

ASBESTOS – LANDLORDS RESPONSIBILITY



Advance must take reasonable steps to locate materials in premises likely to have Asbestos Containing Materials (ACMs) and to check their condition. We must assess the risk of anyone being exposed to these materials.



Procedures for managing risk associated with asbestos are set out in the Asbestos Management Plan. This includes procedures for assessing risk, dealing with emergencies and removal of asbestos.



We must keep records of the location and condition of asbestos and presumed Asbestos Containing Materials (ACMs) and keep the record up to date. These are reviewed at least annually.



All asbestos surveys are recorded on our Asbestos Register. The register contains information on the location and condition of all asbestos within Advance's property portfolio, together with the associated risk assessment.



At Advance, the Director of Housing (DoH) is considered to be 'Duty Holder' for the properties which are owned by Advance, as defined within Regulation 4 of the Control of Asbestos Regulations 2012.

Key Changes (Summary): *Policy Updated from November 2015 Version. The main changes from the Previous Policy are as follows:*

- *References to updated Regulations*
- *Closer references to Regulation 4 of the Control of Asbestos Regulations 2012 and HSE Guidance.*
- *Clarification on nature and extent of information about asbestos provided to customers at Letting Stage*
- *Revisions to Asbestos Management Plan as an accompanying document including updated Emergency Procedures and regime of annual scheme inspections.*

POLICY

1. POLICY STATEMENT

As owners and managers of homes, we have a duty of care to ensure that residents, staff and visitors can use the relevant buildings and facilities safely. This extends to mitigating any risks associated with asbestos to employees, visitors, customers, contractors and members of the public as far as reasonably practicable.

Keeping residents safe from harm is paramount. Our organisational commitment to health and safety is also set out in Advance Housing Association's Health and Safety Policy Statement

This Asbestos Policy works in conjunction with the Asbestos Management Plan (AMP) to show our approach to managing the risk of asbestos in homes and offices.

2. BACKGROUND

Asbestos is a naturally occurring mineral and comes in a variety of forms. It can be amphibole asbestos, which includes crocidolite (blue) and amosite (brown), or serpentine asbestos, which is chrysotile (white). These are the three main types that were used in the United Kingdom.

Exposure to amphibole asbestos poses a greater health hazard than exposure to Chrysotile, but all types can cause asbestos-related diseases.

Large amounts of asbestos-containing materials (ACMs) were used for a wide range of construction purposes in new and refurbished buildings until 1999 when all use of asbestos was banned. This extensive use means that there are still many buildings in Great Britain which contain asbestos. Where asbestos materials are in good condition and unlikely to be disturbed they do not present a risk.

However, where the materials are in poor condition or are disturbed or damaged, asbestos fibres are released into the air, which, if breathed in, can cause serious lung diseases, including cancers.

3. RESPONSIBILITY FOR ASBESTOS MANAGEMENT

Duty Holder

At Advance, the Director of Housing (DoH) is considered to be 'Duty Holder' for the properties which are owned by Advance, as defined within Regulation 4 of the Control of Asbestos Regulations 2012.

Summary

This regulation covers the duty to manage asbestos in non-domestic premises. It requires duty holders to identify the location and condition of asbestos in non-domestic premises and to manage the risk to prevent harm to anyone who works on the building or to building occupants. It also explains what is required of people who have a duty to co-operate with the main duty holder to enable them to comply with the regulation. Non-domestic premises includes the common parts of domestic premises.

The DoH assumes the Duty Holder responsibilities, including making sure those reasonable steps have been taken to locate materials in premises likely to contain asbestos and to check their condition.. The DoH is responsible for compliance with this policy, performance of all statutory requirements and delivering our asbestos management safety commitments.

From HSE "The survey Guide"

Management of asbestos in domestic premises

10 The 'duty to manage asbestos' requirements of regulation 4 of CAR 2012 do not normally apply to domestic premises. However, the requirements do apply to common parts of premises, including housing developments and blocks of flats, but do not place any direct duties on landlords for individual houses or flats.

Examples of common parts would include foyers, corridors, lifts and lift shafts, staircases, boiler houses, vertical risers, gardens, yards and outhouses. The

requirements do not apply to rooms within a private residence which are shared by more than one household, such as bathrooms, kitchens etc. in shared houses and communal dining rooms and lounges in sheltered accommodation.

11 The Health and Safety at Work etc. Act 1974 section 2, requires all employers to conduct their work so their employees will not be exposed to health and safety risks, and to provide information to other people about their workplace which might affect their health and safety. Section 3 places duties on employers and the self employed towards people not in their employment and section 4 contains general duties for anyone who has control, to any extent, over a workplace. In addition, the Management of Health and Safety at Work Regulations 1998 require employers to assess the health and safety risks to third parties, such as tenants who may be affected by their activities, and to make appropriate arrangements to protect them.

12 These requirements mean that organisations such as local authorities, housing associations, social housing management companies and others who own, or are responsible for, domestic properties, have legal duties to ensure the health and safety of their staff (and others) in domestic premises used as a place of work.

As employers, the organisations also have duties under the general requirements of CAR 2012 to identify asbestos, carry out a risk assessment of work liable to expose employees to asbestos and prepare a suitable written plan of work.

In summary our legal responsibility is to manage the non-domestic areas of buildings such as the common parts of flat blocks or office buildings etc.), In addition Advance commits to surveying a minimum of 20% of the domestic properties each year to improve the integrity of the asbestos data recorded on the Asbestos Register.

Appointed Person(s)

The Director of Housing will identify an appointed person(s) to carry out operational requirements. The appointed person will be the Head of Property Services (HoPS) although this may be amended from time to time, subject to operational necessity. The DoH will ensure that the appointed individual(s) have:

- Been given the resources, skills, training and authority to ensure Asbestos Containing Materials (ACM's) are managed effectively
- Instruct suitably qualified and licensed contractors to carry out surveys and ACM removals in accordance with recommended guidance – HSG264 Asbestos: The Survey Guide and HSG247 Asbestos: The licensed contractors' guide

Role of the Board

It is the role of the Board to proactively seek robust assurance that all health and safety legislation related to asbestos is being complied with, that the risks are identified and managed, with proper controls and assurance reporting in place. The Board is responsible for ensuring that Advance complies with the Regulator's Home Standard and all consumer protection duties.

4. OUR COMMITMENTS

Advance will:

- Take reasonable steps to locate materials in premises likely to contain asbestos and to check their condition
- Presume that materials contain asbestos unless there is strong evidence to suppose that they do not
- Keep records of the location and condition of asbestos and presumed Asbestos Containing Materials (ACMs) and keep the record up to date
- Provide staff with appropriate training based upon their role and responsibilities.
- Assess the risk of the likelihood of anyone being exposed to these materials and
- Prepare a plan to manage that risk and put it into effect to ensure that:
 - Any material known or presumed to contain asbestos is kept in a good state of repair, and re-inspected as defined in the AMP.
 - Any material that contains or is presumed to contain asbestos is, because of the risks associated with its location or condition, repaired or if necessary removed; and
 - Information on the location and condition of the material is given to anyone potentially at risk.

The presence of ACMs does not in itself constitute a danger. However, the ACM may pose a hazard if disturbed or damaged and asbestos fibres are released into the atmosphere. In the case of an unplanned incident the emergency procedures, set out in the AMP, must be followed.

5. COMPLIANCE

We will monitor the implementation of our Asbestos Management Plan and keep accurate records.

If a resident or member of staff is exposed to asbestos a record will be kept on file and kept for the duration of 40 years. All data held will be subject to the Data Protection policy.

6. SURVEYING

Types of Survey

There are two types of survey available which are outlined in HSG264 the Survey Guide:

- Management Survey – standard survey used to locate ACMs (as far as reasonably practicable) which could be damaged or disturbed during normal occupancy. Will often involve minor intrusive work and some disturbance.
- Refurbishment and Demolition Survey – needed before any refurbishment or demolition is carried out, and is specific to the scope of the intended work. It is used to locate all ACMs (as far as reasonably practicable) where refurbishment is taking place or in the

whole building in the case of demolition. The survey will be fully intrusive and involve destructive inspection, as necessary, to gain access to all appropriate areas including those areas that may be difficult to reach.

Aims of Surveys

In most cases, these surveys will have three aims:

- It must as far as reasonably practicable locate and record the location, extent and product type of any presumed or known ACMs,
- It must inspect and record information on the accessibility, condition and surface treatment of any presumed or known ACMs,
- It should determine and record the asbestos type, either by collecting representative samples of suspect materials for laboratory identification, or by making a presumption based on the product type and its appearance etc.

Action we will take (surveys)

We are required to do the following:

- Prior to any works commencing that could disturb ACMs an appropriate survey must be undertaken
- A management survey will be required during the normal occupation and use of the building to ensure continued management of the ACMs in situ
- A programme of management surveys to a minimum of 20% of domestic properties will be carried out each year until all have been surveyed
- A refurbishment and demolition survey will be necessary when the building (or part of it) is to be upgraded, refurbished or demolished
- Determine the type and extent of survey work to be undertaken, and commission the approved asbestos consultants
- Ensure re-inspections are carried out in accordance with the management plan.
- Refurbishment surveys will be required for all work which disturbs the fabric of the building in areas where the management survey has not been intrusive. The HoPS will need to make the decision with the help of others as required.

7. ASBESTOS REGISTER

The results from the asbestos surveys are recorded on the Asbestos Register stored in OpenHousing, which is a database maintained by the HoPS. The register is continually updated by the surveying and sampling activity, and the implementation of the AMP is recorded accordingly.

The register contains information on the location and condition of all ACM's within Advance's property portfolio, together with the associated risk assessment.

Staff are able to access the register stored in OpenHousing. The survey reports can be made available both electronically and in hard copy to anyone that requests it.

We ensure that all appropriate staff is provided with log-in and password information to enable access to the register in OpenHousing.

All jobs raised in OpenHousing issue a job ticket to contractors and where ACM's are identified these are recorded. .

In any event where a contractor, resident or member of staff suspect ACM's are present, we will check the register to confirm and if required will arrange for an asbestos survey before the required works are completed. This may mean some works requests are put on hold whilst this is carried out.

8. RISK ASSESSMENT AND PRIORITISATION

Specific asbestos risk assessments, following the identification of asbestos or of materials presumed to contain asbestos, are carried out in accordance with HSG 264.

The risk assessment is formulated from two parts; materials risk score and priority risk score.

The combined score from both material and priority will determine action to be taken in accordance with the AMP. The materials risk score is provided by the Approved Asbestos Consultant (AAC) as a part of the survey. The priority risk score is determined in conjunction with Advance.

The combined score will fall between one and twenty four. We will take the appropriate remedial action in accordance with the AMP.

9. THE DUTY TO MANAGE AND SHARE INFORMATION

All information and records regarding asbestos within our portfolio will be maintained, updated and accessible. All relevant personnel, at every level, must be equipped with the most accurate information to ensure that they are able to identify and manage asbestos hazards during their day to day activities.

All information about asbestos in residents' properties is kept on the Asbestos Register in OpenHousing.

Information about asbestos and about how customers can stay safe in their home is issued in the Customer Pack at Letting Stage, and posted on the Advance Website.

10. SHARING OF INFORMATION: ADVANCE AND CONTRACTOR RESPONSIBILITIES

We will ensure that all relevant asbestos related information is made available to staff and contractors. Staff dealing with a responsive repair must be aware of alerts on Open Housing in line with the Repairs Policy. Any repairs which have the potential to disturb ACMs must be referred to the appointed person(s) before work is carried out.

We require any contractor working on a resident's home to obtain asbestos information from the Asbestos Register, whilst planning work and prior to commencing work activity.

Contractors must immediately report any damaged asbestos and/or any suspect asbestos that may be encountered during the course of their work to Advance's Property Services Team.

11. REPAIRS AND MAINTENANCE

Risk assessments must be carried out before any planned or responsive maintenance that has potential to disturb ACMs. For planned maintenance, we will carry out a risk assessment as part of commissioning work(s), but in all cases the contractor is responsible for carrying out the risk assessment before commencing work.

Planned works programmes should inform the sequence of the asbestos surveys when carrying out works on multiple homes.

We will procure and manage our contractors in line with the Procurement Policy, Finance Regulations and Company Standing Orders.

We will ensure that we inform residents about the work that is going to be carried out, any asbestos related risks that there may be, and our management and control of those risks. Where necessary, we will arrange decants.

12. ASBESTOS REMOVAL OR REMEDIAL WORKS

Any requirements for asbestos removal or remedial works will be managed by property service team using approved and accredited Asbestos contractors.

The requirement for asbestos removal or remedial works will be triggered:

- as a result of planned maintenance, demolition or refurbishment;
- when a particular material's Risk Assessment Rating reaches the level of Medium and above; or
- where asbestos has been damaged resulting in a release of fibres.

We will only use Advance-approved licensed asbestos removal contractors for removal of ACMs to ensure compliance with current legislation and associated approved codes of practice and guidance, including for the removal of non-notifiable ACMs.

When asbestos works have been completed, and the area thoroughly cleaned and visually inspected by the contractor, an independent United Kingdom Accreditation Service (UKAS) accredited analyst will be engaged to carry out a visual inspection and air sampling to ensure that the work area is ready for reoccupation, as detailed in the Asset Management Plan..

13. CONTRACTOR REQUIREMENTS

To successfully work with contractors it is essential that agreed programmes of work are closely monitored, with regular reports to management.

We will ensure that:

- Only suitably competent, financially viable contractors are engaged to work on our behalf.
- All contractors are provided with all necessary information and any relevant standards and procedures with which the contractor shall be expected to comply.
- All contractors will either follow our Equality and Diversity policy or provide us with copies of their Equal Opportunity statements.
- Contractors will follow all current health, safety and environmental legislation. Contractors will provide us with copies of their own Health and Safety policy.
- Contractor performance is reviewed / audited regularly to ensure targets are met.
- Risks associated with contracts are identified and mitigated.

Asbestos-specific Contractor Requirements

Asbestos contractors are responsible for ensuring that:

- They are appropriately insured and licensed with the Health and Safety Executive (HSE)
- Full quality control and monitoring is carried out
- An asbestos risk assessment is carried out before starting work
- They are continually informing Advance of progress and removals that have taken place.

All contractors will be obliged to follow our Contractors Code of Conduct

- All contractors must meet our standards for both health & safety and equality & diversity.

14. EMERGENCY PLAN

The aim is always to put in place all possible plans and preventative measures to avoid an emergency. However, if an emergency should arise, we will implement the action plan held locally (See Asbestos Management Plan)

Related Policies:	• None
Related Documents:	• Asbestos Management Plan (AMP)

Administrative purposes only:

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