



## Control of Asbestos Procedure

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### Version Control

Date	Owner	Version	Reason for Change
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# Control of Asbestos Procedure

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## 1.0 Introduction

We recognise the risks to health posed by the presence of asbestos or asbestos containing materials (ACMs). This procedure details how we will comply with our legal duty to manage asbestos, to ensure that we:

- Minimise the risks to health, so far as is possible;
- Where the presence of asbestos or ACMs is known, take the appropriate action.

Surveys carried out by qualified professionals under the current regulations have identified that ACMs are present in 17 of our 400 properties (See file path: O:\Maintenance\2019 - 2020 Files\Programme of MAJOR & CYCLICAL WORKS\Asbestos)

ACMs are no longer used or permitted in the construction of new buildings or in the alteration, improvement or extension to existing buildings.

### 1.1 Related Policy

This supports our policy AM01 – Maintenance Policy.

## 2.0 Regulatory Requirements

### 2.1 Legal Duty

Our legal duty to deal with the issues arising from the presence, or possible presence, of asbestos or ACMs are based on the provisions of:

- The Control of Substances Hazardous to Health (COSHH) Regulations 2002
- The Control of Asbestos Regulations 2012
- The Construction (Design & Management) Regulations 2015
- Our general responsibilities for health, safety and welfare under the Health & Safety at Work etc. Act 1974

### 2.2 Nominated Duty Holder

Under the Control of Asbestos Regulations 2012, the nominated 'duty holder' for ARK is the Head of Property Management (HOPM). In the absence of the nominated duty holder, the Senior Maintenance Officer (SMO) will deputise with all control of asbestos matters. The duty holder is responsible for:

- Commissioning surveys of ARK properties to establish the presence of ACMs;
- Maintaining an Asbestos Register, adding the results of each survey to the Register and ensuring that it is up to date;

- Ensuring that appropriate information is provided to all those who may come into contact with ACMs;
- Ensuring that appropriate action is taken when ACMs are discovered;
- Ensuring that ARK's strategies for managing the risk from asbestos and ACMs are reviewed regularly and updated as required.

### 2.3 Available Actions

Under the regulations, the measures we may take in dealing with ACMs include the following:

- Taking no action, as the ACM is in a safe condition and is very unlikely to be disturbed;
- Encapsulating or otherwise protecting the material, but not removing it;
- Encapsulating or otherwise protecting the material prior to eventual removal;
- Immediate removal by a suitable qualified and registered contractor.

### 2.4 Asbestos Register

The Asbestos Register is held in an Excel spreadsheet. The filepath is:

*O:\Maintenance\2019 - 2020 Files\Programme of MAJOR & CYCLICAL WORKS\Asbestos*

## 3.0 Annual Management Surveys

Following the completion of full surveys to all properties in 2014 and onwards, the recording of findings are logged on the Asbestos Register, and an annual management survey is carried out to those properties where ACMs are known to exist, normally in September each year.

This survey facilitates the management of identified ACMs during the normal occupation of premises. The duty holder can make a management survey where the premises are simple and straightforward. Otherwise a surveyor is needed.

A management survey aims to ensure that:

- Nobody is harmed by the continuing presence of ACM in the premises or equipment;
- The ACM remains in good condition;
- Nobody disturbs it accidentally.

The survey must locate the ACM that could be damaged or disturbed by normal activities, by foreseeable maintenance or by installing new equipment. It involves minor intrusion and minor disturbance to make a Materials Assessment. This shows the ability of the ACM, if disturbed, to release fibres into the air.

If required, the Maintenance Officer (MO) will arrange for a quotation for the proposed work from a suitably qualified surveyor/consultant. The quote will be accepted by the HoPM under delegated authority, following which the MO will issue separate works orders for each address to ensure that all work carried out at each property is recorded on the Capita system.

Two copies of the survey report for each property will be received, one to be held within Property management at the Priory and the other issued to the relevant Local Manager for the project concerned. The MO will extract relevant details from each survey report and will send these with a covering letter to any maintenance contractor asked to carry out repairs in that property. The contractor will be advised to ensure that all relevant staff are made aware of the current survey results

Where a management survey report identifies that action is required, the HoPM, in liaison with the Local Manager as required, will:

- Determine if notification to the Health & Safety Executive is required under current regulations and if so ensure that the correct notification process is followed:
- Determine and authorise the work to be carried out:
- Determine whether the work has to be undertaken by a specialist asbestos contractor.

The MO will process the necessary works orders, liaise with the contractor, local tenants and/or staff, monitor progress with the work, and ensure that any amendments required to the Asbestos Register are made following completion of the work (see also section 6 below regarding communications).

## 4.0 Reactive (Day to Day) repairs

Unless it has been clearly established that no ACMs are present in the area where work is to be carried out, each works order for reactive repairs will include either:

- A general statement to the effect that ACMs may be present, that contractor's staff should take due care and that if contractor's staff wish any further information before starting work they should contact our Maintenance staff: or
- Specific information about the presence of ACMs, where this is known.

Where the proposed repair work will, or is likely to, result in the disturbance of material containing asbestos, the contractor will be advised to contact our maintenance staff to discuss and agree how the work should be carried out including, if required, the use of a specialist Consultant to carry out sampling and provide advice etc.

All work, apart from any emergency repairs to make a property safe, will be suspended in the area containing the material or suspected material until the results of any survey are known and/or decisions made about how the work should proceed.

Where maintenance works are proposed and the presence of ACMs is confirmed, an Asbestos Management Plan will be produced for that specific task, which will be followed by all concerned. This may involve:

- Arranging an additional contract with a specialist contractor to remove the materials before the repair starts; or
- Dealing with the material in another way.

## 5.0 Planned Maintenance or Major Repairs

As part of the planning of a maintenance or major repairs contract, the MO will check the Asbestos Register.

If none of the properties to be included in the contract are recorded on the Register as having ACMs present, then planning will continue as normal. The contract documentation will include a requirement that the contractor should be aware of the possibility of ACMs being present and, should they identify or be suspicious about any such material, they should contact Maintenance staff for further advice or instructions etc.

Where the Register indicates the presence of ACMs and the area with ACMs will be affected by the proposed work, then an Asbestos Management Plan will be commissioned, under which we will either:

- Arrange an additional contract with a specialist contractor to remove the materials before the main contract starts; or
- Deal with the material in another way as part of the main contract.

Where it is decided to encapsulate or remove any material, this will be carried out in accordance with current regulations and, where appropriate, with the required notice to the local office of the Health & Safety Executive.

### 5.1 Health and Safety Plan

Where the nature and duration of the contract brings it within the provisions of the CDM Regulations 2015, work will not start on site until the Principal Designer has confirmed to the HoPM that they are satisfied with the contractor's Health & Safety Plan.

### 5.2 Positive samples

Where one or more properties appears on the current Register and the area(s) with ACMs will be affected by the proposed work, then a specialist Consultant will be appointed to prepare an Asbestos Management Plan, under which we will either:

- Arrange an additional contract with a specialist contractor to remove the materials before the main contract starts; or

- Deal with the material in another way as part of the main contract.

Where it is decided to encapsulate or remove any material, this will be carried out in accordance with current regulations and, where appropriate, with the required notice to the local office of the Health & Safety Executive.

## 6.0 Communications

The MO will ensure that appropriate Housing Management staff are advised when any work to ACMs is being arranged. Depending on the nature and complexity of the proposed work either the HoPM, SMO, or MO will liaise with tenants and/or with local service staff.

Where appropriate, meetings will be held with stakeholders to provide information on the work to be carried out and answer any questions.

For individual properties, the MO will visit the tenant or the service user along with appropriate support staff, to discuss the work to be carried out and any subsequent remedial work to be undertaken to return the property to its previous standard. The discussion will include preparatory measures to be carried out before the contractor starts work.

Where it is necessary for tenants or service users to vacate for a time while work is in progress, staff will ensure that suitable measures are put in place e.g. a neighbour, relative etc.

Where decanting for a day or more is necessary Housing Management or Project staff will ensure that appropriate decant accommodation is arranged.

## 7.0 Budget Provision and Staff Training

### 7.1 Budget

An amount for the annual survey and any resulting works relating to ACMs will be included in the overall budget for the annual cyclical programme.

### 7.2 Staff Training

We will ensure that Maintenance staff receive relevant 'in-house' or external training to ensure that they have the required knowledge and information regarding the regulations and ARK's responsibilities regarding asbestos and ACMs. Refresher training will be arranged as required, especially when the regulations are amended or updated.

Other staff, such as Housing Management or local service staff, will be given basic 'awareness' training on the principles of asbestos risk management and the actions being taken to comply with current regulations.

## 8.0 Risk management

### 8.1 Subheading (Can be copied to other sections)

We will ensure that our insurance cover, in particular the cover for Employer's Liability and Public Liability, is sufficient to include cover for any possible claims arising from exposure to ACMs.

## 9.0 Equality Impact Assessment (E.I.A.)

There are no negative equality implications identified in relation to the revision of this procedure document, consequently an E.I.A. has not been necessary

## 10.0 Data Protection Impact Assessment (D.P.I.A.)

The potential data protection Impact assessments implications around the collection of personal data which has been identified in relation to the revision of this procedure have been addressed in the departments D.P.I.A.

## 11.0 Implementation and Review

### 11.1 Implementation

The HOPM is responsible for ensuring that this procedure is implemented when required.

The HOPM will include a report on contractors' performance against Right to Repair response times targets as part of the regular reporting arrangements to each meeting of the Finance Sub-Committee.

### 11.2 Review

The HOPM will ensure that this procedure is reviewed at least every three years in line with the agreed review schedule.