

## Asbestos Management Policy

**Date written:** September 2020

**Date(s) reviewed:** September 2020, September 2021

**Purpose:** The key objective of this policy is to demonstrate how Bernicia will meet the required statutory, contractual and regulatory requirements in relation to asbestos management. It will also cover how Bernicia Board, as Duty Holder, will receive assurance.

**Scope:** The scope of this policy includes managing asbestos to the following:

- All non-domestic properties; (which include offices, depots, shops, other commercial buildings, blocks and communal areas, remote plant and garages).
- All domestic properties; (which include general needs housing, supported housing, sheltered housing, and other rented properties owned and managed by Bernicia).
- Leaseholders/ shared ownership properties and other rented housing managed by Bernicia on behalf of a third party; unless other parties are explicitly specified as having statutory responsibility in a lease or management agreement.
- All premises built or refurbished before the year 2000 and all properties constructed before this date will be included within the asbestos surveying programme and assumed to contain Asbestos Containing Materials (ACMs) until a survey has been completed and the presence or absence of asbestos has been confirmed.

**Definitions:** Asbestos is a term used to refer to six naturally occurring silicate minerals, of which three (Amosite, Crocidolite and Chrysotile)

due to its strength, heat resistance, resistance to chemicals and cost were used as a building material in the UK in many products including insulation, flooring, roofing, sprayed on ceiling and walls and artex. However, due to its links to causing asbestosis, asbestos related lung cancer, mesothelioma and non-malignant pleural disease, was banned in the UK from the year 2000.

**Associated documents:**

Asbestos Management Plan

Asbestos Operational Guidance

**Date for review:** September 2022

**Responsibility:** Head of Strategic Asset Management and Customer Safety

## Policy

### 1. Introduction

- 1.1 At the time of policy approval Bernicia owns and manages in the region of 13,000 tenanted properties, a proportion of these properties are flats, a majority of which have communal/ common areas. Bernicia also owns offices, depots, shops, other commercial property, and garage blocks. It has a responsibility to identify and manage asbestos containing materials (ACM) within its stock, and to reduce the risk of possible exposure to asbestos fibres.

This policy explains how Bernicia's commitment to asbestos management will be met. It is supported by the Compliance Strategy and an Asbestos Management Plan which provides detailed guidance and procedures.

### 2. Policy statements

- 2.1 The key objective of this policy is to describe how Bernicia will meet the required statutory and regulatory requirements in relation to asbestos management. It will also cover how the Bernicia Board, as Duty Holder, will receive assurance of compliance.

In summary Bernicia will:

- Take reasonable steps to assess if asbestos is present.
- Make and keep up to date a record of the location, type and condition of the asbestos.
- Assess the risk of anyone being exposed to the asbestos.
- Prepare a plan on how to manage the risks.
- Put the plan into action, monitor it and keep it up to date.
- Provide information to anyone likely to work on, or disturb ACMs.
- Presume materials containing asbestos unless there is strong evidence they do not.

The scope of this policy is applicable to all properties built or refurbished before the year 2000 and all properties constructed before this date will be included within the asbestos surveying programme, initially linked to the investment works programme. Until a survey has

been completed and the presence or absence of asbestos has been confirmed, a presumption will be made that materials contain asbestos.

Bernicia will comply with all current and relevant legislation and specifically as detailed in the following;

- Control of Asbestos Regulations (CAR) 2012.

Bernicia takes the view that delivery of the commitments within this policy will ensure that the requirements of other legislation, such as the Health and Safety at Work etc. Act 1974, and Landlord and Tenant Act 1985, will also be met.

In addition, as a Registered Provider Bernicia must meet the requirements of the Regulator for Social Housing's (RSH) Homes Standard.

It is essential to ensure that customers, contractors, staff and visitors remain safe in our premises (both domestic and non-domestic). Failure to properly discharge our legal responsibilities may also result in:

- Prosecution by the Health and Safety Executive under Health and Safety at Work Act 1974.
- Prosecution under Corporate Manslaughter and Corporate Homicide Act 2007.
- RSH's serious detriment judgement.
- Reputational damage.
- Loss of confidence by stakeholders in the organisation.

- 2.2 In order to comply with regulatory standards and legal obligations, and to ensure the safety of its customers, staff, contractors and visitors to its properties, Bernicia will:

### **Process**

- Provide clear lines of responsibilities for the management of asbestos safety, supported by written guidance in the Asbestos Management Plan.
- Ensure that a clear and consistent process including front-line engagement and enforcement is in place to obtain access to

properties to conduct the asbestos survey and subsequent remedial works, which shall include legal action when required.

- Proactively assess available data for relevant information about the customer to help gain access (disability, vulnerability, local connections, etc.).
- Develop a framework to prevent or minimise the exposure to asbestos fibres to the lowest level reasonably practicable, to protect customers, colleagues, contractors and visitors on Bernicia property.
- Prepare an Asbestos Management Plan to manage the risk and implement the plan.
- Set out its emergency approach in the case of an unplanned incident, such as accidental damage of an ACM or uncontrolled release of fibres. This will be detailed in the Asbestos Safety Management Plan.

## **Delivery**

Take reasonable steps to assess if there are ACMs in the premises, and if so determine the type/amount, where it is, and the condition of the asbestos through the following activities:

- hold an up to date register of asbestos information of all non-domestic properties constructed prior to 2000 in accordance with recommended Health and Safety Executive (HSE) guidance – HSG264 and HSG227.
- Aim to hold asbestos information to current standards for 100% of its domestic stock (constructed prior to 2000). This will include updating surveys undertaken prior to 2012 that do not conform to the current asbestos survey methodology.
- Over time Bernicia will replace partial property information and old /not to current standard surveys by delivering a programme of management surveys to the remaining domestic stock.
- Undertake asbestos refurbishment surveys prior to any planned reactive or maintenance activity where there is the potential to disturb asbestos or where work is planned for previously un-surveyed areas. This will include a refurbishment and demolition survey localised to the area of work and a management survey

where an appropriate survey does not already exist to the rest of the property in accordance with recommended Health and Safety Executive (HSE) guidance – HSG264 and HSG227.

- Re-inspection of ACMs within the non-domestic stock annually or at a frequency recommended by the competent person following an initial survey and appropriate risk assessment.

Assess and manage the risk posed by ACMs by doing the following:

- Presume materials contain asbestos unless it is confirmed that they do not.
- Training Managers involved, and those liable to disturb ACMs, in accordance with this policy and the Asbestos Management Plan.
- Provide general asbestos awareness training for relevant staff who manage specific types of dwellings or who visit customer's homes.
- Ensuring that those liable to work on ACMs are competent in accordance with this policy and the Asbestos Management Plan and that work is notified to the HSE where required.
- Providing asbestos safety information to customers in accordance with the policy (see section on Communication).
- Provide access to site-specific asbestos information (including being clear where ACM is presumed or if a survey has not been undertaken one is to be carried out prior to any works commencing) and information on the location and condition of the ACM materials to those liable to work on or disturb them.
- Carrying out a Material Risk Assessment (MRA) considering the material, product type, asbestos type and asbestos fibre content, location, and condition together with an assessment of the likelihood of disturbance based on accessibility and the activities carried out in the area around the ACM. Based on this assessment a risk score will be calculated.
- Re-inspection surveys will be undertaken to all ACMs within communal (non-domestic) areas annually, or on such a frequency recommended by the competent person which will be determined by the location, condition and risk of disturbance.
- Undertaking remedial action, in accordance with the Asbestos Management Plan and recommendation of the Head of Strategic Asset Management and Customer Safety based upon the risk identified by the overall risk assessment.

## **Additional Safety Measures**

- Require that tenant alterations or Aids & Adaptations works that may have an implication regarding asbestos safety should be subject to prior agreement before they are undertaken. Approval will not be unreasonably withheld and will be given on the proviso that certain requirements are met, this will include appropriate Bernicia involvement if asbestos remedial works are required, and the engagement of Bernicia approved asbestos consultants and removal contractors if required.
- Any work carried out by tenants that is deemed to be unsafe will be rectified at the tenant's own cost and by Bernicia's appointed contractor.

## **Contractors Competency**

- Ensure that contractors are competent and the following controls will operate to ensure competence can be demonstrated:
- Asbestos management surveys required under Control Asbestos Regulations (CAR) and pre-works refurbishment and demolition surveys will be undertaken by UKAS accredited Consultants to ISO:17020.HSG 264.
- Persons appointed to measure the concentration of asbestos fibres will be ISO:17025 accredited. All ACM samples will be tested by a UKAS accredited laboratory.
- All non-licensed work involving ACMs will be carried out with the appropriate method statements, insurances and controls in place including the safe disposal of asbestos removed.
- Maintenance work will only be awarded to/conducted by those contractors held on Bernicia's list of Approved Contractors for asbestos related works /companies procured under a partnership arrangement.
- Contractors appointed to undertake remedial work or removal of licensed ACMs shall be competent and listed on Bernicia's list of Approved Contractors. They shall hold a Licence issued by the Health and Safety Executive and be members of an appropriate trade association such as the Asbestos Removal Contractors Association (ARCA) or the Thermal Insulation Contractors Association (TICA) (where appropriate).

- All contractor competencies will be subject to annual assessment or at change of contract /contractor, as detailed within the Asbestos Safety Management Plan.

## **Internal Competency**

The Compliance Manager will:

- maintain a skills/training matrix to ensure that all relevant staff have appropriate training.
- operate a detailed competence framework including regular appraisals as part of the Asbestos Safety Management Plan

To ensure the successful delivery, BOHS P405 or P407 training will be provided for appropriate internal staff.

## **Data**

- Maintain a Master Database of all properties indicating if they do and do not have a requirement for an asbestos survey and the associated responsibility. Where no data is available, presume asbestos.
- Maintain up-to-date electronic records of the type, location and condition of the ACM's (or presumed ACMs) within Keystone which will be the asbestos register which will link into QL.
- Maintain detailed information on re-inspection frequencies and remedial works required. These will be prioritised according to risk in the view of the Head of Strategic Asset Management and Customer Safety. Include due dates and most recent status date in the Master Database (with detailed evidence supporting the current status).
- Provide details relating to the accessibility of all asbestos data/information in the Asbestos Management Plan.

## **Assurance**



- Ensure that all relevant persons involved with asbestos management are properly trained and accredited in accordance with this policy.
- Carry out works-based assurance activity including checks on asbestos surveys, post-inspection of onsite works, and certification checks to the level stated within the Asbestos Management Plan. A proportion of such checks will be carried out by an independent party when appropriate.
- Set a timetable for the review of the Asbestos Management Policy and the associated Asbestos Management Plan.

## **Communication**

- Encourage customers, through the provision of publicity information on the importance of asbestos safety, to allow access to carry out surveys and undertake works.
- Provide generic guidance on the use and care required with asbestos products within the home to all new tenants, and to existing tenants when requested.
- Tenants will receive access to the asbestos surveys via the tenant portal or at void sign up.

## **3. Responsibility for implementation**

- 3.1 The policy was implemented on November 2020 following Executive Teams approval and will be reviewed annually.

Staff will be made aware of the policy via an agreed training programme. A copy of the policy will be available on the staff intranet and will also be uploaded to the Bernicia website.

## **4. Actioning the policy**

- 4.1 The Head of Strategic Asset Management and Customer Safety will be responsible for the actioning of this policy.

## 5. Monitoring the policy

- 5.1 A detailed performance management suite is defined within the Asbestos Management Plan .

Commentary will be provided for any properties out of date to include the date they became overdue, days overdue, and their position within the access process to bring them back into a compliant position. Commentary will also be provided if any properties have outstanding overdue actions. To provide additional context commentary will also include information on the proportion of activities within the reporting period that were undertaken before and after their due date.

The following assurance activity will be undertaken and reported in line with the Asbestos Management Plan:

- Internal audit
- Non-negotiable Compliance Testing
- Strategic review
- 3rd Party Assurance

## 6. Resources

- 6.1 Within existing resources and external partners.

## 7. Equality and Diversity

- 7.1 We believe all people should be treated with dignity and respect regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including, nationality, ethnic or national origins), religion, belief or non-belief, sex, or sexuality or by association with someone with any of these characteristics or perception of having any of these characteristics.