roles and Responsibilities are clearly defined in the Asbestos Management Policy providing strong governance and a framework for performance management.

The Asbestos Management Policy will be reviewed annually.

Next Steps

Following the introduction of these policies to the Scrutiny Committee, these policies will be rolled out through February and March 2022, in line with the suggestion and recommendation from the Building Safety Compliance review [April 2021] which noted:

'An area for development arising from team interviews was the need to increase the visibility of the leadership team/ senior managers across the business concerning compliance. This could be done following the policy reviews where the leadership team/ senior managers help the implementation by being involved in staff briefings and toolbox talks. In addition, this would further strengthen this positive culture and the message that everyone needs to be involved in improving this part of the business.'

Recommendation 5 [from Building Safety Compliance review [April 2021]:

Following the policy reviews, the Leadership team / senior managers roll out the new policies across the business.

4. Contact officer

Anthony Brown RMS Consultants /
Eric Hughes _ Head of Assurance and Transformation
Tel 01484 221000
Email eric.hughes@kirklees.gov.uk

5. Background Papers and History of Decisions

Not Applicable

6. Service Director responsible

Naz Parkar, Service Director Homes and Neighbourhoods

Homes & Neighbourhoods

Fire Safety Management Policy 2021

Author: Simon Pemberton

Publish Date:

Review Date:

Approving body: Building Safety Assurance Board

Date Originated:	October 2021	Approved by:	BSAB
Date Revised:		Approval Date:	December 2021
Ref:	FSMP/21	Minute Number	

Contents

1. Introduction
2. Policy Scope
3. Policy Statement
4. Roles & Responsibilities
5. Monitoring and Review
6. Referenced Documents and Further Reading

1. Introduction

- 1.1. The aim of this document is to define the policy for Fire Safety Management in compliance with statutory legislation within all properties managed by Kirklees Council Homes and Neighbourhoods (H&N).
- 1.2. Applicable legislation includes, but not exhaustive to, the:
 - Health and Safety at Work etc. Act 1974;
 - Management of Health and Safety at Work Regulations 1999;
 - Regulatory Reform (Fire Safety) Order 2005;
 - Building Regulations 2010;
 - Housing Act 2004;
 - HSE Guidance HSG 168 – Fire Safety in Construction;
 - The Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002;
 - Fire Safety (Employee’s capabilities) (England) Regulations 2010;
 - Health & Safety (Safety Signs and Signal) Regulations 1996;
 - Construction (Design and Management) Regulations 2015;
 - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013;
 - Control of Substances Hazardous to Health (COSHH) Regulations 2002.
 - Fire Safety Act 2021
 - Building Safety Bill 2022

2. Policy Scope

- 2.1. This policy is aimed at all H&N employees, including any temporary or agency workers and apprentices who have responsibility for, or may come into contact with fire safety systems or equipment during their normal work activities. It should be read and understood by all parties who have responsibilities within and a duty of care under the Health & Safety at Work Act 1974 and the Regulatory Reform (Fire Safety) Order 2005 (RRFSO);
- 2.2. The policy applies to the fire safety arrangements in all premises, common areas of residential premises and any other premises/areas managed and/or owned by H&N.

3. Policy Statement

- 3.1. Homes and Neighbourhoods is responsible for the maintenance and repair of circa 22,500 domestic and non-domestic premises owned and managed by Kirklees Council. As responsible social landlord, H&N is committed to minimise the risks associated with fire safety and ensure that all our fire safety works, including installation, maintenance and testing of equipment, are carried out in compliance with the Regulatory Reform (Fire Safety) Order 2005 and other regulatory and industry body requirements.
- 3.2. This policy aims to ensure that we meet our obligations as a landlord, and seeks to provide assurance that fire safety is effectively managed to ensure

the safety of our employees, contractors, tenants, leaseholders and members of the general public.

3.3. In order to help minimise the likelihood of fire occurring, and to minimise injury and loss in the event that a fire does occur, H&N will implement arrangements designed to ensure:

- Adequate resources are available to maintain standards in fire safety;
- Specific measures are put in place for our high risk buildings and these will be identified in the fire safety management plan;
- Suitable and sufficient fire risk assessments in accordance with the Regulatory Reform (Fire Safety) Order 2005 are undertaken, significant findings recorded, communicated and any necessary remedial work is undertaken in a timely manner;
- A clear set of fire safety procedures are in place to enable employees to work safely by assessing risks and implementing and monitoring controls; and which are maintained and reviewed annually or sooner if there are any changes to legislation or working practices;
- Fire related training, instruction, information and supervision is provided to enable employees to perform their duties safely and efficiently;
- All tools, machinery, equipment, installations and systems are maintained in a safe condition;
- Fire related incidents are investigated in a timely manner, and in conjunction with West Yorkshire Fire and Rescue Service, to identify immediate, root and underlying causes and the measures required to reduce or eliminate the likelihood of recurrence;
- Each maintenance, upgrade and renewal scheme is assessed to ensure fire safety standards are not compromised and remain compliant after works are carried out;
- Contractors and suppliers are committed to achieving and adhering to relevant fire safety standards;
- Fire safety inspections of premises are conducted to ensure safe standards are maintained to a suitable and sufficient standard with regard to fire prevention, containment, detection, alarms, means of escape, etc. and in compliance with relevant legislation, approved codes of practice and industry guidelines. These systems will be tested in accordance to best practice and relevant standards;
- Evacuation drills at places of work are conducted to maintain overall awareness and practise procedures;
- Incidences of fire and false alarms are investigated and ensure learning is taken from the findings;
- Monitor, audit and review of all the arrangements for fire safety to ensure they remain current and relevant and fire safety performance improves;
- Increased awareness for residents and other relevant persons, through communication and appropriate provision of information;
- Communicate to other persons that they have a duty to co-operate as far as is necessary to allow H&N to comply with the above requirements.

4. Roles and Responsibilities

- 4.1. The Director of Homes and Neighbourhoods has strategic responsibility for the management of fire safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 4.2. The Building Safety Assurance Board has overall governance responsibility for ensuring this policy is fully implemented in order to ensure full compliance with legislation and regulatory standards. As such, the Building Safety Assurance Board will formally approve this policy and review it every year (or sooner if there is a change in legislation or regulation).
- 4.3. For assurance that this policy is operating effectively in practice, the Board will receive regular updates on its implementation.
- 4.4. The Housing Advisory Board will receive quarterly performance reports in respect of fire safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 4.5. The Head of Building Safety has operational responsibility for the management of asbestos safety, and will be responsible for overseeing the delivery of these programmes. The Head of Building Safety will fulfil the role of the appointed Duty Holder and will be the overall Responsible Person on behalf of H&N
- 4.6. Housing teams will provide support where gaining access to properties is difficult.

5. Monitoring and Review

- 5.1. This policy will be reviewed annually, or following any legal or regulatory changes;
- 5.2. Monitoring fire safety and updating risk assessments are an integral part of the H&N Fire Safety Management Plan;
- 5.3. A system of formal audit (internal and/or external) of the Fire Safety Management Plan must be in place to ensure that both Policy and Procedures are being implemented;
- 5.4. The Corporate Fire Safety Group will maintain an on-going audit plan to address the management of fire safety, reporting key findings to the Service Director and Head of Building Safety;
- 5.5. Where the Head of Building Safety or appointed competent person(s) have reason to believe that the Fire Safety Management Plan is not achieving the aims of this Policy, the Service Director and SHE Manager shall be notified, and a review of the Plan shall be carried out. If the review identifies

deficiencies, the Head of Building Safety shall take action to amend the Plan as required;

- 5.6. Communicate and consult employee and contractors by bringing the Policy, and any subsequent amendments, to their attention through induction and training. This may be in alternate formats / languages as and when necessary.

6. **Referenced Documents and Further Reading**

- Fire Safety Management Plan (November 2021);
- Health and Safety at Work etc. Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- Regulatory Reform (Fire Safety) Order 2005;
- Upcoming Fire Safety Act
- Upcoming Building Safety Bill
- Building Regulations Approved Document;
- Housing Act 2004;
- National Fire Chiefs Council (NFCC) Fire safety in Specialised Housing Guidance 2017;
- Health & Safety (Safety Signs and Signal) Regulations 1996;
- Construction (Design and Management) Regulations 2015;
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013;
- Control of Substances Hazardous to Health (COSHH) Regulations 2002;
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended);
- The Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002;
- Fire Safety (Employee's capabilities) (England) Regulations 2010
- Fire Safety in Construction – Guidance for clients, designers, and those managing and carrying out construction work involving significant fire risk – HSG168;
- Housing Health and safety Regulations 2005;
- 'Fire Safety in Purpose Built blocks of Flats' – Government Guidance;
- Relevant British Standards;
- Smoke Detectors Act 1991;
- LACORS - Housing Fire Safety Guidance;
- Fire Safety Risk Assessment sleeping Accommodation Guidance;
- Occupiers Liability Act;
- Defective Premises Act.

Homes & Neighbourhoods

Asbestos Management Policy

Author: Lisa Hillier

Publish Date:

Review Date:

Approving body: Building Safety Assurance Board

Date Originated:	November 2021	Approved by:	BSAB
Date Revised:		Approval Date:	December 2021
Ref:	AMP/21	Minute Number	

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1. Introduction

The aim of this document is to define the policy for Asbestos Management in compliance with statutory legislation within all properties managed by the Homes and Neighbourhoods (H&N) department of Kirklees Council.

- 1.1 This document outlines the standards required for the management of asbestos containing materials (ACMs). H&N acknowledge that health hazards may arise from exposure to asbestos containing materials and are committed to ensuring that risks are suitably assessed and effectively eliminated or managed to minimise the likelihood of asbestos related health risks to customers, employees, contractors and any other persons occupying and using its premises as far as is reasonably practicable. This includes ensuring that appropriate information is made available to any person who may disturb asbestos containing material
- 1.2 Applicable legislation includes, but not exhaustive to, the:
 - Health and Safety at Work etc. Act 1974;
 - Housing Act 2004
 - Management of Health and Safety at Work Regulations 1999;
 - Control of Asbestos Regulations 2012;
 - HSE publications including the Approved Code of Practice: (L143) Managing and Working With Asbestos;
 - Technical guidance: HSG264 Asbestos: The Survey Guide;
 - Hazardous Waste (England & Wales) regulations 2005 (as amended);
 - Construction (Design and Management) Regulations 2015;
 - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013;
 - Control of Substances Hazardous to Health (COSHH) Regulations 2002;

2 Policy Scope

- 2.1 This policy is aimed at all H&N employees, including any temporary or agency workers and apprentices who have responsibility for, or may come into contact with asbestos during their normal work activities. It should be read and understood by all parties who have responsibilities within and a duty of care under the Health & Safety at Work Act 1974 and Control of Asbestos Regulations 2012.

3 Policy Statement

- 3.1 Homes and Neighbourhoods is responsible for the maintenance and repair of circa 22,500 domestic and non-domestic premises owned and managed by Kirklees Council. As responsible social landlords, KCHN is committed to minimise the risks associated with the control of asbestos and in compliance

with the Control of Asbestos Regulations 2012 and other regulatory requirements.

3.2 This policy aims to ensure that we meet our obligations as a landlord, and seeks to provide assurance that the control of asbestos is effectively managed to ensure the safety of our employees, contractors, tenants, leaseholders and members of the general public.

3.3 To ensure the safety of relevant persons by means of suitable management of asbestos, H&N will:

- Comply with all statutory provisions relating to the management of asbestos materials and implement effective asbestos management throughout H&N;
- Take reasonable steps to find out if there are materials containing asbestos in domestic and non-domestic premises, and if so, its amount, type, location and condition;
- Presume materials contain asbestos unless there is strong evidence that they do not;
- Maintain up to date records of the location and condition of the asbestos containing materials, or materials presumed to contain asbestos;
- Assess the risk of anyone being exposed to fibres from the materials identified;
- Assess the risks presented by identified ACMs and use these assessments to prioritise any required remedial action and future monitoring schedules;
- Prepare an Asbestos Management Plan (AMP) that sets out in detail how the risks from these materials will be managed by effective controls and take the necessary steps to put the Asbestos Management Plan into action;
- Review and monitor the AMP annually, or sooner if there are any changes to legislation or working practices and act on it so that the plan remains relevant and up-to-date;
- Take reasonable steps to prevent the exposure of employees, tenants and all other relevant persons, to airborne asbestos fibres whilst in H&N managed premises;
- Investigate any asbestos incidents; ensuring that a root cause analysis is conducted with suitable and sufficient additional control measures identified and implemented to eliminate / reduce the likelihood of a reoccurrence to as low as is reasonably practicable
- Provide information on the location and condition of the ACMs to anyone who is liable to work on or disturb them, so that they can put appropriate controls in place while the work is being carried out;
- Ensure that each individual involved in the control of asbestos is trained, competent and holds relevant industry recognised qualifications;
- To provide appropriate asbestos training for staff including general awareness, managing asbestos, and working with non-licensed materials.
- To provide information and awareness to tenants and other relevant persons where required;

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- Undertake regular asbestos management audits;
 - Communicate to other persons that they have a duty to co-operate as far as is necessary to allow H&N to comply with the above requirements.

4 Roles and Responsibilities

- 4.1 The Director of Homes and Neighbourhoods has strategic responsibility for the management of asbestos safety, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 4.2 The Building Safety Assurance Board [BSAB] has overall governance responsibility for ensuring this policy is fully implemented in order to ensure full compliance with legislation and regulatory standards. As such, the BSAB will formally approve this policy and review it every year (or sooner if there is a change in legislation or regulation).
- 4.3 For assurance that this policy is operating effectively in practice, the BSAB will receive regular updates on its implementation,
- 4.4 The Housing Advisory Board will receive quarterly performance reports in respect of asbestos safety and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 4.5 The Head of Building Safety has operational responsibility for the management of asbestos safety, and will be responsible for overseeing the delivery of these programmes. The Head of Building Safety will fulfil the role of the appointed Duty Holder and will be the overall Responsible Person on behalf of H&N.
- 4.6 Housing teams will provide support where gaining access to properties is difficult.

5 Monitoring and Review

- 5.1 This policy will be reviewed annually, or following any legal or regulatory changes;
- 5.2 Monitoring the condition of ACMs and updating risk assessments are an integral part of the Asbestos Management Plan;
- 5.3 A system of formal audit (internal and/or external) of the Asbestos Management Plan must be in place to ensure that both Policy and Procedures are being implemented;
- 5.4 The Compliance Review Group will maintain an on-going audit plan to address the management of asbestos, reporting key findings to the Chief Operating Officer and the Head of Building Safety;
- 5.5 Where the Head of Building Safety or appointed person(s) have reason to believe that the Asbestos Management Plan is not achieving the aims of this

Policy, the Chief Operating Officer and SHE Manager shall be notified, and a review of the Plan shall be carried out. If the review identifies deficiencies, the Head of Building Safety shall take action to amend the Plan as required;

- 5.6 Communicate and consult employee and contractors by bringing the Policy, and any subsequent amendments, to their attention through induction and training. This may be in alternate formats / languages as and when necessary.

6 Referenced Documents and Further Reading

- The H&N Asbestos Management Plan (September 2019)
- The Kirklees Council 'Corporate Asbestos Management Policy'
- Control of Asbestos Regulations 2012
- ACOP L143 'Managing and Working with Asbestos'
- HSE guidance HSG264
- Personal Protective Equipment at Work Regulations 1992;
- Hazardous Waste (England & Wales) regulations 2005 (as amended);
- RIDDOR
- Health and Safety at Work etc. Act 1974;
- Management of Health and Safety at Work Regulations 1999
- Construction (Design and Management) Regulations 2015;
- Control of Substances Hazardous to Health (COSHH) Regulations 2002;
- Workplace (Health, Safety & Welfare) Regulations 1992 (as amended);
- Defective Premises Act
- Occupiers Liability Act