

Asbestos Management Policy

|  |  |  |  |
| --- | --- | --- | --- |
| Reference | AC01 | Version | 5 |
| Staff affected | All staff | Issue date |  |
| Approved by | Board September 2024 | Last Review Date | 13th July 2021 |
| Lead Officer | Director of Operations | Target Review Date | July 2024 |
|  |  | Review Date | Sept 2024 |
|  |  | Next Review Date | Sept 2027 |

1. Purpose

1.1 Arches Housing has a legal duty to ensure the health and safety of its employees, tenants, leaseholders and other stakeholders in relation to asbestos containing materials (ACMs). We will comply with this duty, by maintaining a robust asbestos management framework and safe system of work to prevent staff, clients and contractors from being exposed to the risk of exposure to asbestos.

1.2 Our legal duty extends to the manner in which we manage asbestos in properties under our control and protect those who may come into contact with asbestos containing materials (ACMs).

2. Regulation, Legislation and Approved Codes of Practice

2.1 The following regulations and legislation relate to management of and works with asbestos. It is not an exhaustive list, but includes the main regulations to which all should adhere:-

* The Health and Safety at Work etc. Act 1974, particularly Section 3: - general duties of Employers and Self-employed persons other than their employees.
* The Control of Asbestos Regulations 2012 (CAR 2012) specifically regulation 4 which covers the ‘Duty to Manage’ asbestos in non-domestic premises and requires the duty holder to carry out a *suitable and sufficient assessment* in order to identify whether any asbestos is present in the premises and, if there is, to prepare a plan to manage the risk. The duty holder is defined as anyone who, to any extent, has responsibility for repairs or maintenance of the building. The term “non-domestic” includes the common parts of multi-occupancy domestic properties such as hallways and stairwells.
* The Reporting of Injuries Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

2.2 The following principle ‘Code of Practice’ apply:

* ACoP L143 - ‘Managing and working with Asbestos’ (December 2013)
* HSG264 - ‘Asbestos: The survey guide’ (this holds ACoP status)
* HSG248 – ‘Asbestos: The analysts guide for sampling, analysis and clearance procedures’
* HSG227 - ‘A comprehensive guide to managing asbestos in premises’
* HSG210 - ‘Asbestos Essentials’

2.3 Arches will meet the Regulatory requirements of the Regulator of Social Housing’s Home Standard which includes meeting all applicable statutory requirements that provide for the health and safety of our customers in their homes in relation to asbestos management.

3. Statement of Intent

3.1 As owners and managers of homes, we have a duty of care to minimise the risk of exposure to asbestos in a property.

3.2 This policy aims to ensure that we meet our obligations as a landlord, and seeks to provide assurance that Asbestos Management is adequately managed, ensuring the safety of our tenants, leaseholders and the general public.

3.3 The key principals of Asbestos Management are: **Assess, Record, Inform & Monitor** these 4 principles in sequence enable continual compliance and demonstrate the moral duty of care the organisation holds.

3.4 Our primary method of control regarding asbestos management is to use an assessment of risks to determine a relevant course of action within an agreed hierarchy of:-

1. Record and Manage

2. Seal

3. Encapsulate

4. Remove

3.5 We will not undertake any work to a property we manage without first obtaining adequate information on the nature, condition and extent of any ACMs present or presumed, that are likely to be disturbed. We will also ensure that any work carried out to ACMs will only be undertaken by competent, trained surveyors with a minimum of P402 valid qualifications and are UKAS accredited contractors.

3.6 We will: -

* Ensure that all communal areas built before 2002 have an Asbestos Management Survey which is reviewed annually
* All surveys and works must be completed to Health and Safety Executive Guidance Notes and comply with the Control of Asbestos Regulations 2012
* Any materials in communal areas identified as containing asbestos will be labelled and regularly inspected
* Take reasonable steps to ensure that materials in domestic dwellings likely to contain asbestos are identified where practicable to do so
* Maintain an Asbestos Register
* Maintain an up-to-date written record of the location, condition, extent and nature of all known and presumed asbestos containing materials
* Link and share information either manually or through our Active H housing management system on any asbestos containing materials with customers, staff or contractors who may enter the premises
* Assess the risk of anyone being exposed to the asbestos and include in our Asbestos Management Plan how to manage these risks
* Provide this information to anyone who might work on or disturb the asbestos
* Carry out on-going monitoring of the condition of ACMs and, on a basis of risk, encapsulate or remove the materials as and when appropriate. Records of removal will be retained as part of the Asbestos Register and the contractor will be required to notify the Health and Safety Executive in line with the Control of Asbestos Regulations 2012.
* Maintain a Management Plan for all communal premises where ACMs are present and ensure that these are monitored, audited and reviewed regularly
* Warnings signs placed in areas of ACMs will be checked annually along with the condition of ACMs; any deterioration will be reported to the Compliance Officer and actioned for a P402 Surveyor to inspect, assess risk and make recommendations.
* Provide clear lines of responsibility within Arches for the management of asbestos
* Set out a clear approach for surveys that are carried out.
* Ensure that prior to any intrusive construction or refurbishment works a refurbishment and demolition survey to be carried out in the area of the building work is to take place.
* Ensure a prompt, efficient and cost-effective survey and inspection service.
  + Ensure homes remain safe and identified ACM are monitored and managed in communal areas and notified to tenants/leaseholders on change of occupancy
  + Property specific asbestos management surveys to be undertaken on 10% of domestic stock per year until 100% of surveys on pre 2002 properties exist
  + The 10% can contain surveys undertaken at change of tenancy or mutual exchange.
  + We will ensure that properties added to our portfolio, have an asbestos management survey completed prior to being let. Unless we can confirm that the property was constructed after 2002.Ensure ACMs identified in communal areas are maintained in a safe condition throughout the life of a tenancy.
* Ensure that advice is provided on Asbestos Awareness to new tenants at signing of tenancy agreement or for existing tenants within 28 days of a survey or the survey information displayed in communal areas if this is applicable.
* Publish advice on Asbestos Awareness on our website
* Ensure appropriate and regular asbestos awareness training is provided to all staff.
* Encourage staff to be alert to the danger signs of asbestos safety as part of their routine duties and visits and have a clear process for reporting concerns.
* Ensure a valid Asbestos Survey of communal areas (if applicable) is provided as part of completion of sale for shared ownership or shared equity products
* Inform tenants, leaseholders, staff and other building users of the nature and extent of any known or suspected ACMs
* Properly manage and record asbestos within domestic dwellings and fully comply with our legal ‘Duty to Manage’ requirement of asbestos within communal areas

4. Asbestos Management Policy

4.1 This policy forms part of Arches’ management framework for the control and safe management of asbestos materials. Additional information relating to our management framework includes:

a) Asbestos Management Plan

b) Asbestos management procedures

c) Asbestos guidance for contractors

d) Asbestos information for tenants

e) Asbestos contract

f) Asbestos Register

4.2 Procedures clearly set out operational activity regarding the management of asbestos and methods used to conform to current legislation and guidance.

If any suspected disturbance of ACM occurs during works these must stop immediately, the area be protected from being entered and be reported to Arches Housing Head of Asset Operations or Director of Asset Operations.

Procedures will be followed including contacting Arches Asbestos specialist contractor who will attend and take samples.

5. Asbestos Competency and Training

5.1 The contractor appointed to carry out surveys for Arches Housing will be UKAS accredited.

5.2 Surveyors who carry out surveys will be required to hold and evidence regular refresher training on P402 qualifications

5.3 Contractors appointed to carry out both licensed and non-licensed works will be adequately vetted and required to submit relevant accreditations and licences prior to commencing works. They will also hold the required levels of insurance.

5.4 We will ensure that adequate information, instruction and training is given to Arches staff on The Control of Asbestos Regulations 2012. All relevant staff will attend a suitable training course on a regular basis.

5.5 All staff will be trained on the contents of Asbestos Awareness, our Asbestos Management Plan and this policy at regular intervals.

5.6 A member of the Asset Operations Team will be qualified to P405; during periods when this qualification is not held due to staff turnover an interim consultancy resource will be appointed for the Asset Operation team to access advice normally sought in connection with any concerns with the Asbestos Management Plan, ACMs or associated matters.

6. Roles and Responsibilities

6.1 Chief Executive

The Chief Executive and ultimately the Board have overall responsibility for the Asbestos Policy but delegate actions to the Duty Holder and other responsible staff as detailed in the Asbestos Management Plan. These actions also relate to contractors acting on behalf of Arches. Key actions are set out below.

* Maintaining an up-to-date asbestos register
* Ensuring adequate resources are allocated to managing the risks associated to asbestos
* Ensuring adequate processes and procedures are in place to manage the risks arising from asbestos
* Ensuring sufficient information, instruction and training is carried out
* Monitoring the performance of staff and contractors
* Reporting any material breach of non-compliance of the regulatory standards to the Board and the Regulator of Social Housing
* Ensuring that members of the public, staff and contractors are not unnecessarily exposed to risk
* Ensuring appropriate risk assessments are undertaken and that regular review is carried out
* Ensure annual asbestos surveys of communal areas
* Ensuring appropriate inspections are made to assess the condition of ACMs

6.2 Director of Operations – ‘Duty Holder’

The Director of Operations shall serve as the Asbestos Plan Manager ‘Duty Holder’ and be responsible for the strategic management of asbestos control within Arches Housing, reporting directly to the Chief Executive and shall:

* Formulate and revise Arches policy
* Formulate and revise the Asbestos Management Plan
* Facilitate audits to ensure that the provisions within the Management Plan are being enforced to the standard required
* Ensure that the asbestos register is maintained and up to date
* Ensure asbestos related accidents and incidents are reported, investigated and controls introduced to reduce the risk of such accidents recurring
* Report to the Chief Executive and the Executive Leadership Team any material breach of the HCA regulatory standards
* Report to the Chief Executive and Executive Leadership Team and maintain a record of all notifiable incidents under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR) including reporting to the Health and Safety Executive (HSE) and ensure that appropriate remedial action is taken
* Ensure risks arising from asbestos related activities are recorded reviewed and mitigated
* Ensure adequate training is maintained to effectively manage risks arising from the control of ACMs
* Appoint a designated deputy (Head of Asset Operations – Responsible Person) to provide cover in their absence
* Coordinate internal resources and ensure adherence to the agreed safe systems of work
* Maintain an up-to-date knowledge of legislative requirements and best practice and ensure
* Ensure all relevant staff receive adequate information, instruction and training. This includes the provision of regular refresher training to maintain skills
* Ensure appropriate technical asbestos consultants are used as specialist advisors as appropriate

6.3 Head of Asset Operations – ‘Responsible Person’

The ‘Responsible Person’ is the Head of Asset Operations, who with the support of the Compliance Officer or the appointed specialist consultant is responsible for the day-to-day running and implementation of the Asbestos Management Plan, and they will:

* Provide advice on the application of this policy on an individual case by case basis
* Ensure that the required information from asbestos related work is fed back to the appropriate manager
* Notify the Operations Director if asbestos exposures arise as an emergency or exceed the control limit or if a licensed contractor is undertaking notifiable works and advise to report to the Health and Safety Executive
* Advise the Operations Director of any notifiable incidents under the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR) and ensure that appropriate remedial action is taken
* Ensure that the asbestos register is maintained and up to date
* Ensure that communal areas are surveyed annually and monitored in accordance with legislative requirements
* Ensure that asbestos information is provided to new tenants at sign up, current tenants after survey and/or displayed in communal areas as appropriate
* Be the business owner of the data within the systems that feed the asbestos register, ensuring robust processes in place for validation
* Be the business owner for the KPIs that evidence compliance with the legal responsibilities of Arches for Asbestos Management
* Provide asbestos related information to staff, contractors, tenants and members of the public as required
* Ensure adequate Asbestos Awareness training is maintained organisationally and in accordance with current regulations
* Appoint a designated deputy as appropriate to provide cover in their absence
* Ensure information regarding asbestos is readily made available to contractors they are responsible for
* Ensure that surveys are commissioned as part of the Void and Relet process
* Ensure that pre-entry surveys are commissioned and reviewed prior to repairs, construction or refurbishment works commencing in domestic dwellings and actioned as appropriate

7. Employees

7.1 All Employees, irrespective of their position shall:

* Take reasonable care for their own health and safety and that of other persons who may be adversely affected by asbestos works, including members of the public, tenants, visitors and contractors
* Co-operate as appropriate with other staff and agencies to ensure compliance with this policy and all other legal requirements
* Halt works that, in their opinion, may present a serious risk to health and safety
* Report any concerns that they may have in relation to the management of asbestos

8. Tenants and Leaseholders

8.1 This policy is to be read in conjunction with current Tenancy and Leasehold Agreement conditions

8.2 Tenants and leaseholders are not permitted to make any material alterations to their homes without the express formal written permission of Arches and care should be taken to request details of any Asbestos Survey or undertake an Asbestos Survey (at their own cost) if intrusive works to a property built before 2002 are being requested

8.3 At point of sale of shared ownership and shared equity products, appropriate Asbestos Survey will be provided to the purchaser for communal areas if applicable

9. Contractors

9.1 Contractors are required to immediately report any asbestos escapes, all asbestos related risks or concerns to Arches Managers and stop ongoing works until they are satisfied their concerns have been addressed

9.2 All contractors will comply with relevant regulations and use information made available to them through this policy to assist them to adhere to our asbestos management framework. Testing compliance will occur through ongoing auditing and compliance with their own internal quality control systems

9.3 Contractors are responsible for managing their own asbestos management procedures, training and records etc

9.4 Contractors will be required to evidence that all their employees have regular updates and refresher training on Asbestos Awareness

9.5 Arches Asbestos Register will be shared with contractors working on behalf of Arches Housing; this is a live system and also links to orders and inspections generated on a property specific basis

10. Communication

10.1 Where we identify the presence of ACMs as part of our approach to asbestos survey strategy, we will notify tenants

10.2 We will liaise with external emergency services to minimise the potential risks that could arise from activities, where ACMs could become disturbed when dealing with emergency situations within properties that we manage

11. Review

11.1 This Policy shall be reviewed and updated on a triennial basis or, if there are any significant changes to current Asbestos Legislation, HSE approved codes of practice or guidance. It will also be reviewed after any uncontrolled asbestos escape incident or if any reason comes to light to suggest that the Plan or Policy is inadequate

12. Governance, Assurance and External Validation

12.1 Compliance with Arches legal responsibility in relation to Asbestos Management will be reported to board no less than quarterly

12.2 Compliance is monitored by the Head of Asset Operations and the Director of Operations. Where non-compliance is identified in the first instance there is an agreed appropriate course of corrective action put in place with the operational team in order to address the non-compliance issue. If this is not resolved to agreed timescales, details of the matter will be escalated to the Chief Executive

12.3 The Chief Executive or the Director of Operations will make the Board aware of any serious non-compliance issue so they can consider the implications and take action as appropriate which will include whether it is necessary to disclose the issue to the Regulator of Social Housing in the spirit of co-regulation, or any other relevant organisation such as the HSE, BSR, etc., as part of the Regulatory Framework

12.4 Key Performance Indicators on Asbestos Management will be reported to the board of management quarterly:

* The number of properties that require an Asbestos Survey - all buildings with a communal area managed or owned by the organisation that pre date 2002
* The number and percentage of properties with a valid Asbestos Survey for all buildings with a communal area managed or owned by the organisation

12.5 Independent external assurance will be sought periodically but no less than every 3 years to ensure compliance with Arches legal responsibility in relation to Asbestos.

12.6 A quality control regime is in place to assess the quality of asbestos surveys completed across Arches stock, this will be reviewed annually. 10% of all surveys will be audited on an annual basis by an independent organisation who has P402 qualified surveyors and is a UKAS registered company.

13. Equality and Diversity

13.1 All involved will recognise their ethical and a legal duty to advance equality of opportunity and prevent discrimination on the grounds of; age, sex, sexual orientation, disability, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership.

14. Publicising this Policy

14.1 Policy and relating asbestos safety will be publicised on the Arches Website.