

Asbestos Management Policy

Version:	2
Date of Board Approval & effective date:	31 st January 2024
Last Reviewed:	24 th January 2022
Next review date:	December 2025
Document owner	Compliance Manager



Introduction

Empower Housing Association (EHA) understands that colleagues, tenants and visitors (including contractors and members of the public) need to be safe from the threat of asbestos. EHA has a clear asbestos policy and procedure in place to make sure that all colleagues and tenants are aware of how to manage risks of asbestos.

EHA is committed to ensuring our tenants' homes remain safe and fit for purpose. In achieving this EHA will comply with all relevant asbestos legislation and regulations.

Where appropriate any compliance risks will be considered, mitigated or removed as part of any major refurbishment works or included in new development design briefs.

Scope of Policy

This policy provides assurance to EHA that measures are in place to ensure we manage and/or mitigate risks associated with asbestos.

This policy relates to all properties owned or leased and is relevant to all EHA employees, tenants, care providers, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, live in its properties or who may be affected by its activities or services.

It should be used by all to ensure they understand the obligations placed upon EHA to maintain a safe environment for tenants and colleagues within the homes of tenants, and within all communal areas of buildings and 'other' properties owned and managed by EHA.

Buildings built before or refurbished before 2000 may contain asbestos and EHA will manage these properties accordingly. If the property was built after 2000, asbestos is unlikely to be present and no further action will be required.

Policy Statement

EHA are responsible for the management of asbestos identified within our properties, many of which will have been constructed using Asbestos Containing Material (ACM). EHA holds an asbestos register recording all properties where ACMs are present, the type and the location.

EHA recognises that the hazard in relation to asbestos is the non-identification of ACMs and as such will protect those persons potentially exposed to asbestos as far as reasonably practical by minimising exposure using appropriate control measures and working methods to fully comply with the Control of Asbestos Regulations (CAR) 2012.

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.

Record Keeping

EHA have an established and maintained Asbestos register/programme of property surveys, re-inspections and all ACMs by type, address, location and condition as defined in CAR2012.

Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically in a secure backed up system and registers will be updated with any changes to existing properties, disposals or future additional properties added.

The findings from the asbestos survey, including any ACMs and remediation works identified and subsequently completed (including evidence of removal and encapsulation) will also be recorded in the electronic register.

EHA will retain copies of all waste transfer notices for a period of five years.

EHA considers good communication essential in the safe delivery of asbestos management. EHA will ensure that information about ACMs (known or suspected) is provided to every person liable to disturb them, whether accidentally or during the course of works. This includes tenants, support staff, colleagues, third party employees, contractors and visitors who live/work or visit and are likely to be affected.

EHA will employ suitably competent persons or contractors to undertake asbestos management surveys to ensure that we:

- Take reasonable steps to assess if asbestos is present in the property by carrying out surveys.
- Record 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 contractors that might work on or disturb the asbestos and also inform tenants/Care Providers supporting tenants.
- Hold information on the Housing Management system SDM and issue with job sheets to contractors.
- Achieve full compliance in the management of asbestos.

Asbestos Safety Commitments

EHA ensures 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.

EHA will ensure that all colleagues undertaking key roles within the delivery and management of asbestos will have access to training and support applicable to their roles. As part of the Asbestos Management Plan training will be refreshed annually. EHA will provide colleagues with an Asbestos Procedure to ensure:

- Any material known or presumed to contain asbestos will be kept in a good state of repair and will be monitored regularly via annual compliance inspections.

- We will assess the risk of the likelihood of anyone being exposed to asbestos materials.
- The most appropriate course of action will be determined to minimise the release of fibres from any material that contains or is presumed to contain asbestos, which will include manage in situ, encapsulate or remove.
- Information on the location and condition of the material will be provided to anyone potentially at risk.
- We have set out our emergency approach in the case of an unplanned incident, such as accidental damage to ACM.
- We maintain a surveying programme to ensure all EHA's properties have been assessed for the presence of asbestos.
- We assess all properties before the commencement of reinvestment work if there is a potential risk that asbestos may be disturbed.
- We inspect all void properties before the commencement of works.
- We 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 works will be undertaken by licenced contractors (and checked) and notified to the HSE using the ASB5 form at least 14 days before the works start.
- We ensure all non-licenced work is carried out with the appropriate controls in place.
- We keep accurate, accessible records of the location and condition of asbestos and presumed ACM's and keep the records up to date.
- Where asbestos containing materials have been removed in whole or in part, it will be replaced with a material that has no asbestos content and fulfils the equivalent function.

Key Roles and Responsibilities

Appointed Duty Holder

The duties set out in the Regulation 4 of 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 rented.

EHA's Building Quality Manager will act as Duty Holder and will report on the performance of this policy and is accountable for ensuring its implementation and be responsible for ensuring that any necessary remedial work and remedial actions are undertaken to comply with the policy.

EHA's Chief Executive will ultimately be responsible for ensuring compliance with current legislation and to ensure that the organisation fulfils its duties and responsibilities as outlined in this policy document and the supporting procedure.

Responsible Persons

The responsible person/s coordinating the management of asbestos identified in EHA properties are the Development Manager for all future properties, the Building Quality Manager who manages the day-to-day maintenance from tenancy commencement and the Compliance Manager who oversees the annual compliance inspections.

No Access

EHA has an Access/No Access Procedure in place to gain access should any tenant or Care Provider refuse access to carry out essential asbestos related inspections and remediation works, taking into consideration a tenant's vulnerabilities. The Maintenance Officers will provide key support in gaining access to properties where access is proving difficult in line with the procedure.

Contract Management, Competency and Training

EHA will employ suitably competent contractors to undertake asbestos survey re-inspections and the removal of and disposal of non-licensed asbestos. Ensuring competency can be demonstrated via accreditation and qualifications.

Each year EHA will request, review and record confirmation of contractors qualifications, competencies for all areas of work they undertake on behalf of EHA.

EHA will ensure that all operatives working for or on behalf of the organisation have the relevant training required for their role. EHA colleagues will undertake periodic assessments of training needs and a programme of internal and/or external training has been established.

Related Legislation, Regulation and Codes of Practice

- 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 2013 (RIDDOR 2013)
- Construction Design and Management Regulations (CDM) 2015
- Housing Act 2004
- Landlord & Tenant Act 1985
- Personal Protective Equipment at Work Regulations 1992

- Control of Substances Hazardous to Health Regulations (COSHH) 2002
- REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals Regulations 2006)

Approved code of practice:

- Approved Codes of Practice (ACoP) (Health and Safety Commission)
- ACoP L143 -Managing and Working with Asbestos (December 2013)

Guidance Documents (Health & Safety Executive):

- HSG264 (Asbestos) – The Survey Guide (Second edition 2012, this holds ACoP status)
- HSG247 – Asbestos: The licensed contractor guide
- HSG248 – Asbestos: The analysts guide. Sampling, analysis and clearance procedures' (First edition 2006)
- 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)

Related Policies, Procedures and Documents

- Health and Safety Policy
- Equality, Diversity and Inclusion Policy
- Tenancy Agreement
- Asbestos Management Plan & Procedure

Performance Reporting

Key Performance Indicators (KPI) will be reported to Senior Management monthly and to Board on a quarterly basis. As a minimum these KPI measures will include reporting on:

- Asbestos Checks completed to date
- No of Asbestos Checks required to date
- No of Asbestos Checks overdue

EHA will carry out an independent audit of asbestos management at least once every 3 years. This audit will specifically test for compliance with regulation, legislation, codes of practice and policies and processes and identify any non-compliance issues.

Non-Compliance / Escalation Process

Any non-compliance issue identified at an operational level will be formally reported to the Buildings Quality Manager and Compliance Manager as soon as it is identified.

The Buildings Quality Manger and Compliance Manager will agree an appropriate course of corrective action in order to address the non-compliance issue and report details of the same to the Chief Executive within 24 hours.

The Chief Executive will ensure the Board is made aware of any non-compliance either immediately or at the next planned meeting, to enable consideration of the implications and take action as appropriate, including notification to the Regulator of Social Housing, if appropriate.

Policy Review

The policy will be reviewed every two years (or sooner if there is a change in regulation, legislation or codes of practice).