



GUILDFORD
BOROUGH

Asbestos Policy

Housing Services

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1. Introduction

- 1.1. As a landlord, Guildford Borough Council (GBC) is committed to ensuring the health and safety of tenants, employees, contractors and visitors by effectively managing the risks associated with Asbestos Containing Materials (ACMs) in our homes, communal blocks, and other properties we own and manage.
- 1.2. The key objective of this policy is to ensure our employees, partners, and residents are clear on our legal and regulatory asbestos management obligations. This policy provides the framework our staff and partners will operate within to meet these obligations.
- 1.3. This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy). It will be saved on our shared drive and distributed to all relevant members of staff.
- 1.4. The presence of ACM's presents a potential exposure risk if asbestos fibres are discharged from these materials. When materials holding asbestos are disrupted or harmed, fibre release occurs. The degree of fibre release hinges on factors such as the nature and extent of the damage, as well as the composition of the asbestos-containing material.
- 1.5. In properties where ACMs is present, the risk of exposure exists, particularly when materials are disturbed or damaged. This risk encompasses all occupants, however, individuals engaged in activities like maintenance and repair work face a heightened risk of exposure due to the nature of their tasks.
- 1.6. The aim of this Policy is to outline the requirements described within the Council's Asbestos Management Plan, in line with Control of Asbestos Regulations 2012. It will support the implementation of a structured and robust framework which will promote effective asbestos management throughout the Council.
- 1.7. The Council will make every reasonable effort to identify, manage and monitor all ACMs within their properties ultimately preventing or reducing exposure to asbestos, as far as is reasonably practicable, to all persons visiting, working or living within the Council's properties. These principles will apply to all properties owned or leasehold by the Council.

2. Scope

- 2.1. This policy applies to all social housing rental accommodation maintained by the Council. Specifically, any assets constructed prior to 2000 where ACMs may be present. Central to our policy is the assurance that any new materials incorporated into dwellings will be free of asbestos.
- 2.2. This policy does not apply to shared ownership, leasehold properties or commercial properties. The only exceptions are where Leasehold agreements determine the council is responsible for the maintenance and repair of some areas of the property, or where relevant building safety legislation dictates that there is a requirement to ensure building services (including those within a private dwelling) are safe.
- 2.3. This policy applies to all our employees, residents, contractors, stakeholders, and other

persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services. Adherence to this policy is mandatory.

3. Roles and responsibilities

- 3.1. This policy is relevant to all our employees, residents, contractors, stakeholders, and other persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services. Adherence to this policy is mandatory.
- 3.2. Guildford Borough Council is the Duty Holder.
- 3.3. The Joint Strategic Director has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards.
- 3.4. Senior Management Team (SMT) will receive monthly performance reports in respect of asbestos management and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.5. The Housing Operations Board will receive quarterly performance reports in respect of asbestos management and ensure compliance is being achieved. They will also be notified of any non-compliance.
- 3.6. Under the requirements of the Social Housing (Regulation) Act 2023, we have appointed the Head of Housing as our Health and Safety Lead. They have strategic responsibility for the asbestos management of and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.7. The Compliance Manager has operational responsibility for monitoring, review, policy development, reporting and ensuring risks associated with asbestos management and safety are managed effectively.
- 3.8. The Mechanical and Electrical Engineer assigned to Asbestos has day to day operational responsibility for asbestos and the management of contractors
- 3.9. The Landlord Services Team will provide support where gaining access to properties is difficult and will assist and facilitate as necessary.

4. Legislation, Guidance and Regulatory Standards

- 4.1. **Legislation** – Principal legislation applicable to this policy is as follows:
 - Housing Act 2004.
 - Landlord and Tenant Act 1985.
 - The Control of Asbestos Regulations 2012.
 - Health and Safety at Work Act 1974.
 - Management of Health and Safety at Work Regulations 1999. (amendment 2006 TBC).
 - Construction (Design and Management) Regulations 2015.
 - Environmental Protection Act 1990.
 - The Health and Safety Offences Act 2008.
 - Regulator of Social Housing - Consumer Standards April 2024.
- 4.2. **Guidance and codes of practice** – the principal guidance and codes of practice

applicable to this policy are:

- Approved Code of Practice (ACoP) Managing and Working with Asbestos L143 (Second Edition) 2013.
- HSG264 - 'Asbestos: The survey guide' (Second edition 2012, this holds ACoP status).
- HSG227 A comprehensive guide to managing asbestos in premises (First edition, 2002).
- HSG247 Asbestos: The licenced contractors' guide (First edition 2006).
- ING223 Managing asbestos in buildings: a brief guide (Revision 5, April 2012).
- HSG210 Asbestos Essentials: A task manual for building, maintenance and allied trades and non-licensed asbestos work (Fourth Edition, 2018).
- HSG248 Asbestos: The Analysts' guide (Second Edition, 2021).

4.3 **Regulatory standards** – we must ensure we comply with the Regulator of Social Housing's (RSH) regulatory framework and Consumer Standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy. The Social Housing (Regulation) Act 2023 changes the way social housing is regulated and may result in future changes to this policy.

4.4 **Sanctions** – failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under any of the principal legislation listed in Section 4.1; and via a regulatory judgement from the Regulator of Social Housing (RSH).

5. Identifying Asbestos

5.1. Identification of the presence of asbestos in all the councils' housing stock shall be established through ongoing Asbestos surveys or re-surveys. These shall be undertaken by a competent person in accordance with the requirements of HSG 264: Asbestos: The survey Guide.

5.2. The purpose of the survey is to allow the council to manage asbestos in its properties. It will provide accurate information on the location, amount, and condition of the ACM. It will allow the preparation of an asbestos register for each property, and asbestos plan.

5.3. There are two types of survey:

Management Surveys: This is the standard survey. It is used to locate, as far as is reasonably practicable, the presence and extent of any suspect ACM within the building that could be damaged during normal occupancy actions. The survey will involve minor intrusive works and testing of materials.

Refurbishment and Demolition Survey: This survey must be undertaken before any refurbishment or demolition work is undertaken. This is a fully intrusive survey used to locate all ACMs within the refurbishment or demolition area.

5.4. We currently hold asbestos survey data on 100% of the communal areas of domestic properties where asbestos is present.

5.5. Refurbishment and Demolition surveys must be conducted before any intrusive work begins in areas of a building where asbestos-containing materials (ACMs) may be present and could be disturbed. This ensures that any previously un-surveyed areas are assessed for potential risks.

- 5.6. The council shall inspect and monitor the condition of asbestos-containing materials (ACMs) in common areas, shared spaces, and publicly accessible parts of a building at least annually. If the condition of the materials requires closer monitoring, inspection intervals may be shortened, for example, to six months. This ensures timely action can be taken if deterioration occurs, reducing potential risks. All inspections must be recorded in the Asbestos Register.
- 5.7. The Council will presume unidentified materials to be asbestos-containing, calling for appropriate actions aligned with this assumption until this material has been tested and confirmed as non-ACM.

Communal Areas

- 5.9 As required by Regulation 4 of the Control of Asbestos Regulations (CAR), communal areas in premises containing ACMs, including garage blocks must undergo annual surveys to effectively manage the risk associated with asbestos. If the identified ACM appears prone to recurrent damage, supplementary assessments may be warranted, with potential removal as a consideration.

6. Statement of Intent

- 6.1 We will maintain a core asset register of all properties we own or manage, setting out which properties are and are not required to be included on the asbestos survey re-inspection programme.
- 6.2 We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from asbestos programmes and the programme remains up to date.
- 6.3 We will keep an asbestos register within the KEYSTONE Database and then TCM. The asbestos register will include details of ACMs in the properties we own or manage, with information on the type, address, location and condition. We will hold inspection dates, asbestos surveys and details of remediation works and evidence of completion of these works in the register.
- 6.4 Asbestos information contained within the register will be readily available to all staff and contractors for assessment before any work which may disturb any ACMs present.
- 6.5. We will retain all asbestos-related records for a minimum of 40 years, as required by Regulation 4 of the Control of Asbestos Regulations 2012 (CAR 2012). This may exceed the duration of property ownership and management. We have robust processes and controls in place to ensure the security and integrity of all asbestos-related data.
- 6.6. We will keep air monitoring and health surveillance records for at least 40 years.

7. Risk Assessments

- 7.1. All asbestos surveys will include material and priority assessments for identified or suspected ACMs, providing a risk rating in line with HSE guidance.
- 7.2. This risk rating will allow the council to determine an appropriate management action plan for the ACM. Asbestos survey details are available on the KEYSTONE system and then TCM.
- 7.3. Following completion of a risk assessment, the following outcomes will be identified
DO NOTHING - MANAGE - This would apply to undamaged material and the risk assessment for that specific asbestos product.

These items would be re-surveyed in line with the risk associated with potential damage or disturbance but annually as a minimum.

ENCAPSULATE OR PAINT - MANAGE - Rubberised paint or sealer can effectively prevent the release of fibres and may be employed to seal ACMs. This task is to be carried out by a contractor licensed by the Health and Safety Executive (HSE) where necessary. These items would be re-surveyed in line with the risk associated with potential damage or disturbance but annually as a minimum.

MECHANICALLY ENCAPSULATE - MANAGE - Apply encapsulation using boarding or masonry when ACMs are at risk of impact or abrasion. Ensure materials are securely fixed without disturbing the asbestos. This work must be performed by an HSE-licensed contractor where required. Re-survey these items annually or more frequently based on the risk of damage or disturbance.

REMOVE - Implement controlled removal procedures for cases where asbestos is in a damaged condition, cannot be repaired, and is releasing fibres. This process should solely be employed when necessary. This task is to be carried out by a contractor licensed by the Health and Safety Executive (HSE) where necessary. The asbestos register will be updated following confirmation of the removal.

ABANDON THE AREA - Isolate and cordon off the section containing asbestos that is susceptible to potential contamination. This option should only be considered as an interim measure until urgent removal is possible or if the structure is undergoing demolition or maintenance. Properly secure the designated area and establish a routine inspection process. Promptly notify the Asbestos surveyor of any abandoned areas due to asbestos contamination.

- 7.4. Where asbestos-containing materials exist but do not impose an unmanageable and significant hazard, the Council has formulated a managed approach.
- 7.5. Removal of ACMs from our properties, will be completed where both safety and cost-effectiveness have been considered. While ACMs remain within any premise, ongoing management aims to mitigate health risks to tenants, staff and contractors.

8. Working with Asbestos

- 8.1. The Duty Holder is responsible for ensuring that all work involving ACMs adheres to the CAR 2012 regulations, as well as relevant approved codes of practice and guidance.
- 8.2. Under no circumstances should any work involving or related to materials that might contain ACMs proceed without prior consultation with the Asbestos Surveyor.

The Asbestos Surveyor will:

- Evaluate the potential risks associated with the intended work to determine the most appropriate course of action.
 - Adhere strictly to the guidelines and procedures outlined in the Asbestos Policy.
 - Ensure that individuals possessing the necessary expertise and competence conduct the work, utilising appropriate materials to guarantee safe operation and functionality.
 - Ensure that the appointment and oversight of contractors strictly adhere to the guidelines outlined in the Policy.
- 8.3. Before any work is undertaken on ACM an adequate assessment of the risk of asbestos exposure shall be undertaken. This shall consider the type of asbestos, the type of ACM, the nature and degree of exposure that may occur and the type of work being done. This will identify controls to prevent or minimise exposure.
 - 8.4. Asbestos in good condition and left undisturbed will be managed in place. To provide

protection, it can be sealed with sealant-based emulsion/paint or can be mechanically encapsulated if damage is considered a risk. This preventive measure ensures that the asbestos remains safe and contained.

- 8.5. Where works are ordered on an individual property, either as response maintenance, voids or planned works, Contractors will be advised (if known) of the existence of ACMs in the building, its location and type. In practice, the contractor will have access to the database or be able to contact the Data Specialist and will be able to check the information first-hand. In the unlikely event that there is no information, the 'Project Manager' will have a survey undertaken. In emergencies, if the work must proceed without the survey results, it will be assumed that ACMs are present in the building and the works undertaken accordingly.
- 8.6. It is the responsibility of the contractor to use relevant information provided in the planning of the works.
- 8.7. Before any work is undertaken, the contractor must ensure their operative(s) are trained, competent to undertake the work and briefed on the Method Statement for the work.
- 8.8. If no asbestos-containing materials (ACMs) are identified, work may proceed as usual under standard risk assessments and method statements.
- 8.9. Only contractors with appropriate training and competence may remove specific asbestos products as non-licensed work, following the guidelines outlined in HSG210 (Task Essentials Guide).
- 8.10. The appointed contractor will assess the works and submit an ASB5 notification to the HSE 14 days before commencing the works; In addition, they must submit a Plan of works in accordance with HSG 247 for agreement with the 'Project Manager'.
- 8.11. The Council will carry out the removal of licensed asbestos-containing materials (ACMs) exclusively in unoccupied premises or under controlled conditions to ensure safety and compliance.
- 8.12. On completion of the works, the contractor will submit all relevant documents to the project manager, including the four-stage air clearance certificate, the waste consignment notice and the re-occupation certificate. This information must be stored in the database.

Note: All air monitoring is to be undertaken by a UKAS-accredited surveyor. Separate companies will be employed to undertake asbestos removal and air testing.

Removal of Asbestos

- 8.13. All licensed asbestos removal works must be notified to the HSE and only undertaken by licensed asbestos removal contractors. The contractor will assess the works and submit an ASB5 notification to the HSE 14 days before commencing the works; in addition, they must submit a risk assessment, method statement and a plan of works for approval by the 'Project manager' in accordance with HSG247.
- 8.14. As noted, suitably trained and competent contractors may remove certain asbestos products as non-license works in accordance with the task essentials guide HSG210.
- 8.15. On completion of the works, the contractor will forward all the relevant documents to the Project Manager including the four-stage air clearance certificate, the waste consignment notice and the re-occupation certificate.
- 8.16. All survey information must be uploaded onto the system.

Note: All air monitoring is to be undertaken by UKAS-accredited surveyors. Separate companies will be employed to undertake asbestos removal and air testing.

Disposal of Asbestos

- 8.17. All asbestos waste containing more than 0.1% asbestos is classified as hazardous/special waste and must be disposed of at facilities licensed to handle such materials.
- 8.18. Asbestos waste materials must only be transported by licensed carriers and disposed of at licensed waste facilities. Proper waste transfer notes must be completed, with copies retained by the council.
- 8.19. Asbestos waste must be managed in full compliance with the Hazardous Waste Regulations and the guidance provided in "*Asbestos: The Licensed Contractors' Guide HSG 247.*" Copies of consignment notes for waste disposal must be submitted to the compliance manager, where they will be retained for at least three years.

9. Emergency Procedure

Discovery of Asbestos Materials

- 9.1. If suspected ACM is discovered the work activity should stop immediately. The area should be evacuated and sealed off to prevent entry.
- 9.2. The GBC Asbestos Manager should be promptly notified. The person managing the works shall be notified immediately. Upon notification of the discovery of suspected ACM, a specialist Asbestos surveying contractor shall be advised so that samples can be taken.
- 9.3. The material will be sampled, and guidance will be provided by the GBC Asbestos Manager accordingly. Airborne fibre monitoring will be conducted if needed to assess fibre levels.
- 9.4. If the material is confirmed as containing Asbestos, an assessment by the Specialist Asbestos Contractor shall be undertaken to determine whether any of the works will result in people being exposed to Asbestos.
- 9.5. If the assessment indicates no exposure is likely, the work may continue. The Asbestos register should be updated. If the assessment indicates that exposure is likely, the specialist Asbestos contractor shall make recommendations as to the appropriate action required.
- 9.6. Technical Personnel and Partner Contractors will be informed of any hazards identified, along with the necessary subsequent actions.

Inadvertent Disturbance of Asbestos Material

- 9.7. In cases where there is a significant risk of fibre release, immediate remedial action must be taken to minimise the risk. Such remediation work will necessitate the engagement of a licensed contractor.
- 9.8. The person managing the works will contact the specialist Asbestos surveying contractor, to request attendance to undertake testing and provide advice as to appropriate action.
- 9.9. If emergency work is required to make the area safe, the Asbestos surveyor shall contact the retained Licensed Asbestos Removal Contractor.
- 9.10. If there has been an uncontrolled release at a concentration that exceeded the appropriate control limits, a record should be made on the employee's personnel record. A copy of this should be given to the employee with instructions that it should be retained indefinitely.

10. Data and records

- 10.1. We will maintain a core asset register of all properties we own or manage, with component/attribute data against each property to show asbestos testing and

inspection requirements.

- 10.2. We will operate a robust process to manage all changes to stock, including property acquisitions and disposals, to ensure that properties are not omitted from the asbestos program and the program remains up to date.
- 10.3. We will maintain records, against each property we own and/or manage, of the following:
- Inspection dates.
 - Risk assessments/plans of work.
 - Four-stage air clearance certificate.
 - Waste consignment notice.
 - Re-occupation certificate.
- 10.4. We currently hold the above in KEYSTONE. This is moving to TCW.
- 10.5. We will keep all records and data for a minimum of three years and for the duration that we own and manage the property/in line with our document retention policy.
- 10.6. We will have robust processes and controls in place to maintain appropriate levels of security for managing all asbestos related data.

11. Resident engagement

- 11.1. We consider good communication essential in the effective management of asbestos programs, therefore we will maintain a resident engagement strategy and communication program to support residents in their understanding of how the Council will manage asbestos.
- 11.2. This will assist us in maximising access to carry out asbestos inspections, encourage and support residents to report any concerns about asbestos safety, and help us to engage with vulnerable and hard to reach residents.

12. Competent Persons

- 12.1. Individuals undertaking surveying and analytical works must hold the following qualification (or equivalent) as applicable to the work they are undertaking:
- P401 Identification of Asbestos in Bulk Samples Polarised Light Microscopy (PLM)
 - P402 Buildings Surveys and Bulk Sampling for Asbestos (including Risk Assessment and Risk Management Strategies)
 - P402R Refresher for Management Surveys, Building Surveys and Sampling for Asbestos
 - P403 Asbestos Fibre Counting Phase Contrast Microscopy (PCM) (including sampling strategies)
 - P404 Air Sampling and Clearance Testing of Asbestos
 - P405 Management of Asbestos in Buildings
- 12.2. All surveying and analytical contractors must hold UKAS accreditation for the following:
- ISO/IEC 17020 for asbestos surveying activities, including building surveys and priority assessments.

- ISO/IEC 17025 for laboratory analysis of asbestos samples.

12.3. We will check that our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor’s certification appropriately.

13. Training

13.1. All individuals engaged in asbestos-related tasks, including management, supervision, building and asbestos surveying, maintenance operatives, and cleaning operatives, must undergo asbestos awareness training to their needs and to the needs of the Council and in accordance with the provisions of regulation 10 CAR 2012.

14. Performance reporting

14.1. We will report key performance indicator (KPI) measures for asbestos management that follow the principles set out in the Tenant Satisfaction Measures (TSMs) which came into force on 1 April 2023. Although electrical safety is not specifically covered by these measures, we will adopt the same approach to ensure consistency with other compliance areas and ensure all dwellings at risk are accounted for.

14.2. We will report the following electrical safety performance:

Report recipient	Frequency
Regulator of Social Housing.	Annual
Senior Management Team.	Monthly
Housing Operations Board.	Quarterly

We will also report the following:

Data – the total number of:

- Properties on program.
- Properties not on program.
- Properties assessed and asbestos removed.
- Properties assessed without removing asbestos.

Narrative - an explanation of the:

- Current position.
- Corrective action required.
- Progress with completion of follow-up works.

15. Quality assurance

15.1. We will periodically conduct audits of the asbestos management program through random sampling of documentation.

15.2. We will require external contractors to provide the results of their own five per cent quality assurance audit checks, as required by UKAS, on a quarterly basis.

15.3. We will conduct an independent audit of asbestos management at least once every two years, to specifically test for compliance with legal and regulatory obligations and Council policies and

processes, and to identify any non-compliance issues for correction.

16. Significant non-compliance and escalation

- 16.1. Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety, and which needs to be managed as an exception to routine processes and procedures.
- 16.2. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of a GBC employee becoming aware of it.
- 16.3. Any non-compliance issue identified at an operational level will be formally reported to the Compliance Team in the first instance, who will agree an appropriate course of corrective action with the Head of Service and report details of the same to the SMT.
- 16.4. In cases of serious non-compliance, Director and Assistant Director of Housing will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation, such as the Health and Safety Executive (HSE).

17. Equality and diversity, vulnerability, and reasonable adjustments

- 17.1 The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.
- 17.2 Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability, and age is not acceptable: the Council will take action to ensure no person using the council's premises or services receives less favorable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.
- 17.3 The legal framework for the Council's approach is provided by the Equality Act 2010 including the Public Sector Equality Duty (section 149 Equality Act 2010) under which a public authority must have regard to the need to try to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.

18. Additional legislation

- 18.1 This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972.
- Health and Safety at Work Act 1974.
- The Occupiers' Liability Act 1984.
- Workplace (Health Safety and Welfare) Regulations 1992.

- Health and Safety (Safety Signs and Signals) Regulations 1996.
- Provision and Use of Work Equipment Regulations 1998.
- Management of Health and Safety at Work Regulations 1999.
- Regulatory Reform (Fire Safety) Order 2005.
- Corporate Manslaughter and Homicide Act 2007.
- Building Regulations 2010 (England and Wales) - Part P.
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
- Construction, Design and Management Regulations 2015.
- Control of Asbestos Regulations.
- Data Protection Act 2018.