



# **CONTROL OF ASBESTOS REGULATIONS 2012**

## **HOUSING SERVICE ASBESTOS MANAGEMENT POLICY**

**August 2018**

# ASBESTOS MANAGEMENT POLICY

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### APPENDICES:

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Appendix 3: Winchester City Council Advice for Tenants: *Asbestos in your Home* leaflet.

## I. Introduction

The use of all forms of asbestos in domestic buildings was not prohibited until 1999. Asbestos materials used in domestic buildings was at its highest in the 1970's, and currently asbestos related diseases are the biggest occupational killer in the UK (currently at a level of 5000 deaths per annum). Those most at risk are trades people in the building and maintenance industry, e.g. plumbers, joiners, electricians, etc.

The Control of Asbestos Regulations 2012 (CAR) came into effect from April 2012 with the aim of protecting workers and other people from the potential dangers of asbestos. It requires that duty holders must:

- a) take 'reasonable' steps to find materials in premises likely to contain asbestos and to check their condition;
- b) presume that materials contain asbestos unless there is strong evidence to suppose that they do not, e.g. *year of build*;
- c) make and maintain a written record of the location and condition of asbestos;
- d) assess the risk of the likelihood of anyone being exposed to asbestos; and
- e) manage the risk and put into effect actions to ensure that;
  - 1). any material known or presumed to contain asbestos is kept in a good state of repair;
  - 2). any material that contains or is presumed to contain asbestos is, because of the risks involved with its location or condition, repaired or if necessary removed; and
  - 3). information on the location and condition of the material is given to anyone potentially at risk, contractors, etc.

In the context of the regulations 'duty holder' is defined as:

- i. any person who has by virtue of contract or tenancy, an obligation of any extent in relation to the maintenance or repair of non-domestic premises or any means of access or regress;
- ii. in relation to any part of a non-domestic premises where there is no such contract or tenancy, every person who has, to any extent, control of that part of those non-domestic premises or any means of access thereto or egress there from;

Additional duties to protect the health and safety of employees, tenants and non-employees are stipulated under the **Health and Safety at Work Act 1974**, and the **Management of Health and Safety at Work Regulations 1999**. Winchester City Council Housing Service recognises these statutory responsibilities as an employer and landlord, and will protect the safety and health of employees and non-employees, so far as is reasonably practicable. This document will be reviewed at least every 2 years.

## II. Roles and Responsibilities

Controlling the risk of asbestos exposure is an important issue, and if ACMs (Asbestos Containing Materials) are not properly managed this may lead to the exposure of workers to asbestos dust, and increased risk of occupational disease. This in turn can lead to prosecution by the Health and Safety Executive (HSE) and financial penalties.

Overall responsibility for the management of Asbestos Containing Materials (ACM's) in the Housing stock rests with the **Chief Executive** and **Head of the Housing Service**. They have ultimate responsibility to ensure that the measures detailed in this document are undertaken, and regulatory compliance is met.

**Property Services Manager:** Will ensure that there is suitable resource available for the Asbestos Management Policy to be implemented, and the asbestos register to be maintained, and asbestos management plans to be achieved. This will require external resources to be bought in to undertake the asbestos surveys of our properties, which form the backbone of capturing data on the prevalence of Asbestos Containing Materials in the housing stock. Resource must also be available for the removal of ACM's where damage has been identified, or removal is undertaken for other reasons.

The application of the Asbestos Management Policy is delegated to the **Asset Manager** in Property Services, with the day to day responsibility that of the **Compliance Officer** whose main duties include:-

- Managing the authorised asbestos surveyors, and monitoring the quality of surveys and the reports;
- Reviewing the survey strategy and review survey risk assessments;
- Managing the work undertaken by asbestos removals contractors;
- Providing advice and ensuring suitable training/ instruction is given to Housing Service staff;
- Dealing with tenant and contractor enquiries;
- Managing the Keystone Asbestos Management module;
- Making readily available relevant asbestos information to contractors, staff, tenants, and others as required;
- Maintain the asbestos communal posters;
- Review contractor RAMS (Risk Assessment & Method Statements) for works which may disturb ACM's.

Housing Service staff will also have responsibilities to report any materials they suspect to contain asbestos that has either deteriorated or become damaged, this should either be reported to their manager or the Compliance Officer.

### III. Aim of Asbestos Management Policy

The Housing Service will: -

- Take all reasonable efforts to ensure asbestos is managed effectively in the properties where it has a statutory duty, and take all reasonable steps to provide a safe working environment for, staff, contractors and any other persons likely to be affected where asbestos-containing materials may be present.
- Ensure that appropriate technical expertise is available that will support the Council's best interests;
- Ensure that suitable and sufficient asbestos surveys are undertaken to identify asbestos in the Housing stock;
- Implement and maintain the Asbestos Register and asbestos management plan risk assessments through the Keystone Asbestos Module, to effectively protect the Council's tenants, staff and contractors;
- Undertake routine inspections of higher risk ACM's, on a priority principle, and review management plans at suitable intervals;
- Where appropriate ensure a Refurbishment or Demolition Survey be conducted at the earliest opportunity where any refurbishment works are proposed, so that sufficient time and resources can be put in place to control the risk;
- Monitor compliance with this Policy, which will be directed by the Asset Manager or Compliance Officer in Property Services;
- Ensure asbestos removal contractors and other contractors (who work on ACMs), and asbestos consultants are competent to work in accordance with Regulation 10 of the Control of Asbestos at Work Regulations 2012;
- Only appoint Asbestos Surveyors and Contractors who have the appropriate accreditation(s) and that individual Surveyors are properly trained and competent for the work undertaken.

### IV. Housing Service Arrangements

Winchester City Council has taken various steps to protect employees, visitors, tenants and members of the public from any hazard from asbestos. These steps include:

#### 4.1 Survey Strategy (Identification of ACM's)

Winchester City Council will:

- i) Focus surveying resource on **void properties** so that a comprehensive management survey can be undertaken to give a clearer picture on the presence of any ACM's. Void properties present us with the perfect opportunity for asbestos surveyors to undertake intrusive inspection techniques internally and externally, allowing carpets and tiles to be lifted, break through of walls, ceilings, cladding and partitions where necessary.

These destructive sampling techniques should be conducted in unoccupied rooms, to minimise risk to tenants and others;

- ii) Ensure that refurbishment/ demolition asbestos surveys are undertaken of a sufficient percentage of properties owned and managed by the Council, where refurbishment or demolition works are to be undertaken, e.g. *kitchen upgrades*;
- iii) The older/ non-traditionally constructed stock will be a priority to be surveyed, due to the often unknown nature of the materials which were used in there construction;
- iv) The survey strategy will be reviewed as more information is received on property archetypes, and survey ratio's will be changed were necessary (which in turn will feed into a cloned property review);
- v) Ensure that asbestos surveyors do not impose unnecessary restrictions to the survey process, but follow the Health and Safety Executive publication *Asbestos: The Survey Guide* HSG264;
- vi) Properties constructed after 1999 will be recorded as "Asbestos Free" on the Keystone Asbestos Register.

#### 4.2 Results of Surveys

Where asbestos containing materials (ACMs) are found in any properties then Winchester City Council will:

- i) Record the presence of the ACMs in the Keystone Asbestos Register, and score ACM's in accordance with HSE HSG264 guidance (priority and material risk assessments);
- ii) Copies of this Asbestos Register will be made accessible to Winchester City Council partners and contractors, through portal access, direct license access, or through information supplied on job tickets;
- iii) The contractor's operatives responsible for works with the potential to disturb ACMs will have the necessary access to data on the type of material and location, primarily through the information obtained via the job sheets, or via web access to the Keystone Asbestos Register (which can be accessed via Orchard);

### 4.3 Risk Assessment and Management Plans

Where asbestos containing materials (ACMs) are found in any of our properties then Winchester City Council will:

- i) Undertake a risk assessment (material and priority) in line with the requirements of the HSE document *Asbestos: The Survey Guide* in order to determine what actions to take with regard to the management of ACMs;
- ii) Implement an action plan (called the asbestos management plan) for the property based on the Material Assessment and Priority Assessment rating scores, which will specify a risk level for the ACM: High; Medium; Low; & Very Low risk. The survey will also specify one of the following action types: Removal; Encapsulation; Labelling; Manage In-Situ; Inspect; or No Further Action.
- iii) Where appropriate, WCC will remove any ACMs using a competent contractor taking precautions in line with the Control of Asbestos Regulations 2012.

Any direct contractors used must be on the council's current Approved List of Contractors (via the Constructionline system) and so satisfy the authority with regard to health and safety requirements (Acclaim) and must be licensed by the Health and Safety Executive, unless the ACM in question is asbestos cement, floor tiles or a decorative coating (non-licensed work).

- iv) Where ACMs are to be removed then any occupants affected (e.g. employees, tenants, etc.) will be fully informed on any work to be undertaken, including duration, work methods, etc;
- v) Where it is intended to leave any ACMs in place, that are in non domestic premises, then the condition of such ACMs must be checked on a regular basis, at intervals of 12 months or longer (where determined by risk assessment);
- vi) External ACMs in domestic premises will usually be inspected every 5 years as part of the Planned Maintenance External Repair and Painting pre contract surveys;
- vii) The inspection of internal ACMs in domestic premises will be subject to a scoring matrix and current known condition. As a consequence, high scoring elements will be re-inspected at appropriate intervals. The initial inspection (survey) will usually be carried out as part of the voids process, or prior to repair and refurbishment work.

#### 4.4 Information For Tenants

Through the use of the Keystone Asbestos Module it is the aim of Winchester City Council Housing Services to provide new tenants with information on ACM's in the property they are moving into. It is the aim to have this facility in place **during 2018**, to allow the information to be provided in the new homes tenant pack.

Currently information is also available via the *Asbestos in your Home* tenants leaflet, as well as the Housing Service Asbestos Facts webpage.

#### 4.5 Information For Other Persons

Following the asbestos surveys undertaken, Winchester City Council will ensure that information is provided in a timely manner to its contractors by:

- i) Making the Keystone Asbestos Register information (indicating the presence of ACMs within its properties) available to all its contractors;
- ii) Ensuring that, before any work that could disturb any ACMs present in any premises, contractors are provided relevant data from the Keystone Asbestos Register for those premises (or a cloned survey) when they attend any premises to undertake any maintenance or repairs that could affect the ACMs;
- iii) Providing information on Works Orders such that any contractor required to work on properties that have asbestos containing materials present is aware of the type and location of any ACMs within the property, or a general warning;
- iv) Where possible provide information to the emergency services on any properties containing ACMs to enable them to deal with any incident safely and without risk to health. Information will be stored in the Fire Safety Information Pack folders for sheltered accommodation.

#### 4.6 Emergencies – Dealing With Accidental Disturbance

Despite all the above precautions, it is possible that accidental disturbance may still occur, most likely by a contractor who's staff have not followed established practices and good industry methods. In the event of such an incident, the actions detailed in the **Appendix 1** document (*Unexpected Disturbance of ACMs Procedure*) are to be followed.

#### 4.7 Asbestos Awareness Training

Winchester City Council Housing Service will:

- i) Train appropriate members of staff, including all technical staff who may have to deal with, or be involved in managing works with ACMs, in asbestos awareness principles;
- ii) Train a limited number of technical staff (in Property Service) to manage or undertake surveys for asbestos to a recognised standard, e.g. BOHS P402, or P405;
- iii) Train or instruct appropriate members of staff who may have to deal with queries from members of the public or tenants about asbestos, in asbestos awareness;
- iv) Monitor relevant contractors to assess their operatives who may come into contact with ACM's, have received suitable and sufficient RAMS (Risk Assessments & Method Statements) and Asbestos Awareness Training.

#### 4.8 Construction (Design And Management) Regulations 2015

- i) Where any CDM projects are to be undertaken by the authority in its role as Client, then asbestos surveys will be commissioned (where necessary) by the authority and provided as information to the Principle Designer for inclusion in the pre tender Health and Safety Plan;
- ii) Where any CDM projects are to be undertaken by the authority in its role as Principle Designer, then enquiries will be made as to the possible presence of ACMs;
- iii) Where licensed removal works are being undertaken the lead Officer, usually the *Contracts Manager* or *Compliance Officer*, will ensure that appropriate RAMS have been received in good time. In addition the contractor must send through the notification (ASB5 form) through to the HSE, the statutory agency, within the prescribed time period. Contractors are required to ensure that the WCC chosen analyst is copied into the completed ASB5's (currently ABP Associates Ltd are chosen analysts).

### **5. Audit and Review**

Winchester City Council will review this Asbestos Management Policy on a regular basis, but at least every 2 years, to ensure that it is functioning correctly. Necessary changes will be made to this plan to ensure that it remains up to date and valid.

The Asset Manager shall ensure that the Compliance Officer has enough time and resource to undertake audits of the processes within this Policy, and the contractors employed to undertake works by Winchester City Council. Audits will be focused on high risk areas.

## **Appendices**

- 1. Unexpected Disturbance of ACM's Procedure;**
- 2. Repairs and removals of non-licensed asbestos materials;**
- 3. Winchester City Council Advice for Tenants: *Asbestos in your Home* leaflet.**