

PS45	January 2020	Revisions: April 2024
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## ASBESTOS IN TENANCIES PROCEDURE

### 1.0 PURPOSE

To effectively manage all asbestos containing materials across the property portfolio and to reduce the asbestos related risks to as low a level as is reasonably practicable.

To ensure asbestos works are properly scoped, serviced and managed in accordance with legal requirements and best practice.

### 2.0 REFERENCES

- Health and Safety at Work etc. Act 1974
- Control of Asbestos Regulations 2012
- INDG 223 A Short Guide to Managing Asbestos in Premises
- HSG264 Asbestos: A survey guide

### 3.0 ASBESTOS POLICY

The presence of an asbestos containing material in itself does not constitute a danger. However, there is a potential risk to health if such material is disturbed and damaged. An isolated accidental exposure to asbestos fibres for a short duration is extremely unlikely to result in the development of asbestos related diseases. However, regular exposure – even at relatively low levels – can present a risk. As well as people employed in the building trades, inadvertent exposure (and consequent risk) can occur in other groups of people e.g. installers of burglar alarms, smoke detectors, etc. Maintenance and repair contracts will also take place in the future and it is important, therefore, to have in place a management system which minimises the potential for exposure to asbestos.

Working with and managing asbestos materials is now very tightly regulated via a number of different Legislative provisions. The purpose of this Policy is to ensure that Prospect complies with all current Legislation, Codes of Practice and Health and Safety Executive Guidance Notes.

#### Statement of Intent

It is the policy of Prospect to ensure that, as far as is reasonably practicable, no persons are exposed to risks to their health due to exposure to any asbestos containing materials that may be present in any of the properties it owns or occupies.

### Procedural Statement

This Asbestos Procedure conforms with the Health and Safety at Work etc. Act 1974 and the Control of Asbestos Regulations 2012 and will apply to all buildings and all individuals employed by the Association, to contractors/subcontractors engaged by ourselves and to the our tenants.

Prospect's Procedure and on asbestos is to:

- Ensure the prevention of exposure to risks associated with asbestos containing materials;
- Ensure that any asbestos containing materials that may be present in any of its buildings are maintained in a condition so as to prevent the possibility of any harm to health occurring;
- Promote awareness of the risks from asbestos containing materials and the Management Procedures through training and induction of relevant staff. Key staff involved in the delivery of this Policy will receive annual re-training;
- Provide adequate resources to ensure the provision of appropriate information, instruction and training;
- Ensure a commitment to comply with all relevant asbestos legislation, Approved Codes of Practice, Health and Safety Executive Guidance Notes and to commit to the safe disposal of any asbestos waste in accordance with the appropriate legislation;
- Ensure that an appropriate asbestos surveying process remains in place, taking account of the need for Asbestos Management, Refurbishment and Demolition Surveys in accordance with current legislation and maintain an Asbestos Register;
- Implement an effective asbestos management strategy in order that appropriate measures such as encapsulation, labelling, inspection, working with, or removal of, the material can be undertaken;
- Ensure that an appropriate system is installed, maintained and implemented for the management of all asbestos containing materials identified in the Register. Such a system is to be capable of recording the risk, the needs and priorities for treatment and/or removal.
- Ensure that all Contractors and Sub Contractors engaged to carry out work on any of PROSPECT's buildings are provided with adequate information on asbestos which may be disturbed by their works;
- Ensure that information regarding the presence of asbestos is contained in tender documentation as may be appropriate;
- Ensure Licensed Contractors and/or Sub Contractors carry out ALL Asbestos Major Works and Competent Contractors carry out all Asbestos Minor Works;
- Ensure all Non – Licensed Contractors carrying out Asbestos Minor Works are trained in safe working procedures and have appropriate insurance cover for the work being carried out;
- ensure that relevant staff of Prospect and contractors (as identified by a Training Needs Analysis) have appropriate training in this Policy and Procedures;
- Regularly review the Asbestos Management Policy and Procedures.

## **4.0 ASBESTOS ROLES**

Whilst the Property Services Manager for Prospect Community Housing will have responsibility for the overall asbestos management system, we will define and allocate roles and responsibilities to ensure the fulfilment of the policy and procedures on a practical level.

The defined roles will include an Asbestos Co-ordinator, who will be tasked with maintaining the Asbestos Register and for co-ordinating asbestos surveys and sampling as well as asbestos removal/remediation works. This role will also include liaison with 'non-asbestos' works contractors, ensuring that all appropriate asbestos information is provided and/or obtained and properly interpreted where works are liable to disturb the fabric of buildings.

## **5.0 PROHIBITION ON STAFF HANDLING ASBESTOS**

Unless properly trained to do so, no staff will be permitted to handle or work on asbestos containing materials.

## **6.0 IDENTIFICATION OF SUSPECTED MATERIAL – DAMAGE, DISTURBED OR PREVIOUSLY UNIDENTIFIED**

It is the responsibility of all staff to report to the Asbestos Co-ordinator if they suspect that disturbed or damaged asbestos containing materials may be present in a building owned or occupied by Prospect. In a case where an accessible material is suspected of containing asbestos, and where this material may reasonably become disturbed, this would also apply.

In such cases, an external consultant having UKAS (United Kingdom Accreditation Service) accreditation for asbestos sampling and analysis, will be contacted to carry out identification.

If asbestos is identified within the sample, advice will be obtained from a competent consultant on the appropriate course of action.

Where damage to any material known to contain asbestos has taken place and is likely to give rise to airborne respirable fibre release, the Asbestos Co-ordinator will arrange for isolation of the area pending an investigation. S/he will arrange for air monitoring tests (measurement of airborne fibre concentrations) to be carried out and sampling and analysis will be carried out by an independent UKAS accredited company to determine the level of any potential contamination, or to provide reassurance that unacceptable contamination has not occurred.

Details of air test results will be made available for inspection and record purposes.

Remedial action will be required when airborne fibre levels exceed 0.01 f/cc. The nature of the remedial work must be agreed with the Senior Manager Responsible for LFHS&W.

When remedial action becomes necessary after exposure, the relevant facts may have to be reported to the HSE in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). (Advice may be sought from a competent Asbestos Consultant to determine whether the incident is in fact RIDDOR reportable.)

## **7.0 ASBESTOS SURVEYS AND MANAGEMENT PLANS – NORMAL OCCUPANCY OF PREMISES**

Where our premises and common areas of housing stock were built or renovated prior to 2000, an Asbestos Management Survey programme will be carried out by a competent UKAS accredited asbestos management consultancy. (HSE expects that no asbestos containing materials would be in use from 2000.) The surveyor and ourselves should jointly determine an appropriate strategy to cost-effectively assess relevant premises, taking account of the permissibility of 'representative' surveying across properties of the same archetype and construction date.

Note that current legislation does not subject 'domestic dwellings' to the requirement for Asbestos Management Surveys (although Refurbishment and Demolition Surveys are

required – see below). However, we will take a view on whether to adopt the increasingly common stance of undertaking Management Surveys to domestic dwellings.

The findings of all surveys undertaken will be used to prepare a register of asbestos containing materials (including their location and condition along with details on how best to manage / remediate the material) in all relevant premises.

An asbestos management plan will be developed and implemented, ensuring that all asbestos containing materials are properly managed. This will include procedures for re-inspecting materials and carrying out remedial works where necessary.

The “Asbestos Co-ordinator” will be responsible for maintaining the Registers, organising surveys and re-inspections, etc.

## **8.0 ASBESTOS SURVEYS – PRIOR TO WORK ON PREMISES**

Prior to any work being carried out on the fabric of (pre-2000) buildings, the asbestos register will be interrogated to determine whether asbestos may be encountered and appropriate precautions (including the use of HSE licensed contractors where necessary) will be taken. Where the works are likely to disturb material not included in the registers (e.g. behind wall panels, within voids, etc.), 8.2 will apply.

Prior to any refurbishment, demolition or repair works on building fabric, which is not known to be asbestos free, a competent UKAS accredited asbestos management consultancy will be commissioned to carry out a ‘Refurbishment or Demolition’ (i.e. intrusive) asbestos survey of the area to be worked upon. The surveyor and ourselves should jointly determine an appropriate strategy to cost-effectively assess relevant premises, taking account of the permissibility of ‘representative’ surveying across properties of the same archetype and construction date.

Prior to works starting, the information obtained from Refurbishment/Demolition Surveys will be discussed with the proposed works contractor (or internal direct works staff) to ensure that asbestos containing materials will not be disturbed by their works. In the event that works would have the potential to disturb asbestos containing materials, appropriate measures will be taken, including the prior removal of asbestos containing materials, amendments to work programme, etc.

Records of all surveys and discussions with contractors will be retained in the Job File to demonstrate that asbestos was properly considered and appropriate actions taken to prevent disturbance and exposure.

## **9.0 WORK WITH ASBESTOS MATERIAL**

Most work likely to disturb or remove asbestos must be carried out by an HSE licensed asbestos removal contractor and notified to the HSE 14 days prior to commencement. However, the Control of Asbestos Regulations 2012 does allow work with certain lower risk asbestos containing materials (e.g. asbestos cement and asbestos textured coatings) to be carried out by non-licensed personnel and without notification to the HSE. The three categories of asbestos work are:

Major Works: Licensed works – 14 day notification and licenced contractor (highest risk work)

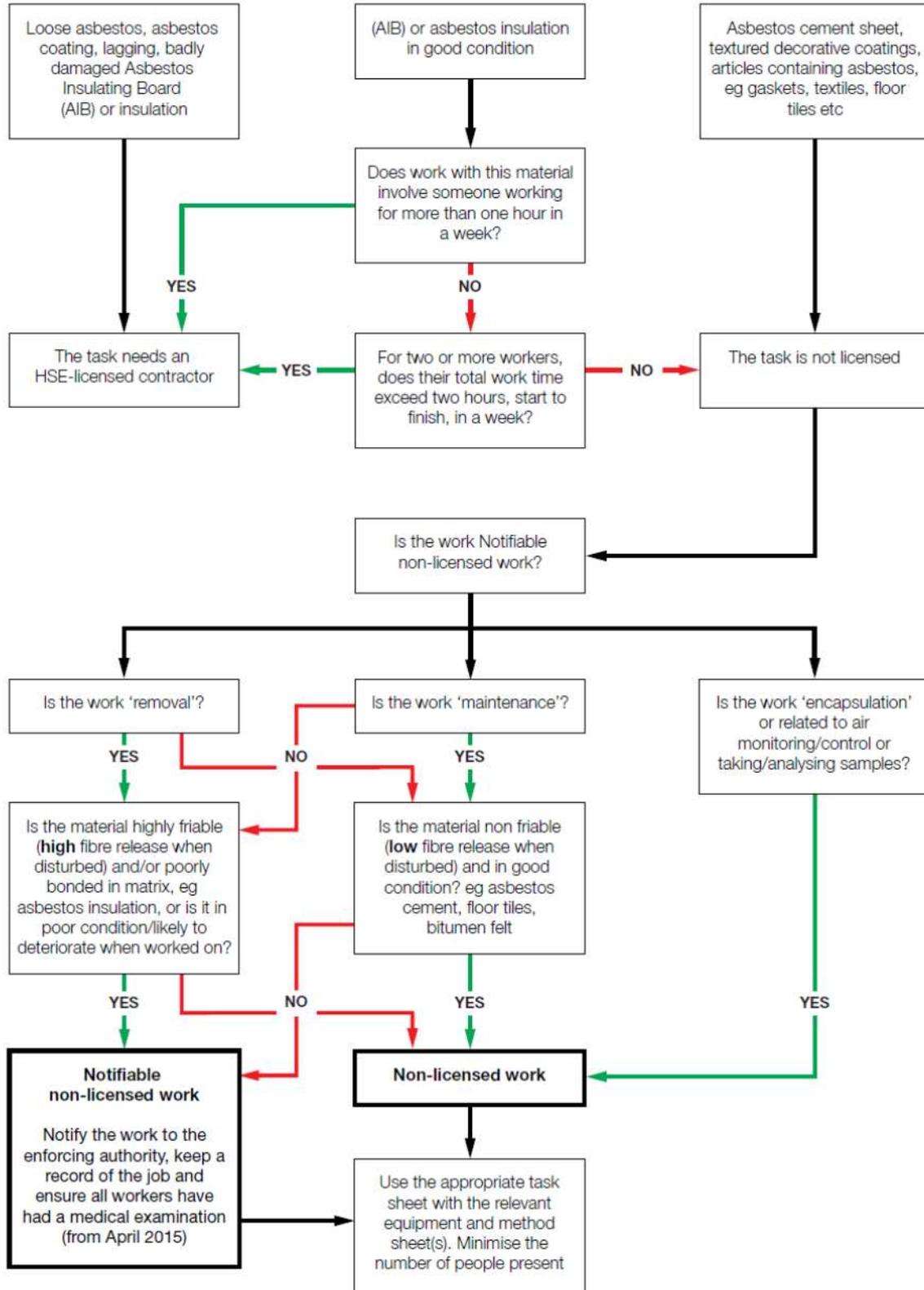
Minor Works: Notifiable non-licensed works – notification before works start and competent (non-licensed) contractor

Minor Works: Non-notifiable non-licensed works – no notification and competent (non-licensed contractor)

The following HSE flowchart shows the decision making process on appropriate classification of works:

## Decision flow chart

Use this simple flow chart to help you decide who needs to do the work:



Where any doubts exists over the correct classification or scope of asbestos works, advice will be sought from a competent UKAS accredited asbestos management consultancy prior to any works being carried out on asbestos containing materials. We may also appoint a competent Asbestos Project Management consultancy to scope, specify, tender and project manage asbestos contracts.

Where work does not require to be carried out by licensed contractors (i.e. Minor Works) it will, nevertheless, be undertaken in a safe manner, by appropriately trained personnel, reducing the generation of airborne dusts to as low a level as is reasonably practicable. All method statements and risk assessments for such work will be screened by a competent person prior to work commencing.

Where licensed contractors are required to carry out asbestos works, the following documentation will be requested from the contractor prior to commissioning, and copies kept in the job file:

- Current asbestos licence check on HSE website;
- insurance certificate indicating the insured is covered for asbestos work;
- A representative sample of medical examination certificates (conducted by an Employment Medical Advisory Service registered doctor) for personnel who will work on the job;
- A representative sample of training records for all personnel who will work on the job (asbestos management and handling courses), usually provided by a United Kingdom Asbestos Training Association (UKATA) member where applicable, notification of the job to the HSE 14 days prior to commencement;
- Method statement and risk assessment for the job (Plan of Work)

At the conclusion of all asbestos works (unless included within an Asbestos Project Management package), Prospect will directly appoint a UKAS accredited Asbestos Analyst to carry out the required level of inspection and test. For licensed works this will include a '4-stage clearance test' and for minor works this will include a visual inspection and reassurance air test. Care will be taken to ensure this is EXCLUDED from the contractor's initial proposal and price.

## **10.0 TENANTS INFORMATION AND WORK PROCEDURES**

Prospect Community Housing will establish its policy on informing tenants of the possibility of asbestos containing materials being present in pre-2000 housing and on the requirements for undertaking work on their dwellings. Any such information will be subject to a formal distribution procedure.

Prior to a tenant starting work which will interfere with the fabric and/or services of a property, tenants will be required to seek advance permission from ourselves. Before issuing permission, the Asbestos Register will be consulted and, where asbestos containing materials are identified within the proposed work zone the Maintenance Team will liaise with the tenant to ensure all appropriate actions are taken. Where the asbestos data is inconclusive (e.g. where a Refurbishment Survey has not been carried out, Prospect will review the request and decide whether to refuse permission or to arrange for a Refurbishment Survey to be carried out.

In the event that tenants' works are liable to disturb asbestos containing materials, Prospect will make a decision on the appropriate course of action, ensuring that all asbestos works are subject to the normal asbestos work procedures of Prospect.

## **11.0 IMPLEMENTATION AND REVIEW**

5.1 The Property Services Manager is responsible for ensuring that their staff implement this procedure.

5.2 The Property Services Manager will ensure that this procedure is reviewed at least every 3 years.

This version approved on: April 2024

Next review due by: April 2027