

ASBESTOS POLICY (LSM) (2021)

1.0 INTRODUCTION

The Association has stated its commitment, through its Health & Safety Policy Statement, to take all reasonable steps to ensure the health, safety and welfare at work of all its employees and others, including Committee Members, contractors, consultants, visitors, clients, tenants and members of the public who may be affected by its acts or omissions.

The purpose of this policy document is 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;
- ✓ 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;
- ✓ Ensure that the Association complies with appropriate legislation;
- ✓ Establish clear guidelines to be adopted whenever asbestos is encountered in premises owned by or occupied by the Association;
- ✓ State the Association's policy that asbestos will not be removed where, following detailed assessment, it is proved to be not in a hazardous condition and will not be damaged or otherwise exposed, nor will it affect future maintenance plans or activities.

2.0 DEFINITION

Asbestos is a fibrous mineral which is mechanically strong and highly resistant to heat and chemical attack. Because of its fibrous nature, it can be woven into fabrics and used as reinforcement for cement and plastics. In the past, its versatility made asbestos a popular building material.

3.0 HEALTH EFFECTS

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.

4.0 LEGISLATION

The main relevant pieces of legislation in the UK are:-

The Asbestos (Licensing) Regulation 1983 which prohibits work with asbestos insulation or coating of greater than 2 hours duration without a licence issued by the Health and Safety Executive.

The Control of Asbestos at Work Regulation 1987 require that an employee's exposure to asbestos be prevented or reduced as far as is reasonably practicable and that any risks are assessed before work with asbestos is started. The regulations also establish control limits for exposure. The legislation is supported by two Approved Codes of Practice.

The Health and Safety at Work Act 1974 which imposes general duties on employers to ensure the health, safety and welfare of employees and others who may be affected by an organisation's undertakings.

The Management of Health and Safety at Work Regulations 1992 which require employers to assess the risks to the health and safety of employees and others at work.

The Construction (Design and Management) Regulations 1994 which place duties on clients, planning supervisors, principal contractors, designers and contractors to plan, coordinate and manage health and safety on construction work if the work will last in excess of 30 days or involves five or more people on site at any one time. The regulations specifically require the client to provide relevant health and safety information to the planning supervisor appointed to oversee the project. This information might include, for example, previous surveys of buildings etc. for asbestos.

The Construction (Design and Management) Regulations 2015 which generally place greater responsibility on the client. The Association now appoints a Principal Designer (where appropriate) and the principal contractor following an assessment of competency and resources and must ensure adequate plans and welfare are in place before construction begins.

The Control of Asbestos at Work Regulations 2002 (CAWR) which places a new legal duty on the 'Duty Holder' to manage asbestos in non-domestic premises. It is likely that this legislation will be extended in the future to include domestic dwellings. The duty to manage came into effect on 21 May 2004. On 21 November 2004, a further duty came into effect regarding the accreditation of those who identify asbestos in materials.

As it is difficult for a corporate body such as the Association to be a Duty Holder, the Director will accept the responsibilities of the Duty Holder but will also appoint a member of staff, namely the Property Services Manager, to act as Asbestos Co-ordinator and implement the policy. The CAWR legislation applies to the following non-domestic properties owned by the Association:

- ✓ Ochil House.
- ✓ Common areas of blocks of flats (internal and external).
- ✓ Supported accommodation.
- ✓ Accommodation leased to other organisations (dependent upon terms of lease).
- ✓ Gardens, yards and outhouses.

The Control of Asbestos Regulations 2012 introduced a more stringent control limit, alter the licensing requirements, in particular exempting textured decorative coatings from licensing, and placing more onerous training requirements on employers whose employees might be exposed to asbestos. The Association continues to remove textured coatings where appropriate but these regulations no longer require a licensed contractor to undertake the sampling.

Refurbishment surveys guidelines 2010

In accordance with expert advice received from ACS Physical Risk Control Ltd, the Association will undertake a limited survey of between 10% and 15% of house types prior to refurbishment works in order to analyze trends. Further surveys will be commissioned if trends are unclear.

While not legislation, the following guides also provide useful information:

INDG 223 :A Short Guide to Managing Asbestos in Premises
HSG264: Asbestos: A survey guide

5.0 STATEMENT OF POLICY

The Association will undertake to comply with all relevant statutory provisions concerning asbestos by adopting the following strategy:-

5.1 Asbestos Management System

A sound management strategy involving the identification, assessment and management of all asbestos materials has been put in place to ensure that the risk of exposure to workers and others who may use any building owned by the Association or who come across asbestos during their work is controlled.

Appendix 1 outlines the features of the Asbestos Management System to be adopted by the Association. The system should be referred to for general guidance whether part of a proactive survey programme or as a response to discovering a material suspected of being asbestos either accidentally or during work.

The Association will train selected members of staff (the Property Services Manager and various Property Services Officers, to identify the possible presence of asbestos. Where asbestos is suspected, the Association will appoint an external consultant having UKAS (United Kingdom Accreditation Service) accreditation to analyse a sample of the suspected material and, if found to be asbestos, to advise the Association on its management.

The control of Asbestos at Works Regulations requires the Duty Holder to presume that materials contain asbestos unless there is strong evidence that they do not. A fuller description of this is given in **Appendix 2**.

The Asbestos Management System consists of two inter-related features:-

5.2 **Proactive Response**

This involves establishing a planned survey programme, the purpose of which is to:-

- Develop a systematic programme for identifying the presence of asbestos in certain Association premises (currently common housing areas, houses where information suggests that there is a risk of asbestos and non-housing structures such as Ochil House).
- Identify the current condition of asbestos in Association properties (so that any remedial work can be priced and scheduled).
- Assess the risk of likelihood of anyone being exposed to asbestos
- Monitor and manage the discovery of suspected asbestos materials and any work in proximity to asbestos.
- Co-ordinate awareness training for relevant staff, contractors and any other relevant persons.
- Review the Asbestos Management System periodically.
- Where the Associations 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 the Association 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.
- We 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, the Association 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.
- 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.), then point below 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 the Association 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 ACM's will not be disturbed by their works. In the event that works would have the potential to disturb ACM's, appropriate measures will be taken, including the prior removal of ACM's, 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.

5.3 Reactive Response

This includes procedures to be adopted where a material suspected of being asbestos is discovered either accidentally or during work. Those potentially exposed include all users of Association premises and others including contractors carrying out work on behalf of the Association

The person locating the suspected asbestos has a duty to inform the Asbestos Co-ordinator who will stop the work if this has not already happened, consider the desirability of vacating the building or part of the building to avoid exposure and appoint a UKAS consultant to advise the association. Procedures to be adopted will be site specific and should as far as is practical take account of location/type/form/volume and condition of the asbestos.

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 the Association. 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 Coordinator will arrange for isolation of the area pending an investigation. They 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 Organisation 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 person 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.)

6.0 ASBESTOS REGISTER

An "Asbestos Register" will be held for all property owned by the Association. The purpose of the Register is to formally record, through survey and inspection, the location and condition of asbestos in Association premises.

The accuracy of the information contained in the Register will be assured by regular inspections when it will be the responsibility of suitably trained staff to assess the condition of asbestos and make any necessary amendments to information contained in the Register.

Where changes in the condition of asbestos are identified the inspector must immediately report the matter to the Asbestos Co-ordinator. The Register must be as accurate as possible and must be brought to the attention of any person carrying out any alteration work to buildings, which may risk exposure to building materials on Association owned premises.

7.0 TRAINING AND INSTRUCTIONS

Unless properly trained to do so, no Ochil View staff will be permitted to handle or work on asbestos containing materials (ACM's). In the event that the Association opts to handle ACM's (e.g. for the purposes of sampling), appropriate training will be provided, insurances obtained and these procedures updated to reflect the acceptable process. All staff who may foreseeably encounter asbestos during their working day will be trained to an appropriate level to ensure, so far as reasonably practicable, their health, safety and welfare and that of others.

Staff with a direct responsibility for the inspection and management of asbestos will receive specific training.

The qualifications and competence of all contractors carrying out asbestos work will be assured through the Association procedures for awarding contracts.

Appointments of consultants will include a warning to consider and advise on the possible presence of asbestos.

The Association requires its planned and reactive maintenance contractors to confirm that they have asbestos management training and practice in place for their operatives. Where an operative suspects that they have identified a suspect material such as asbestos during the course of their work, they contact their employer who advises the Association. The Association then arranges for the contractor to contact one of the specialist contractors for sampling to take place.

8.0 ASBESTOS REMOVAL

The decision on whether to remove asbestos will be based upon the UKAS consultant's advice. The UKAS consultant will ensure that a HSE licensed contractor is appointed to remove the asbestos and will examine and approve the Method Statement provided by the contractor. Alternatively where the work can be carried

out without a license, the contractor will be required to submit a Method Statement for approval from the UKAS Consultant.

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:

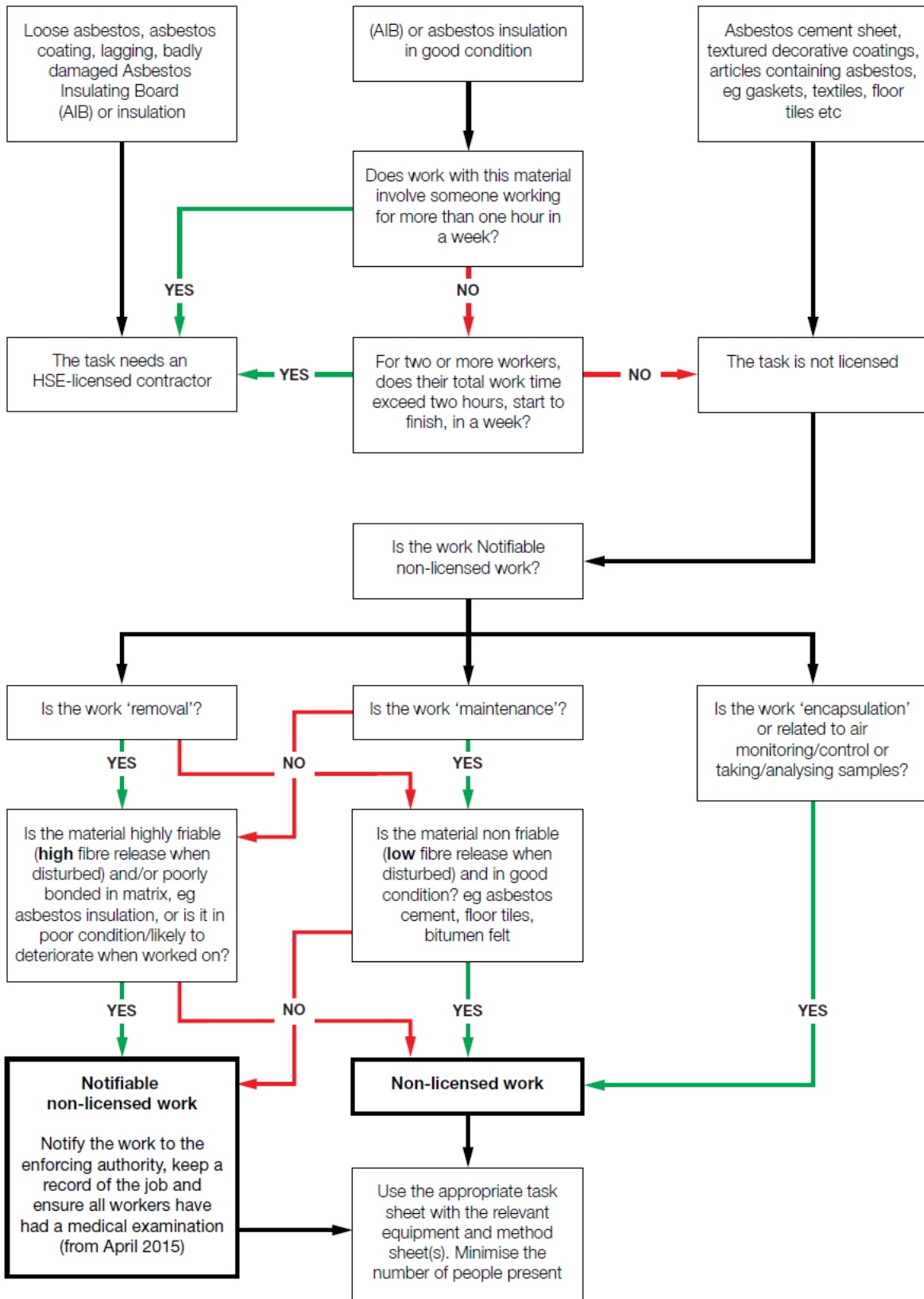
- ✓ Major Works: Licensed works – 14 day notification and licenced contractor (highest risk work);
- ✓ Minor Works: Notifiable non-licensed works – notification before works start and competent (non-licensed) contractor;
- ✓ Minor Works: Non-notifiable non-licensed works – no notification and competent (non-licensed contractor).

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

Approved

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. The Association 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), the Association 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.

9.0 MONITORING PROCEDURES

Where the presence of asbestos is established, a monitoring schedule will be established. This will take the following form:-

Planned Monitoring

- ✓ Annually, a programme of monitoring inspections will be carried out by competent persons.
- ✓ These persons, who will be trained in the identification and assessment of asbestos, will be issued with details, from the Asbestos Register, of location, type and condition of asbestos at each site.
- ✓ These persons will be required to assess the state of the asbestos and complete a formal report, which must be signed and dated and used to update the Asbestos Registers.
- ✓ Where the results of the assessment indicate that the condition of the asbestos has deteriorated, the appropriate steps must be taken without delay to:-

- ❖ Report to appropriate line manager.
- ❖ Immediately evaluate the risks to people in the vicinity;
- ❖ Decide whether the asbestos can be made safe (i.e. sealed) or should be removed.

Unscheduled Monitoring

- ✓ The guidelines (at (1) above) should be used in instances where anyone becomes aware of a change in the condition of asbestos during normal work activities or identifies new asbestos. The management of the asbestos may need to be reconsidered in the light of unexpected events such as a fire.

10.0 RESPONSIBILITIES

10.1 Asbestos Co-ordinator

The Asbestos Co-ordinator will:

- ✓ ensure that the Association is complying with current legislation and the Association's procedures;
- ✓ monitor the Action Plan for The Asbestos Management Strategy;
- ✓ maintain the Asbestos Register, including advising contractors and consultants of the presence of asbestos where appropriate;
- ✓ co-ordinate the Asbestos Management Strategy;
- ✓ maintain a record of asbestos related training and ensure that staff are given a level of training that is appropriate to the post;
- ✓ co-ordinate asbestos surveys and sampling;
- ✓ co-ordinate asbestos removal/remediation works;
- ✓ liaise with 'non-asbestos' works contractors;
- ✓ ensure that all appropriate asbestos information is provided and/or obtained and properly interpreted where works are liable to disturb the fabric of buildings.

10.2 Duties of Employees

Over and above the duties expressed in the Health and Safety at Work etc. Act 1974, and this policy every employee has a general duty to:

- ✓ Report any asbestos which in their opinion is in a hazardous condition;
- ✓ Not to interfere with materials suspected of being asbestos;
- ✓ Not to collect materials for sampling purposes unless specifically trained to do so.

11.0 RELATED POLICIES AND PRACTICES

The Association's Void Inspection Policy has been amended to include a visual inspection of the property for the presence of asbestos by trained OVHA staff.

The Tenants' Handbook prohibits the use of "Artex or textured paint". Whilst only pre-1985 textured paint presents a small risk to occupiers, this finish is difficult and costly to maintain in a satisfactory condition.

Consultants and contractors will be instructed to assess and advise the Association of the risk of asbestos when working on stage 3 adaptations and demolitions.

12.0 TENANT IMPLICATIONS

The Association will establish its policy on informing tenants of the possibility of ACM's 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 the Association. Before issuing permission, the Asbestos Register will be consulted and, where ACM's 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), the Association 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 ACM's, the Association will make a decision on the appropriate course of action, ensuring that all asbestos works are subject to the normal asbestos work procedures of the Association.

The preference for the Association is to remove asbestos where present, subject to the recommendation of the consultant. If removal in a house is not undertaken, the Association will advise the tenant of the location and presence of asbestos. The tenant will be advised that it must not be disturbed.

13.0 REVIEW OF POLICY

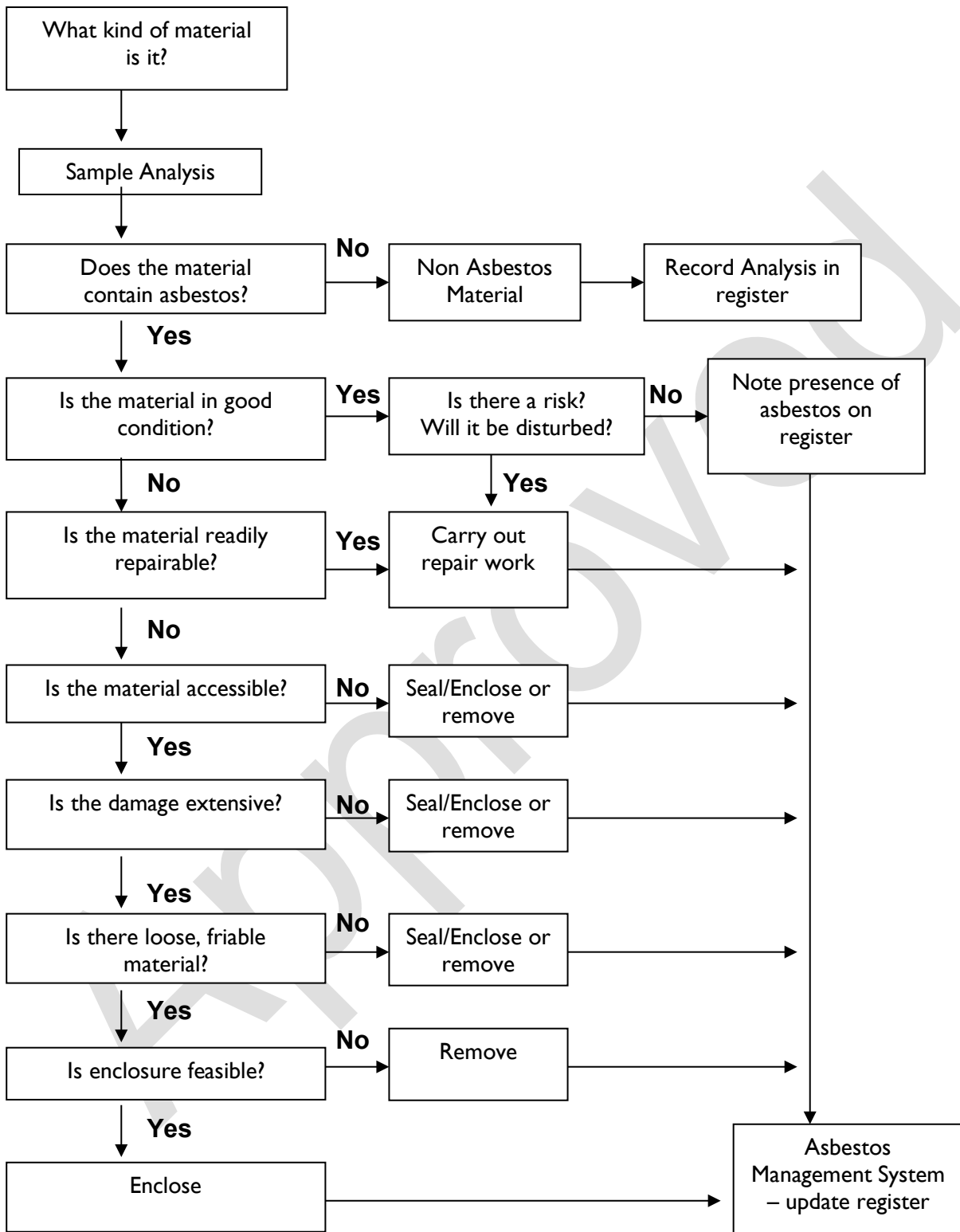
This policy will be reviewed at least every 3 years.

24th February 2021

Policy Consultation and Review Process

Reviewed by Property Services Manager	24 th February 2021
Reviewed by the HSEHR Committee	3 rd March 2021
APPROVED BY THE MANAGEMENT COMMITTEE	25th MARCH 2021
Date of Next Review	March 2024

ASBESTOS MANAGEMENT SYSTEM



ASBESTOS MANAGEMENT SYSTEM PROACTIVE RESPONSE

The establishment of a planned survey programme is a fundamental component of the Association's proactive response to the management of asbestos.

The purpose of the survey programme is:

- (1) by inspection\information gathering to take reasonable steps to assess the likelihood of the presence of asbestos in the Association's property
- (2) to assess the risk of people being exposed to asbestos
- (3) to log the current condition of asbestos in Association properties so that any remedial work can be priced and scheduled
- (4) to establish future monitoring programmes as appropriate.

The results of the surveys will enable priorities for remedial measures to be decided and a long-term programme of work or management to be devised.

1. Office Premises

A level 3 survey was undertaken at Ochil House and no asbestos was found to be present.

A visual asbestos survey will be conducted and where work of an alteration nature is proposed an instructive survey of the affected area of the building will be carried out.

Thereafter the asbestos will be monitored or removed in accordance with the procedures outlined in this policy.

2. Association Residential Property

A sample visual survey will be commissioned using all currently available knowledge of the stock together with statistical sampling techniques in order to examine an appropriate sample of areas of houses which are considered to be at greater risk of containing asbestos.

The results of this sample survey will be used to establish priorities for further rolling survey and/or action programmes, as appropriate, which will then be implemented taking due account of the requirements of the Asbestos Policy and resource availability.

3. Survey Criteria

Surveys will consider the location/type/form/volume/condition and all relevant customer care arrangements, including the risk of people being exposed to the asbestos.