

**MINUTES OF ARCA REGIONAL MEETINGS
HELD MAY / JUNE 2014**

Date	Region	Location
27 th May 2014 29 th May 2014 3 rd June 2014 4 th June 2014 5 th June 2014 10 th June 2014 12 th June 2014	South west and Wales East Anglian Northern Midlands Republic of Ireland Scottish South East	Almondsbury Interchange, Bristol Holiday Inn Express, Cambridge Pennine Manor Hotel, Huddersfield ARCA, Stretton, Burton on Trent Citywest Hotel, Co. Dublin* Holiday Inn Express, Glasgow Airport, Glasgow ARCA SE Regional Centre, Rayleigh *Separate set of minutes produced and distributed for ROI members

ITEM 1 MINUTES OF THE LAST MEETING

The minutes of the regional meetings held in January / February 2014 were issued to members attending. Members accepted the minutes as a true record of the meeting.

ITEM 2 MATTERS ARISING

Matters Arising

SS drew member's attention to the HSE response following the question asked regarding very small enclosures and the requirement to maintain 1000 m³/hr airflow through these enclosures. Whilst SS had reported in a post meeting note in the minutes that HSE were planning to amend the requirement for enclosures which were <20 m³ so that they only had to have 500m³/hr airflow through the enclosure, SS had put in bold and underlined a sentence to say **Please note that this is not absolutely confirmed yet.** SS reported that HSE had conducted further tests on smaller enclosures and had now concluded that an airflow of 1000m³/hr was not only possible, but also necessary in smaller enclosures to ensure good mixing of air and to prevent stratification occurring.

SS explained the comment from the South West and Wales meeting where members had expressed concern that they had heard that the revised Analysts Guide would provide guidance on the length of time that analysts should take when conducting visual inspections as part of the 4 stage clearance. Members were concerned that this guidance would herald the end of the 'one day job'. SS stated that he did not think that this would be the case as 'one day jobs' typically involved very small enclosures and even if the visual inspections took twice as long this would only add 20-30 minutes to the visual inspection at the most. Nonetheless, SS stated that ARCA would monitor the situation to evaluate any effect that such guidance may have.

SS reported that members at the Northern regional meeting had requested that ARCA appeal the Environment Agencies decision to exclude asbestos removal contractors from being able to take advantage of the non-waste framework directive exemption to temporarily store bonded waste at their own premises.

SS reported that he had sought legal advice and that the summary of the legal advice regarding this matter had been circulated to members via email. The legal advice was very clear that the non-waste framework exemption could not be utilised by companies who were providing a waste management service to third party. The definition of a 'waste management service' was included within the overarching EU Directive and this left no doubt that asbestos removal contractors provided a 'waste management service' to third parties and therefore could not utilise the non-waste framework directive.

SS referred to the question that was raised at the previous South East regional meeting regarding 'small scale work' and 'large scale work'. SS reported that he had replied that:

Further to the last ARCA regional Meeting you asked me to look in to the issue of references to large-scale and small-scale asbestos removal works within the new ACoP (Managing and working with asbestos Control of Asbestos Regulations 2012 Approved Code of Practice and guidance L143). I can find no references to small-scale in the document. Each reference to large-scale work is in reference to work on textured coatings, so the distinction between large-scale and small-scale is only made with reference to textured coatings. Any removal of textured coatings which goes beyond that necessary for maintenance activities such as installation / replacement of smoke alarms and light fittings is large-scale, anything which doesn't go beyond this is small-scale. Therefore your question to the HSE as to whether the removal of ceiling in a room which is 3m x 4m is either small-scale or large-scale removal work, it is most definitely large-scale removal work.

SS provided the following information with regards to the association's site audit scheme following concerns raised by one member at the previous round of regional meetings. SS stated that in the previous 12 months ARCA had conducted approximately 400 site audits. Of these there had been 15 appeals of which 4 had been revised from unsatisfactory to satisfactory. This means there have been appeals against 3.75% of the audits conducted and 1% of audits have been amended from unsatisfactory to satisfactory. In other words 96.25% of members are satisfied that the audits are accurate and 99% of results were correct.

SS stated that if members were not satisfied with the standard of the audit, or felt that the audit result did not reflect the site, then ARCA needed to hear about it. SS stated that ARCA could not address problems that members had with the audits if ARCA were not informed. SS informed the meeting that ARCA welcomed member's opinions as they allowed improvements to be made.

Members at the Midlands regional meeting asked whether the appeals had all been made against the same auditor and whether the appeals were coming from generally the same members. SS replied that he did not know but would endeavour to find out.

POST MEETING NOTE: There are no real trends regarding the auditors receiving the complaints or the companies making the complaints.

Some members at the Midlands regional meeting stated that they did not inform their supervisors in advance that an ARCA audit was being undertaken, however in some cases the auditors were phoning the supervisors to make arrangements, and therefore the audits were not being conducted unannounced as the company wished.

POST MEETING NOTE: The Site Audit Accreditation System process has been amended so that the auditor no longer has any need to contact the supervisor in advance of the audit.

Members at the Midlands regional meeting requested that space be included on the ARCA Training Booking form for members to identify TNA areas that they wished the trainer to cover.

POST MEETING NOTE: Amendments are being made to the ARCA Training Booking system to allow customers to identify specific TNA issues which they would like addressed during the training. This should be implemented within the next few weeks.

ITEM 3 REPORT ON HSE ALG MEETING HELD ON 21st MAY 2014

Online Notifications

The process will require logging on to the appropriate section of the HSE where an online ASB 5 notification form will reside. The first question to be asked will be whether this is a new notification or an update to a previous notification. Once the initial notification has been sent electronically an email is sent to the notifier confirming receipt of the notification and providing a notification reference number. The notification can be amended at a later date by going to the web page, selecting the box to indicate this is an update to a previous notification and entering the notification reference number. The form will then be populated with the previous notification information and this can be edited.

The remainder of the form is very similar to the existing ASB 5 form with regards to the information required. There are certain features which have been built in, such as the system will not let you notify a job which starts in fewer than 14 days from the date on which you are trying to make the notification etc. There is a 'remember me' function which you can select which will then populate the form with the standard information every time you make a notification, such as your name company, address etc.

A couple of questions were asked by the meeting attendees:

1. When notifying using the new system, when does the notification period actually start, for example if the job is notified at 8pm on a Friday night or over the weekend does the notification period still start at 9am on the following Monday morning? HSE stated that they would provide clarification on this.

2. What would happen if the system crashed or became inoperable for a period of time? HSE stated that they would make a policy decision based on the circumstances; i.e. whether it was short term, an hour or day or so or whether it was a longer period of time, and notify contractors of any temporary arrangements via the web communities' site.

HSE are intending to go live with the system in around September or the autumn 2014, following the busy summer period. It did not seem prudent to go live with a new system at a time of maximum notifications. HSE will announce a date after which electronic notification will be the only method they will accept.

A question was asked at the Northern Regional meeting as to whether an online check of notifications could be made by analysts to check that the job had actually been notified.

POST MEETING NOTE: HSE replied that:

The new system will be able to be viewed by any enforcing authority (for licenced work. Basically all HSE and the local authorities. I am assuming that will allow a client to phone up/email (about their premise) and ask. However we are trying to avoid unnecessary admin through this so the LARC should have the acknowledgement email from HSE to show their Client.

A further question was asked at the Northern Regional Meeting, A member had been told that a prohibition notice had been issued to an asbestos removal company for allowing an analyst to enter the work area with inappropriate RPE or PPE to conduct a 4SC.

POST MEETING NOTE: HSE Asbestos Licensing Unit replied that: they hadn't heard about a notice.

Publications Governance Group

The HSE has set up a Publications Governance Group (PGG) which looks at all HSE badged and endorsed guidance and any industry guidance endorsed by HSE. There are strict criteria that HSE guidance has to fulfil. Any proposal for new guidance has to be given initial clearance by the PGG and it has to be seen as appropriate for HSE to endorse it. ALG memos have traditionally been produced outside of this publication process and this is not now appropriate. Existing ALG memos will be incorporated into the new Licensed Contractors Guide.

There is a big push from Government to put more of the guidance on the HSE website. PGG does not want to see a big proliferation of guidance which is not being kept up to date. In order for new guidance to be considered there has to be an established need, as asbestos work is a licensed industry, it is important that legal requirements are clear, having said that it is also important that any new guidance meets the criteria of PGG and does not go beyond compliance with the law.

Competency Frameworks

SS informed the meeting that the competency framework and the guidance were in final draft stage. They had been submitted to the HSE for review a further meeting of the ALG Competency and Working Group would be convened to hopefully finalise the document. SS explained that the document gave practical guidance on carrying out Training Needs Analysis and measuring competency. The document was broad and provided many illustrations of the way that evidence could be collected to measure competency.

ALG Workplan

The ALG workplan was agreed. HSE stated that by agreeing to the workplan those organisations identified within the plan as having responsibilities to deliver the plan would be expected to meet their obligations.

Draft ALG Memo on Employment Status

This memo was submitted to the PGG and they were not happy to publish it, for two main reasons: Work is being done on the Deregulation Bill, this is bill to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or for individuals; make provision for the repeal of legislation which no longer has practical use; make provision about the exercise of regulatory functions; and for connected purposes. As a result any issues surrounding self-employment is a sensitive area.

Secondly the PGG was not convinced there was a need for the guidance. This was because of the high level of interaction between HSE and the industry with regards to maintaining standards, training, competence, worker involvement etc., and therefore the message is already clear.

Draft ALG memo on Asbestos Waste

There is guidance in the Licensed Contractors Guide which is out of date. As the Licensed Contractors Guide is due for updating this is the place to publish the guidance, the key points of the memo will be included within the Licensed Contractors guide.

Technical Working Group

At the previous ALG meeting, and in light of the PGG requirements, guidance was sought on the status of 'guidance' which existed within the Technical Working Groups minutes. As a result the following caveat has been added to the HSE website with regards to the Technical working Groups minutes.

The minutes of ALG Working Groups are the records of those meetings; as such they are part of an ongoing discussion and are not finished, formal guidance which may be different.

Martin Gibson reported that the Technical Working group had met in March for meeting number 12. All minutes of the meetings had now been forwarded to ALU and they should be on the ALG website.

Martin Gibson reported that the group were currently working on 7 items. Minutes of the meetings will contain a summary of what the group is doing and it is anticipated that most of the work will be incorporated into the revised Licensed Contractors Guide.

- Entry by other trades into asbestos enclosures
- Gas and Electrical Safety within DCU's
- Abrasive blasting systems
- Electronic site records
- Removal of Asbestos Paper
- Environmental Cleans
- Use of glove bags

Hidden Killer

The awareness campaign is to go ahead. The purpose is to try and change people's behaviour with a genuine attempt to make people protect themselves against exposure to asbestos. HSE said that given the nature of the audience, they are currently doing nothing, therefore if we get them to do something rather than nothing, then that is an achievement. The current thinking is that 'Asbestos Essentials' be stripped down in to a digital tool that can be accessed via a smartphone. The aim is to start the campaign in mid-September / autumn. The campaign will require the assistance of partners and HSE will be contacting people / organisations individually to see how they can help.

HSE stated that they wanted to produce a list of asbestos transfer stations that they could provide as part of the campaign to advise tradesmen where they could dispose of small quantities of asbestos waste. HSE stated that the Environment Agency had not been much help in providing this information.

HSE Guidance

Guidance Review process

- Licensed Contractors Guide way out of date and needs revising
- The Analysts Guide has overlaps with the Licensed Contractors Guide

- There is less overlap with the Surveyors Guide

As far as guidance for the Notifiable Non Licensed Work is concerned, it was decided that the ALG was probably not the best forum for this as all ALG resources should be used to work on the Licensed Contractors Guide. This should be a priority with the aim of sorting it out by the end of the year.

HSE asked how the ALG thought the update of the Licensed Contractors Guide should be undertaken.

1. To take the ACoP as read and build guidance on top of this without duplication, with pointers to where relevant guidance could be found elsewhere such as on the HSE website or other documents.
2. Put everything in to the Licensed Contractors Guide even where it overlaps with the ACoP.

HSE suggested that all elements of the guide relating to activities within the enclosure and the 4 stage clearance should be led by HSE. However, other parts of the guide dealing with issues such as training etc. could be led on by the industry.

The Analysts Guide is quite well advanced and the HSE will be working on it over the next 2 months. The intention is to get a draft out for consultation over the summer.

ALU Update

The ALU stated that Colin Seditas and Gillian Mclean were leaving and had left HSE. As a result the work of ALU may slow a little until they are back to being fully staffed. A replacement has been appointed to fill one of the posts, Annette.

ALU Stats

End Year Figures (1/5/2013 – 30/4/2014)

Number of Licence Holders - 459
 Number of Inspections (not including assessments) – 1275
 Number of Notifications – 37,553
 Number of Licences issued – 188
 Number of Applications Refused – 25 (20 outright and 5 conditional)
 Number of successful appeals – 1
 Number of changes to conditions or reduced term, etc. (Licence Action) – 4
 Number of Revocations - 1

NNLW NOTIFICATIONS RECEIVED 2013/2014

May	2423
June	2361
July	2987
August	2644
September	2539
October	3029
November	2206
December	1434
January	2405
February	2419

March 2460
April 2139

Any Other Business

SS asked whether HSE expected Licensed Contractors to notify HSE every time there was a change in the company's board of directors. HSE responded that any significant changes in directors that could bring in to question the company's ability to operate as they had indicated at licence assessments should be notified to them. HSE would want to be confident that the management team they had assessed remained as effective, i.e. it may be necessary to notify that a Technical Director had left the company but not necessarily a Financial Director.

ITEM 4 UPDATES

Welfare Provision

SS outlined the requirements for welfare facilities that had been highlighted to members in a recent email, and the subsequent requirements for welfare provision with regards to the ARCA Site Audit Scheme

Details of Welfare Provision to be Included in a Plan of Work

The Plan of Work should detail welfare facilities that are necessary for the well-being of your employees. These would include, as a minimum; washing, toilet, rest and changing facilities, and somewhere clean to eat and drink during breaks. These may be provided by yourselves, the main contractor, or the client, and must be provided unless it is clearly unreasonable in terms of time, trouble, cost and physical difficulty. The Plan of Work should clearly state what is provided and by whom, so the responsibility for provision is made clear, as well as any arrangements or permissions that may be in place. These considerations must therefore be made at the planning stage of the job.

During asbestos removal works, the Decontamination Unit would serve as an adequate changing facility, though not for any other of the welfare provisions listed above. The company van is not considered to be suitable as a rest area, nor as a suitable place to eat and drink during breaks. The use of public toilets and washing facilities (e.g. café across the road) should be a last resort, and not used just because it is a cheaper or easier option. This would not be acceptable where the provision of better facilities would be reasonably practicable.

Some sites may be considered as temporary worksites, but this has no bearing on the requirement for the provision of suitable welfare facilities. They still must be provided. In addition, on all sites, the facilities must be kept clean, in good condition, and be well stocked. Inadequate welfare provision can result in enforcement action, which will subsequently have a knock-on effect at licence renewal.


The ARCA Site Audit Requirement

The ARCA site audit (item 3.9) asks whether welfare facilities are detailed in the Plan of Work, and whether they are available for use as described. Sufficient details of the basic provisions should be in the Plan of Work. The auditor would review the details, then check that these are provided for use as described. The facilities would need to be accessible at all times, so proposing to make use of toilet facilities in the flat you are working in, then blocking it off when your enclosure is built, would be unacceptable.

ITEM 5 TRAINING NEEDS ANALYSIS (TNA) & COMPETENCY


ARCA Free Seminars Overview of Message

The ‘Six Steps’
A look at the Training Needs Analysis Model



Identify the employee’s roles and duties.

Identify the employees’ roles and duties, in relation to the competency elements, which are detailed in the asbestos removal competency framework.



Produce the performance standards

Performance standards shall be produced for each applicable element of the Asbestos Removal Competency Framework, for each role and duty previously identified.



Collect the evidence

Collect evidence of the employees' performance, i.e. measure how well the employee is performing the required job skills in relation to specified performance standards.



Produce a Training Needs Analysis.

The TNA shall be produced by comparing actual performance of the employees (assessment evidence) with desired performance (performance standard).



Provide Training.

Employers shall identify the specific training needs of their employees and ensure that refresher training is appropriately tailored to the work being done. The training shall be based on the TNA, it shall reflect the level of competence and specific training needs of the employee involved.



On-going Assessment

The competency of employees shall be checked at least annually and more frequently if:

- Work methods change;
- the type of equipment used to control exposure changes;
- the type of work carried out changes significantly;
- gaps in competency are identified; or
- training to improve occupational knowledge, skills or behaviour has been provided in order to check the training has been effective.

ALG Working Group Progress on Guidance

SP reported that a draft guidance document had been produced by NFDC, ACAD and ARCA which was currently being reviewed by the HSE. The document was based on the principles delivered at the TNA seminars. The guidance would be available to the industry and would give detailed guidance on the stages outlined above.

ITEM 6 ARCA FUTURE STRATEGY

SS explained to the meetings that he had had some responses to his feedback form that was distributed at the last regional meetings. SS asked those members who had not yet completed the feedback form to complete one at the regional meeting. SS informed the meeting that the feedback would be used to inform the strategic plan that ARCA were currently producing.

The strategic plan will be launched at the forthcoming AGM.

ITEM 7 ARMI UPDATE

SS explained that applications for ARMI membership were slow, this was probably because many possible members did not possess the appropriate Leadership and Management qualification. SS explained he was currently trying to renegotiate the membership requirements to allow Members and Affiliates to join as long as they had the appropriate asbestos competency qualification (RSPH Level 3 in the case of Affiliates or RSPH Level 4 in the case of Members), had passed the Professional Review interview and had agreed to complete the appropriate Leadership and Management qualification within 3 years.

Members were in favour of this amendment and felt it was necessary if the Institute was going to be successful.

ITEM 8 ATAC UPDATE

SS informed the meeting that the ATAC update had been included in the ALG report under the analysts section.

ITEM 9 SOCIAL EVENTS / DIARY DATES

Event	Venue	Date
European Golf	Villamoura, Portugal	19 th – 21 st September 2014
AGM	London Zoo	3 rd October 2014
Winter Ball	Grand Hotel, Brighton	29 th November 2014

ITEM 10 ANY OTHER BUSINESS

There was no Any Other Business

DATE OF NEXT MEETING

Members were advised that the next ALG meeting was scheduled for October 30th. Members would be advised of the dates and times of the regional meetings as soon as they had been arranged.

POST MEETING NOTE:

ARCA Regional Meetings Winter 2014

ARCA Regional Meeting	Date	Venue
South West and Wales Regional Meeting	Nov 11th 2014	Almondsbury Hotel, Almondsbury
Midlands Regional Meeting	Nov 12th 2014	ARCA Offices, Burton upon Trent
Northern Regional Meeting	Nov 13th 2014	Pennine Manor Hotel, Huddersfield
East Anglian Regional Meeting	Nov 27th 2014	Holiday Inn Express, Cambridge
Republic of Ireland Regional Meeting	Dec 3rd 2014	Citywest Hotel, Dublin
Scottish Regional Meeting	Dec 9th 2014	Holiday Inn Express, Glasgow Airport
South East Regional Meeting	Dec 11th 2014	ARCA Training Centre, Rayleigh, Essex