

Operational Policy



Title: Asbestos Safety Policy
Originator: Ian Roughley
Approval body and date approved: Board – 25th May 2021
Date for review: May 2023

1. Introduction

At the time of policy approval Magenta Living 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. Magenta also owns offices, a depot, shops and other commercial property. 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 Magenta Living's asbestos safety responsibilities will be met. It will be supported by an Asbestos Safety Management Plan providing more detailed guidance, procedures and process maps.

2. Statement of Intent

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

In summary Magenta Living will:

- Take reasonable steps to assess if asbestos is present
- Record 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

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 and assumed to contain ACMs until a survey has been completed and the presence or absence of asbestos has been confirmed.

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

- [Control of Asbestos Regulations \(CAR\) 2012](#).

Magenta Living 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 Tenant Act 1985, will also be met.

In addition, as a Registered Provider Magenta Living 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.

3. Policy

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, Magenta Living will:

Process

- Provide clear lines of responsibilities for the management of asbestos safety, supported by written guidance in the Asbestos Safety 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.). Please see a copy of Magenta Living's [privacy notice](#).

- 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 Magenta Living property.
- Prepare an Asbestos Safety 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 up to date management surveys of all non-domestic properties constructed prior to 2000 in accordance with recommended Health and Safety Executive (HSE) guidance – HSG264 and HSG227.
 - Aim to survey 100% of its domestic stock (constructed prior to 2000) by delivering a programme to undertake management surveys of the domestic stock, that Magenta does not currently have surveys for.
 - Undertake asbestos surveys prior to any planned 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 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 sooner at a frequency recommended by the competent person.
 - Re-inspection of ACMs in domestic properties at void stage as required, depending on the void works to be carried out.
- 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 those liable to disturb ACMs in accordance with this policy and the Asbestos Safety Management Plan
 - Ensuring that those liable to work on ACMs are competent in accordance with this policy and the Asbestos Safety Management Plan and that work is notified where required i.e. HSE notification.
 - Providing asbestos safety information to customers in accordance with the policy (see section on Communication)
 - Providing site-specific advice (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 an earlier date which will be determined by the location, condition and risk of disturbance.
- Undertaking remedial action, in accordance with the Asbestos Safety Management Plan and recommendation of the competent person, where the risk identified by the MRA requires it.
- Label ACMs as detailed within the Asbestos Safety Management Plan.

Additional Safety Measures

- Require that tenant alterations 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 e.g. the tenant arranges for relevant risk assessments to be undertaken and that work is undertaken by suitably qualified contractors.
- Any work carried out by tenants that is deemed to be unsafe will be rectified at the tenant's own cost and by Magenta Living'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 CAR and pre-works refurbishment and demolition surveys will be undertaken by [UKAS](#) accredited Consultants to [ISO:17020](#).
 - 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 and controls in place.
 - Maintenance work will only be awarded to/conducted by those contractors held on Magenta Living's list of Approved Contractors for asbestos related works.

- Contractors appointed to undertake remedial work or removal of ACMs shall be competent and listed on Magenta Living'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

- Will maintain a skills/training matrix to ensure that all staff undertaking key roles within the scope of this policy have appropriate training.
- Will operate a detailed competence framework including regular appraisals as part of the Asbestos Safety Management Plan
- N.B At the time of updating this policy it is the intention for Building Services to undertake some elements of non-licenced works. There will be an additional policy and procedure document(s) to compliment these.

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.
- Maintain up-to-date electronic records of the type, location and condition of the ACM's (or presumed ACMs) within Promaster which will be the asbestos register.
- Maintain detailed information on re-inspection frequencies and remedial works required. These will be prioritised according to risk in the view of a competent person. 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 Safety Management Plan.

Assurance

- Ensure that all persons involved with asbestos safety 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 Safety Management Plan. A proportion of such checks will be carried out by an independent party.
- Set a timetable for the review of the Asbestos Safety Policy and the associated 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.
- Magenta Living is in the process of procuring a new asbestos contractor, a requirement of the new contractor will be to provide an executive summary with each survey which can be provided to tenants to make them aware of the location of asbestos within their home.
- By 31st December 2021 it is Magenta Living's aim to provide an executive summary to all new tenants and to existing tenants when a new survey is carried out.

4. Implementation

The policy will be effective from May 2021 following Board approval. Staff will be made aware of the policy at priority training and a copy will be available on YETI. The policy will be uploaded to the Magenta Living web site.

This policy should also be read in conjunction with the Compliance Strategy

There will also be training provided for all those staff involved with the delivering the Compliance functions.

This policy should also be read in conjunction with the Compliance Strategy and Asbestos Safety Management Plan.

5. Consultation

This policy is based on legislative and regulatory requirements and as such consultation with customers has not taken place. There has been consultation with teams within Magenta Living.

6. Equality Analysis (EA)

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.

The EA was undertaken on 11th March 2019 by Dominique Blundell, Sian Blackman and Mark Armstrong and was rated as green. Since this time there have been no fundamental changes and therefore a new EA is not required as this time (See the full EA document for further details).

7. Monitoring Performance

The following KPIs will be reported:

- % of block/communal/commercial units requiring with an asbestos survey and all re-inspection activity within target
- Asbestos Management Surveys completed /% coverage (domestic properties)
- Asbestos remedial works completed within target

Commentary will be provided for any properties out of date to include the date they became overdue, days overdue, and the action proposed to bring them back into a compliant position. 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.

A detailed PI suite will be defined within the Management Plan.

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

- Internal audit
- Strategic review
- 3rd Party Assurance

8. Scheme of Delegation

The responsible authority for approving this policy is Board and was approved in May 2021.

The Responsible AD for ensuring the effective implementation of this policy is Carmen Muir.

The Responsible Person for formulating this policy, reviewing and monitoring its implementation and managing performance against this policy is Ian Roughley.

9. Policy Review

The policy will be reviewed every 12 months or earlier if deemed necessary through the performance monitoring process.

10. Amendment Log

Date of revision:	Record of amendments:	Reason for revision:
March 2019	Rewritten	Compliance Review
<i>March 2020</i>	<i>None</i>	<i>Annual Review</i>
<i>April 2021</i>	<i>Section 3: Added reference to Building Services undertaking Non-licenced works in future. Amended dates in section 4 and 8.</i>	<i>Annual Review</i>