



CARE HOUSING ASSOCIATION ASBESTOS SAFETY MANAGEMENT POLICY

Implementation Date	14/10/2020
Created By	Mark Heywood
Committee Review Date	14/10/2020
Review Date	13/10/2021

1. Objectives of the Policy

Care Housing Association (Care) is regulated by the Regulator of Social Housing (RSH) and has a statutory responsibility for discharging the landlord obligations surrounding asbestos safety management across all homes and offices owned or managed by Care.

The objectives of this policy are detailed below;

- To ensure that Care provides a safe environment for tenants, colleagues, third party employees, contractors and visitors who live, work or visit.
- Establish key principles that will provide asbestos safety.
- Develop procedures to prevent the exposure to asbestos fibres to zero or the lowest practicably possible to protect tenants, support staff, colleagues, third party employees, contractors and visitors to live/work or visit a Care property from exposure to asbestos and detail how Care will discharge the landlord's duty specifically detailed in Control of Asbestos Regulations (CAR) 2012 in respect of the following:
 - Take reasonable steps to assess if asbestos is present in the property.
 - Record the location, type and condition of any asbestos found.
 - Assess the risk of anyone being exposed to the asbestos.
 - Prepare a plan on how to manage any risks identified.
 - Put the plan into action, monitor it and keep it up to date.
 - Provide the information collected to anybody that might work on or disturb the asbestos.
 - To achieve full compliance in the management of asbestos.

2. Compliance with Regulatory Standards and Legal Obligations.

The application of this policy will ensure compliance with the regulatory framework for social housing in England which was introduced in April 2012 which requires all housing providers to “meet all statutory requirements that provide for the health and safety of all occupants in their homes.

The main legal framework that this policy operates within are;

- Health and Safety at Works Act 1974
- Control of Asbestos Regulations (CAR) 2012
- REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals Regulations 2006)

Care accepts their responsibility to identify and to safely manage asbestos containing materials (ACM's). This policy applies to all properties and offices with ACM's owned or managed by Care.

The duties as set out in Regulation 4 of the CAR 2012 Regulations rests with the “Duty Holder” (the person in charge of the premises and maintenance activities) in the non-domestic premises and those “common areas” (non-domestic areas) of properties providing rented or leasehold accommodation.

It is not a requirement of the regulations to remove all asbestos when identified. However, by the use of risk management any ACM's present must be managed by reasonably practicable means to prevent exposure to asbestos fibres to comply with regulations.

It is essential to Care that tenants, support staff, colleagues, third party employees, contractors and visitors remain safe in the property in which they live, work or visit, failure of Care to discharge its legal responsibilities may result in;

- Prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974.
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007.
- HCA serious detriment judgement.
- Reputational damage.
- Loss of confidence by stakeholders in the organisation.

This policy operates within the context of regulatory legal frameworks as follows:

- Health & Safety at Work Act 1974
- Control of Asbestos Regulations (CAR) 2012
- Management of Health & Safety at Work Regulations (1999)
- Workplace (Health, Safety & Welfare) Regulations 1992
- Hazardous Waste Regulations 2005
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (1995)
- Construction Design and Management Regulations 2015
- REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals Regulations 2006)
- Approved Codes of Practice (ACoP) (Health and Safety Commission)
- ACoP L143- Managing and Working with Asbestos (December 2013)
- HSG264 (Asbestos)
- Guidance Documents (Health & Safety Executive)
- HSG247 – Asbestos: The licensed contractor guide
- HSG248 – Asbestos: The analysts guide.

- HSG189/2 – Working with asbestos cement.
- HSG213 – Introduction to asbestos essentials (First Edition)
- HSG210 – Asbestos essentials task manual (Second Edition)
- HSG33 – Health & Safety in roof work (First Edition) (covers asbestos cement roof demolition)
- HSG227 – Comprehensive guide to managing asbestos in buildings.
- EH51 – Respiratory equipment for use in removing asbestos.
- The RSH Regulatory Standard (The Home Standard)

3. Scope

This policy relates to all properties and offices and communal areas owned or managed by Care unless other parties are explicitly specified for statutory responsibility in the lease or management agreement.

This policy is applicable to all premises built or refurbished before the year 2000. All properties constructed before this date with the presence of ACM's confirmed or assumed will be included in the asbestos surveying programme until a survey has been completed and the presence of asbestos has been confirmed or ruled out.

4. Policy Detail

Care will work with landlords and occupiers to ensure that asbestos inspections are carried out at intervals recommended by the Asbestos Management Surveyor. Where access is denied, Care will arrange for a return visit and, where deemed appropriate, the tenant will be recharged for the additional cost, as permitted by the terms of their tenancy or licence agreement.

Any "risk reduction works" will be identified and, if appropriate temporary low-cost remedial works can be put in place to make the asbestos safe, budgeted for to be completed as quickly as possible but no later than the following financial year.

The Asbestos Management Surveyor will make a detailed record of all attempts to gain access. If reasonable access is not provided action will be taken to seek a legal or legislative remedy to ensure access is gained at the earliest possible opportunity in accordance with best practice. Care will take into account information with regard to the support needs of the tenant(s) and staffing arrangements. The process will be detailed in the Asbestos Safety Management Procedure.

Care's Asbestos Safety Policy will ensure all tenants, staff and visitors remain safe in their home or place of work which will be achieved through effectively identifying the properties covered by the CAR 2012 regulations and undertaking the following:

- Take reasonable steps to assess if there are materials containing asbestos in non-domestic premises, and if so, the type/amount, where it is and the condition of the asbestos.
- Presume materials contain asbestos unless there is strong evidence that they do not
- Maintain up-to-date records of the type, location and condition of the ACM's - or materials which are presumed to contain asbestos
- Ensure that where suspect materials are discovered, a relevant competent person undertakes an assessment of the risk to tenants, employees and third parties.
- Assess the risk of anyone who could be exposed to fibres from the ACM materials
- Prepare a plan that sets out in detail how the risks from these materials will be managed
- Take the necessary steps to put the plan into action

- Periodically review and monitor the plan and the arrangements to act on it so that the plan remains relevant and up-to-date
- Provide site-specific advice and information on the location and condition of the materials to anyone who is liable to work on or disturb them and raise awareness of the asbestos safety policy and management plan
- The asbestos survey prioritisation programme and type of survey will be detailed in the Asbestos Safety Management Plan
- That any necessary works to ACM's are only carried out by Licensed Asbestos Removal contractors

We will ensure tenants, or staff teams as appropriate, are informed about forthcoming work, any asbestos related risks that there may be, and the management and control of those risks. Where necessary, we will arrange temporary accommodation for tenants as appropriate.

4.1 Asbestos Survey and Re-inspection

Care will undertake an asbestos assessment to determine the presence of ACM's in accordance with recommended Health and Safety Executive (HSE) guidance – HSG264 and HSG227 which will identify the material product type, asbestos type and asbestos fibre content, location, and condition (i.e. a Material Risk Assessment - MRA) together with an assessment of the risk of that material to cause harm based on accessibility and the activities carried out in the area around the ACM

4.2 Re-inspection Surveys

Irrespective, all materials within communal (non-domestic) areas will be re-inspected annually or on such an earlier date which will be determined by the location, condition and risk of disturbance. Information relating to asbestos surveys will be held on the asbestos register for retrieval which will be made available to contractors

Care's Asbestos Register will be updated following any asbestos removal/encapsulation works and following completion of re-inspections by those qualified/appointed to undertake them and details relating to the accessibility of all asbestos information will be detailed in Asbestos Safety Management Process.

Risk reduction priorities, related to this area, will be assessed as part of Care's approach to achieving 100% Landlord Compliance and will be considered as part of the annual budget setting process.

4.3 Asbestos Safety Commitments

Care will work within the following commitments:

- We will ensure compliance with the requirements of the Health and Safety at Work Act 1974, Control of Asbestos Regulations (CAR) 2012 and REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals Regulations 2006) and ACOP
- Provide colleagues with appropriate asbestos awareness training based upon their role and responsibilities.
- Prepare an Asbestos Management Procedure to manage the risk and put it into effect to ensure that:
 - Any material known or presumed to contain asbestos will be kept in a good state of repair, and re-inspected
 - We will assess the risk of the likelihood of anyone being exposed to asbestos materials

- Any material that contains or is presumed to contain asbestos will be rated with a risk score which will determine the most appropriate course of action to minimise the release of fibres which will include manage in situ, encapsulate or remove.
- Re-inspection surveys will be undertaken to all communal (non-domestic) within the anniversary date or sooner by a competent person.
- Information on the location and condition of the material will be provided to anyone potentially at risk
- We will set out our emergency approach in the case of an unplanned incident, such as accidental damage of an ACM
- Develop a surveying programme that aims to ensure all Care's properties are assessed for the presence of asbestos by the end of 2020 (i.e. those constructed prior to 2000).
 - Assess all properties before the commencement of reinvestment works if there is a potential risk that asbestos may be disturbed
 - Inspect all void properties before the commencement of works
- Ensure all operatives are competent in carrying out work on site and have been made aware of the type and location of asbestos before works are undertaken.
- All licensable work will be undertaken by licensed contractors (and checked) and notified to the HSE using the [ASB5](#) form at least 14 days before the work starts.
- Ensure all non-licensed work is carried out with the appropriate controls in place.
- Keep accurate, accessible records of the location and condition of asbestos and presumed ACM's and keep the records up to date.

4.3 Property Classification.

- All Care's properties will be categorised as detailed below:
 - Asbestos-Free (surveyed and post 2000)
 - Contains Asbestos (surveyed and confirmed to contain asbestos)
 - Potentially Contains Asbestos (un-surveyed where there is a risk asbestos may be present)
- All properties identified with an asbestos category will be subject to an annual review to ensure a material change has not been undertaken that would deem the properties to be included within the asbestos surveying programme.
- All premises which have been identified to contain asbestos within communal (non-domestic) areas will be included in the asbestos re-inspection programme.

5. Record Keeping

- The requirement whether to undertake an asbestos survey and the categories will be held in the Asbestos Register.
- All records relating to this service shall be kept indefinitely. Certificates associated with those visits will be held in the Asbestos Register and shall be made available to the tenant(s) of the premises
- We will carry out regular validation checks to identify whether properties not recorded as having an asbestos category are required to be added to the asbestos register.
- An assessment will be completed on each property at the time of being taken into management to determine if an asbestos survey is required and will include:
 - New Property Acquisitions (pre 2000)
 - Refurbishment (pre 2000)

6. Contractor Competency

Care will ensure that contractors are competent and the following controls will operate to ensure competence can be demonstrated.

- Only [UKAS](#) accredited Consultants to [ISO:17020](#) will be appointed to carry out survey and persons appointed to measure the concentration of asbestos fibres will be [ISO:17025](#) accredited
- All non-licensed work involving ACM will be carried out with the appropriate controls in place
- All ACM samples will be tested by a [UKAS](#) – accredited laboratory.
- Maintenance work will only be awarded to/or conducted by those contractors whose operatives have received or will receive [UKATA Cat B Non Licensed Work](#) training as mandatory.
- Contractors appointed to undertake remedial work or removal of asbestos containing materials shall be competent. They shall hold a Licence issued by the Health and Safety Executive and be members of an appropriate trade association such as the [Asbestos Removal Contractors Association \(ARCA\)](#) or the [Thermal Insulation Contractors Association \(TICA\)](#).

7. Internal Competency

Care will ensure that all staff undertaking key roles within the delivery and management of this area will have access to training and support applicable to their roles.

As part of the Asbestos Safety Management Process the competence will be appraised annually.

8. Monitoring

Care's Board will act as Duty Holder and will receive regular reports on the performance of this policy and are accountable for ensuring its implementation and be responsible for ensuring that any necessary remedial work necessary and remedial action are undertaken to comply with the policy.

Care's Chief Executive will retain the overall responsibility for the monitoring of the consistent implementation of this policy.

Asset & Compliance Surveyor will be responsible for implementing the policy on a day to day basis ensuring that any necessary remedial works or actions are undertaken and that sufficient competent resources are in place to ensure their capability to comply with this policy. The duties are detailed in the Asbestos Safety Management Plan.

Asset & Compliance Surveyor will be responsible for ensuring that any additional properties ie new build, acquisitions, etc are assessed, added to the asbestos register and included in the asbestos management programme. The asbestos register is to be reconciled against Care's stock list on a quarterly basis.

Asset & Compliance Surveyor will be responsible for producing a quarterly report to ensure performance can be measured. Metrics will include:

- Total number of Properties Built before the Year 2000
- Total number of Pre-Year 2000 Properties that have been surveyed.
- Total number of Properties Asbestos-Free (AF), Asbestos Present (AP), Presumed Asbestos Present (PAP).
- Total number of Properties with Asbestos Management Plans in place.
- Total number of Properties categorised AP requiring regular re-inspection
- Total number of Properties with re-inspection completed in time.

Housing Officers will, on a regular basis, observe the condition of any openly visible ACM's identified in the Asset Management Plan and will immediately report any visible damage or deterioration in the material to the Asset & Compliance Surveyor.

On schemes where there are permanent site staff the Site Supervisor/Manager will be the first point of contact for any contractors that attend site to carry out works. The Site Supervisor/Manager must provide the contractor(s) with a copy of the Asbestos Report and the Asbestos Management Plan prior to any works commencing so that any potential asbestos management risks can be identified and appropriate measures taken to mitigate the risk.

A Quarterly review of Asbestos Safety Management will be undertaken to ensure that relevant issues are identified at an early stage.

Asbestos safety is a high-risk area and this policy will be reviewed on an annual basis. A strategic review will be undertaken every 2 years which will include all operating procedures.

9. Glossary of Terms

- **Regulator of Social Housing (RSH)** is the public body that regulates affordable housing in England.
- **Health and Safety Executive (HSE)** – Non-departmental public body in the United Kingdom responsible for the encouragement, regulation and enforcement of workplace health, safety and welfare, and for research into occupational risks in England and Wales and Scotland.
- **Duty Holder** - The person responsible for ensuring the requirements of the CAR 2012 Regulation 4 are carried out. Under Regulation 4, landlords have certain duties towards their customers to minimise the risk of exposure to asbestos.
- **Responsible Person** – In order to properly manage ACM's in properties a responsible person(s)(RP) should be appointed. Generally, the RP will be site-based management staff who are responsible for the day to day management and running of the site which includes planned maintenance, repair or improvement works and have received appropriate training in managing the asbestos risk.
- **ACM** – A material that contains asbestos
- **UKATA** – UK Asbestos Training Association - set standards and audit and manage the list of asbestos training providers.
- **Reasonably Practicable** - means that the degree of risk in a particular situation can be balanced against the time, complexity, cost and physical difficulty of taking measures to avoid the risk.
- **Asbestos - Management Survey**- is a survey to identify if asbestos is present in a property which includes sampling, but may be restricted to sampling only those materials where the presumption of asbestos could create difficulties or unnecessary expense for the building's duty holder.

- **Asbestos Management Surveyor** – is a person qualified to ISO 17020 UKAS and who is competent with suitable relevant experience to perform asbestos surveying to HSG 264 Standard and that they have a suitable Quality Management System.
- **ACOP** – Approved Code of Practice which are regarded as best practice and supplement regulation giving practical guidance on compliance.
- **UKAS** - the United Kingdom Accreditation Service who are the 'sole national accreditation body recognised by Government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services.
- **CAR** - is the Control of Asbestos Regulations (2012) which came into force on 6 April 2012, updating previous asbestos regulations to take account of the European Commission's view that the UK had not fully implemented the EU Directive on exposure to asbestos (Directive 2009/148/EC).
- **MRA** – is the Material Risk Assessment (as defined within HSG264)
- **PRA** - is the Priority Risk Assessment (as defined within HSG227)