

**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.

<b>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?</b>	<b>Not Applicable</b>
<b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</b>	<b>No</b> <b>Private Report/Private Appendix – No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Not Applicable</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Naz Parkar, Service Director Homes and Neighbourhoods</b>
<b>Cabinet member <u>portfolio</u></b>	<b>Cllr Cathy Scott</b>

**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 4<sup>th</sup> 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  
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Email [eric.hughes@kirklees.gov.uk](mailto: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
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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
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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
-