



POLICY DOCUMENT

Group Member: Progress Housing Group

Service Area: Property Services

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Subject Title: Asbestos Policy

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1. INTRODUCTION

- 1.1 Any Group owned and/or managed home or building built or refurbished before the year 2000 may contain asbestos. As long as the asbestos containing material (ACM) is in good condition and is not going to be disturbed or damaged, there is negligible risk. However, if it is disturbed or damaged it can become a danger to health, because people may breathe in any asbestos fibres released into the air. Workers who carry out repairs and maintenance work are at particular risk. If asbestos is present and can readily be disturbed, is in poor condition and not managed properly, others who may be occupying the homes or buildings could also be put at risk.
- 1.2 The Group is responsible for the maintenance of and repairs to homes, non-domestic (communal blocks) and 'other' properties (e.g. offices, commercial shops, depots, etc.), many of which will have been constructed using ACM. The organisation has a legal 'duty to manage' asbestos in its non-domestic buildings and the common parts of its domestic properties, this must be done in accordance with The Control of Asbestos Regulations (CAR) 2012.

2. SCOPE OF THE POLICY

- 2.1 The Group has established a policy which meets the requirements of The CAR 2012, which came into force on 6 April 2012. In addition to this, the policy provides assurance to the Group that measures are in place to identify, manage and/or mitigate risks associated with asbestos. In addition, the Group has established an Asbestos Management Plan (AMP), which outlines key information on roles and responsibilities, and the management of information, works, and ACMs. This policy should be read in conjunction with the AMP.
- 2.2 The Group ensures that compliance with asbestos is formally reported to the Senior Leadership Team (SLT), Executive Board and Parent Board and includes details of any non-compliance and planned corrective actions.
- 2.3 The policy applies to all companies within the Group and therefore is relevant to all Group employees (including Key Unlocking Futures Limited etc.), tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon the Group to maintain a safe environment for customers

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and employees within the home of each tenant, and within all communal areas of buildings and 'other' properties (owned and managed by the Group).

3. RESPONSIBILITY

3.1 Key Roles and Responsibilities

- 3.1.1 In order to ensure that this Asbestos Policy, and the supporting Asbestos Management Plan are adhered to, the Group appoints suitably competent personnel to act as the 'Responsible Person' on behalf of the individual Duty Holder and oversee the implementation and review of these documents.
- 3.1.2 **Appointed Duty Holder** – The Director (Property Services) fulfils the role of the appointed 'Duty Holder' on behalf of the Group in order to ensure the appropriate management of the risks associated with asbestos. As a result, the Director (Property Services) holds responsibility for the implementation of this document, and supporting Asbestos Management Plan, as well as ensuring compliance is achieved and maintained.
- 3.1.3 Although the organisation has an appointed Duty Holder, the Group's Chief Executive is ultimately responsible for ensuring compliance with current legislation and to ensure that the organisation fulfils its duties and responsibilities as outlined in this policy document and the supporting Asbestos Management Plan.
- 3.1.4 **Responsible Persons** – The Head of Compliance, and the Compliance Manager (Asbestos, Water & Radon) shall ensure that there are suitable arrangements in place for the implementation of the Asbestos Management Plan, as well as overseeing the delivery of the agreed survey inspection programmes and the prioritisation and implementation of any works arising from the surveys.
- 3.1.5 The Parent Board has overall governance responsibility for ensuring the Asbestos Policy is fully implemented to ensure full compliance with the regulatory standards, legislation and approved codes of practice.
- 3.1.6 This policy is formally approved by the Executive Board on behalf of the Parent Board. The policy will be reviewed every

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three years thereafter (or sooner if there is a change in regulation, legislation or codes of practice).

- 3.1.7 The Boards will receive regular updates on the implementation of the Asbestos Policy and asbestos performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 3.1.8 The SLT will receive reports in respect of asbestos management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.1.9 The housing teams provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.
- 3.1.10 The Development Team have responsibility for ensuring that any new build or acquired properties are handed over in line with the policy requirements and that all relevant compliance information is accurate and updated on the housing management system.
- 3.1.11 **Third Party Landlords** - In properties where the landlord is responsible for compliance with all statutory legislation, the Group has a duty of care to tenants in these properties to ensure appropriate safety standards are met. The Group monitors compliance of these parties to ensure that they meet all relevant statutory obligations. To do this we use the process set out in the Procedure for Managing 3rd Party Landlords' Compliance Activities.

3.2 Competent Persons

- 3.2.1 The Group will ensure that the Compliance Manager (asbestos) is suitably qualified holding the industry standard qualification in the management of asbestos in buildings, such as a P405,, or P407 qualification. If the competent person does not have appropriate qualifications already, they should obtain this as soon as reasonably practicable.
- 3.2.2 The Group will ensure that a competent, United Kingdom Accreditation Service (UKAS) asbestos management

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consultancy and surveying business, is procured and appointed to deliver asbestos management surveys.

3.2.3 The Group will ensure that competent licensed asbestos removal contractors are appointed for all notifiable non-licensed work or licensed works.

3.2.4 The Compliance Manager (Asbestos, Water & Radon) will check the relevant qualifications of those carrying out this work to ensure that all persons are appropriately qualified and accredited for the work they are carrying out. These checks are undertaken as part of the procurement process and/or on an annual basis thereafter and evidenced appropriately.

4. POLICY

4.1 Obligations

4.1.1 The duty to manage asbestos is included in The Control of Asbestos Regulations (CAR) 2012. The duty requires The Group to manage the risk from asbestos by:

- finding out if there is asbestos present, where the Group has an obligation to do so, in the non-domestic areas of homes and buildings owned and/or managed by the organisation (or assessing if ACMs are likely to be present and making a presumption that materials contain asbestos, unless the organisation has strong evidence that they do not). As well as identifying its location and identifying what condition it is in, if the non-domestic area of a home or building was built prior to the year 2000 the organisation will assume asbestos is present. If the home or building was built after the year 2000 asbestos should not be present and no further action will be required.
- making and keeping an up-to-date record (referred to as the 'asbestos register') of the location and condition of the ACMs or presumed ACMs in the non-domestic areas of homes and buildings owned and managed by the organisation.
- assessing the risk from the ACMs found.
- preparing an Asbestos Management Plan that sets out in detail how the organisation is going to manage the risk

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from the ACMs and take the steps needed to put the asbestos management plan into action.

- reviewing and monitoring the Asbestos Management Plan and the arrangements made to put it in place; and set up a system for providing information on the location and condition of the ACMs to anyone who is liable to work on or disturb these materials.

4.1.2 Anyone who has information on the whereabouts of ACMs in non-domestic homes and buildings is required to make this available to the organisation as the 'duty holder', but the organisation then has to assess its reliability.

4.2 Policy Statement

4.2.1 The Group recognises that the main hazard in relation to asbestos is the non-identification of ACMs and as such will protect those persons potentially exposed to asbestos as far as is reasonably practical by minimising the exposure through the use of appropriate control measures and working methods.

4.2.2 The Group will hold accurate and up to date records against each non-domestic property it owns or manages, identifying whether the property has had its initial asbestos management survey and when the next re-inspection is due, if applicable.

4.2.3 Survey and re-inspection dates, details of ACMs and asbestos management survey reports will be held electronically in a secure and backed up system.

4.2.4 The Group will employ competent external contractors (in line with HSG264) to undertake asbestos management surveys. Licensed asbestos removal operatives and/or contractors will be employed to carry out licensed remediation works (where necessary) to non-domestic (communal blocks/'other' properties) and domestic properties, if required to ensure the safety of employees, tenants and others liable to be affected by the Group's operations.

4.2.5 The Group will employ suitably competent persons or contractors to undertake asbestos re-inspections and the removal and disposal of non-licensed asbestos. The Group will ensure it retains copies of all waste transfer notices for a period of five years.

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4.2.6 The Group will also undertake intrusive refurbishment and demolition (R&D) surveys to domestic and non-domestic properties as and when required as per HSG264. This will also be in accordance with the criteria set out in the Group Asbestos Management Plan, which should be read in conjunction with this policy.

4.2.7 The Group considers good communication essential in the safe delivery of asbestos management and therefore ensures that information about ACMs (known or suspected) is provided to every person liable to disturb them, whether accidentally or during the course of planned works. This includes tenants, employees, contractors and visitors.

4.2.8 The Group will also provide advice to customers regarding ACMs through leaflets and information held on the organisation's website, as part of its general duty to ensure that tenants' properties are safe and fit for purpose.

4.2.9 Where appropriate, any compliance risks will be considered, mitigated, or removed as part of any major refurbishment works or included in new development design briefs.

4.3 Inspection Programmes

4.3.1 **All** Stock - The Group will not need to survey any stock (domestic, non domestic, communal blocks or other properties) built after the year 2000, or where the initial asbestos management survey confirms that there are no ACMs present

4.3.2 **Non-Domestic Stock** – The Group will review existing asbestos management survey information prior to carrying out any repairs or planned maintenance works which may involve working on, or adjacent to, any ACMs within its non-domestic (the common parts of its communal blocks) or 'other' properties (e.g. offices, commercial shops, depots, etc.). This is to ensure that any ACMs likely to pose a risk are identified prior to works commencing and the details passed onto the relevant operatives or external contractors and managed in an appropriate way. Where required a new hybrid R&D/management survey should be commissioned prior to work commencing.

4.3.3 The Group will ensure that all non-domestic (communal blocks) and 'other' properties in ownership or management have an initial asbestos management survey carried out. All

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surveys will comply with the CAR 2012 legislation and therefore be dated after 6 April 2012 when the legislation came into effect.

- 4.3.4 All non-domestic (communal blocks) and 'other' properties will have a re-inspection survey and an assigned re-inspection date where applicable (except as detailed in 4.3.6). The frequency of inspection depends on the location of the ACMs, the risk category or other factors which could affect their condition, e.g. the activities in the building, non-occupancy etc. For example, if a property contains only low risk asbestos roof tiles at high level externally, which are unlikely to be disturbed in day to day management of the building, then the frequency of re-inspection may be re-inspected at greater intervals. There will also be events or changes, e.g. maintenance work, new tenants or employees that should also trigger a review of the plan Re-inspection dates may change following the re-categorisation of a property or a building
- 4.3.5 **Domestic Stock** – The Group will review existing asbestos management survey information prior to carrying out any void repairs, day to day repairs, or planned maintenance works which may involve working on or adjacent to any ACMs within a domestic property. This is to ensure that any ACMs likely to pose a risk are identified prior to works commencing and the details passed onto the relevant operatives or external contractors, so that these can be managed in an appropriate way.
- 4.3.6 Where there is no previous asbestos related information in respect of a domestic property which requires an asbestos survey ahead of void repairs, day-to-day repairs or planned maintenance work, a survey will be undertaken and the scope of the survey agreed in accordance with the works due to be carried out. If the void only requires the standard safety checks (gas, electric and EPC) and there is no intrusive repair work, a written risk assessment should be available to confirm that the presence of ACMs has been considered and an asbestos survey is not required.
- 4.3.7 **Refurbishment Work** – The Group will undertake an intrusive refurbishment and demolition (R&D) survey to domestic, non-domestic (communal blocks) and 'other' properties prior to any planned substantial maintenance or major works including intrusive adaptation works taking place in areas of

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the property where ACMs are present, that are likely to be disturbed by the proposed works. The group will also undertake a management survey of the remainder of the property as part of the same survey, if this has not been previously completed (this is not a requirement of the CAR 2012 but is a policy principle adopted by the Group). This will be in accordance with the criteria set out in the Group's Asbestos Management Plan, which should be read in conjunction with this policy.

4.3.8 **Tenant Improvements** – where permission is requested by the tenant to undertake improvement works, permission will only be granted where an asbestos management survey is available. This will be instructed where we do not already hold sufficient survey information or where the property was built post 2000.

4.3.9 **Garage sites** – The Group has a number of garages in ownership on garage sites. Many of these garages may contain ACMs. As such, the Group will carry out a programme of sample inspections (as per the relevant HSG) to assess the location and condition of the ACMs within these garages and implement a remedial programme of works thereafter as necessary.

4.4 Compliance Follow up Work

4.4.1 The Group will ensure there is a process in place for the management of any follow-up works required following the completion of an asbestos survey.

4.4.2 Where asbestos is positively identified and as a result of a risk assessment (conducted in accordance with published guidance), removal, sealing or encapsulation is recommended, this will be carried out for:

- **Non-licensed works** – as defined in regulation 2 of the CAR 2012 – by specifically trained contractors (including operatives working for the in-house team) with appropriate equipment and working procedures in place which are sufficient to comply with the CAR 2012.
- **Notifiable non-licensed works** – as defined in regulation 2 of the CAR 2012 – by a licensed asbestos removal contractor (LARC) licensed by the Health & Safety Executive in compliance with the CAR 2012, or

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- **Licensed works** - as defined in regulation 2 of the CAR 2012 – by a LARC, licensed by the Health & Safety Executive in compliance with the CAR 2012.

4.4.3 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all relevant works (see Health & Safety Policy).

4.5 Contract Management

4.5.1 Regular contract meetings will be held with all external contractors to review and monitor key performance indicators.

4.5.2 An item is included on the agenda of contract meetings to review all qualifications and competencies of contractors' personnel(in line with those noted in section 3.2.4) for all areas of work they undertake on our behalf.

4.5.3 If requested by the contractor, we will provide up to date information relating to any relevant compliance areas.

4.6 Record Keeping

4.6.1 The Group has established and continue to maintain a programme of non-domestic (communal blocks & commercial properties) property surveys and re-inspections and an Asbestos Register of all the ACMs by type, address, location and condition as defined in CAR 2012.

4.6.2 Survey and re-inspection dates, details of ACMs and asbestos management survey reports are held electronically in a secure and backed up register which is accessible in a Business Continuity Plan situation.

4.6.3 A compliance management system (C365)is used to record the details of all asbestos surveys undertaken on the Group's non-domestic (communal/commercial), domestic and other properties. This includes the date of the most recent survey and/or re-inspection where applicable.

4.6.4 The findings from the asbestos survey, including any ACMs and remediation works identified and subsequently completed (including evidence of removal and encapsulation) are also recorded in the electronic register.

4.6.5 Appropriate asbestos information will be made available to all interested stakeholders as required. It will be made clear to all

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stakeholders that we do not have a responsibility for the management of asbestos in domestic housing stock.

5. REGULATORY STANDARDS, LEGISLATION, AND APPROVED CODES OF PRACTICE

- 5.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Safety & Quality Standard) for social housing in England, which was introduced by the Regulator of Social Housing (RSH).
- 5.2 **Legislation** - the legislation applicable to this policy is The Control of Asbestos Regulations (CAR) 2012, which came into force on 6 April 2012. The Group has a legal obligation under Part 2, Section 4 of the legislation (Duty to manage asbestos in non-domestic properties) where it is the 'Duty Holder' for the purposes of the legislation. Progress Housing Group is the 'duty holder' of the non-domestic properties that it owns and/or manages through the tenancy and lease agreement obligations it has.
- 5.3 **Approved Codes of Practice and Guidance** – the approved codes of practice and guidance (as updated) applicable to this policy are:
- ACoP L143 - 'Managing and working with Asbestos' (Second edition December 2013)
 - HSG264 - 'Asbestos: The survey guide' (Second edition 2012)
 - HSG248 – 'Asbestos: The analysts guide for sampling, analysis and clearance procedures' (second edition 2021)
 - HSG247 - 'Asbestos: The licensed contractors' guide' (First edition 2006)
 - HSG227 - 'A comprehensive guide to managing asbestos in premises' (First edition 2002)
 - HSG210 - 'Asbestos Essentials – A task manual for building, maintenance and allied trades and non-licensed asbestos work' (Fourth edition 2018)
- 5.4 **Sanctions** – The Group acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation, and approved codes of practice, and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the

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Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Regulator of Social Housing (RSH).

5.5 **Tenants and Leaseholders** – The Group will use the legal remedies available within the terms of the tenancy and lease agreement should any tenant, leaseholder or shared owner refuse access to carry out essential asbestos related inspection and remediation works.

5.6 **Additional Legislation** – This asbestos policy also operates in the context of the following additional legislation:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety & Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Hazardous Waste (England & Wales) Regulations 2005 (as amended)
- Control of Substances Hazardous to Health (COSHH) Regulations 2002 (as amended)
- Construction, Design and Management Regulations 2015
- Defective Premises Act 1972
- Landlord and Tenant Act 1985
- Social Housing (Regulations) Act 2023
- Data Protection Act 2018
- RIDDOR 2013

5.7 A process is in place to identify changes to regulation and legislation through the Group's compliance reporting framework. Any changes relating to this policy will be highlighted and implemented, including a review of policy and procedural documents should a legislative change take effect.

5.8 This policy also has links to other Group policies, including:

- Health and Safety Policy
- Data Archival, Retention and Disposal Policy
- Reasonable Adjustment Policy
- Business Continuity Plan (Dealing with Emergencies)

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6. IMPLEMENTATION

6.1 Training

- 6.1.1 The Group ensures that all operatives working for, or on behalf of the organisation have the relevant qualifications required for their role.
- 6.1.2 Group employees will undertake periodic assessments of training needs and resulting programmes of internal and/or external training will be implemented via the Health & Safety team.
- 6.1.3 All relevant employees, involved in the process, will have an understanding of asbestos management and their roles and responsibilities in ensuring that full compliance is maintained
- 6.1.4 In order for all employees to fully understand the regulations and obligations placed upon the Group, they will undertake mandatory compliance awareness training and this is refreshed every 3 years.

6.2 Performance Reporting

- 6.2.1 Key performance indicator (KPI) measures are established and maintained to ensure the Group is able to report on its performance in relation to asbestos.
- 6.2.2 KPI measures are provided to SLT on a monthly basis. They are also provided to Executive Board and the Health & Safety Steering Group on a quarterly basis. As a minimum these KPI measures include reporting on:

Data – the total number of:

- properties – split by non-domestic properties (communal blocks) and ‘other’ properties;
- properties on the asbestos management/re-inspection programme;
- properties not on the asbestos management/re-inspection programme;
- properties with a valid ‘in date’ survey/re-inspection. This is the level of compliance expressed as a number

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- properties where the suggested survey/re-inspection has expired and is 'out of date'. This is the level of non-compliance expressed as a number
- compliant & non-compliant 3rd party properties with or without a valid asbestos re-inspection

Narrative - an explanation of the:

- current position
- corrective action required
- the completion of follow-up works
- properties which are due to be surveyed/re-inspected within the next 90 days. This is the early warning system

6.2.3 Parent Board receives a condensed version of the report provided to SLT and Executive Board on a quarterly basis.

6.2.4 Tenant Satisfaction Measures (TSMs) are part of the new Consumer Standards and provide a valuable insight as to how the Group is performing from a tenant perspective. Compliance performance is part of the TSMs and the Group report the number of properties with a compliant FRA annually to the Regulator of Social Housing.

6.2.5 The Group carries out independent quality assurance audits of completed asbestos management surveys annually. This is a 5% sample of the total number of surveys carried out within a 12 month period. In addition, 100% of all certification are checked upon receipt by the Compliance team (Asbestos, Water & Radon).

6.2.6 The Group requires external contractors to provide the results of their own 5% (minimum) quality assurance audit checks, as required by UKAS, on a monthly basis.

6.2.7 The Group commissions an independent audit encompassing all areas of compliance, including asbestos, at least once every three years. This audit specifically tests for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues.

6.2.8 The audit also looks at and test processes to ensure that they are being adhered to and are still fit for purpose.

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6.3 Non-Compliance/Escalation Process

- 6.3.1 Any significant non-compliance issue identified, will be formally reported to the Director (Property Services), as soon as this is identified.
- 6.3.2 The Director (Property Services) will agree an appropriate course of corrective action with the Head of Compliance in order to address the non-compliance issue and report details of the same to the Executive Director (Operations, Services and Support) (or Chief Executive in their absence) within 24 hours.
- 6.3.3 The Executive Director (Operations, Services and Support) or Chief Executive will ensure the Parent Board is made aware of any non-compliance issue raised in 7.3.1 so they can consider the implications and take action as appropriate, including notification to the Regulator of Social Housing, if necessary.

7. CONSULTATION

- 7.1 The Consumer Standards set out expectations for the Group to provide tenants with accessible information in respect of the legal obligations and relevant regulatory requirements that Registered Providers must meet in connection with their homes. The Group will:
 - 7.1.1 ensure that information is available to tenants at sign up, and on the website relevant to their homes and communal areas.
 - 7.1.2 compliance data is available to tenants on request .
- 7.2 Colleagues within the organisation have been consulted on this policy.

8. REVIEW

- 8.1 This policy will be reviewed following the Group's standard three yearly timeframe or following any legislative change.

9. EQUALITY IMPACT ASSESSMENT

- 9.1 An EIA is in place for the overarching Property Compliance Policy statement which covers this policy.

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10. ASSOCIATED POLICIES & PROCEDURES

Document reference	Name of document
EIA01	Equality Impact Assessment
GRPROPS14	Asbestos Management Plan
GRPROPS23	Procedure For Managing 3rd Party Landlords Compliance Activities (Final)

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Appendix 1 – Glossary of terms

ACM	Asbestos Containing Material
CAR (2012)	The Control of Asbestos Regulations 2012
HSE	The Health & Safety Executive
AMP	Asbestos Management Plan
SLT	Senior Leadership Team
The Group	Progress Housing Group (and any companies within)
HSG264	“Asbestos: The Survey Guide”, an HSE Guidance Document which covers compliance with CAR (2012) in relation to asbestos surveys
R&D	Refurbishment and Demolition type of asbestos survey
CDM	Construction, Design and Management Regulations 2015
EPC	Energy Performance Certificate
LARC	Licenced Asbestos Removal Contractor
RSH	Regulator of Social Housing
KPI	Key performance indicator
UKAS	United Kingdom Accreditation Service
EIA	Equality Impact Assessment
RA	Risk Assessment
RAMS	Risk Assessment & Method Statement
MA	Material Assessment (as defined in HSG264)
PA	Priority Assessment (as defined in HSG227)

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APPENDIX 2 - Survey Types

Management survey

A management survey is the standard survey. Its purpose is to locate, as far as reasonably practicable, the presence and extent of any suspect ACMs in the building which could be damaged or disturbed during normal occupancy, including foreseeable maintenance and installation, and to assess their condition.

Management surveys can involve a combination of sampling to confirm asbestos is present or presuming asbestos to be present. All customer agreed inaccessible areas shall be presumed to contain asbestos until additional survey investigations can be conducted to prove otherwise.

Refurbishment and demolition surveys

A refurbishment and demolition survey is needed before any refurbishment or demolition work is carried out. This type of survey is used to locate and describe, as far as reasonably practicable, all ACMs in the area where the refurbishment work will take place or in the whole building if demolition is planned. The survey will be fully intrusive and involve destructive inspection, as necessary, to gain access to all areas, including those that may be difficult to reach.