



Asbestos Management Policy

Policy Title:	Asbestos Management Policy
Policy Author:	Asset Management Consultant
Date of Approval:	26 October 2021
Date for Next Scheduled Review:	October 2024
Review Body:	Board of Management
Equality Impact Assessment Complete:	Yes
Policy Published on Web:	Yes
Scottish Housing Regulator Standard:	Yes
Scottish Housing Regulator Guidance:	RS 3, 4

CONTENTS

DESCRIPTION	PAGE NUMBER
Introduction and Policy	1-3
Management of Asbestos	4-5
Roles and Responsibilities	5-6
Training and Development	6-7
Continual Improvement and Data Collection	7
Managing and Monitoring	7
Compliance with relevant performance standards	8
Risk Management	9
Public Accountability	9
Appendix 1 Legislation and Compliance	10-11

1.0 INTRODUCTION

- 1.1 This document represents Ardenglen Housing Association (AHA) commitment of compliance, in line with the Control of Asbestos Regulations 2012 (CAR12), to the management of asbestos within their managed properties. It also has a duty of care to ensure, so far as reasonably practicable, the Health, Safety and welfare of its residents, employees, service users, contractors, the general public and others who maybe affected by its undertakings.

2.0 Policy

- 2.1 Ardenglen Housing Association policy will ensure that, as far as reasonably practicable, no persons will be exposed to risks to their health due to exposure to any asbestos containing materials that maybe present in any of the properties it owns, manages or occupies.
- 2.2 It is also recognised that the management of asbestos related risk falls within AHA general responsibilities as contained within item 1.1.
- 2.3 The Policy will apply to all properties owned or managed by AHA and all individuals employed by the association, residents, contractors/subcontractors, consultants engaged by the association.
- 2.4 Ardenglen Housing Association aims are to:
- i. Provide an up to date Stock Condition Survey for assessment on any asbestos risk, this includes communal areas and roof spaces.
 - ii. Ensure the prevention of exposure to risks associated with asbestos containing materials.
 - iii. Promote awareness of any identified risks from asbestos containing material and AHA procedures through training and induction of staff.
 - iv. AHA will ensure compliance with all relevant asbestos legislation, approved Codes of Practice (COP), Health and Safety Executive (HSE) guidance notes and to commit to the safe disposal of any asbestos waste with appropriate certification, all in accordance with the appropriate legislation.
 - v. Maintain an Asbestos Register which will undergo regular reviews and will be updated after any treatment and/or approved removal works have been undertaken.
 - vi. Ensure that an appropriate Asbestos Refurbishment or site clearance certification and strategy are in place in accordance with current legislation.
 - vii. Ensure that only the National Accreditation Body (UKAS) asbestos surveyors/consultants are appointed for asbestos surveys or asbestos testing.
 - viii. Ensure that all contractors, sub-contractors, surveyors and the like engaged to carry out work on any of AHA property are provided with adequate information on asbestos which maybe disturbed during any of their works being officially carried out.

- ix. Ensure that staff of AHA and approved contractors are aware of the Asbestos Policy, Procedures and Asbestos Register.

2.5 Legislative Regulations and Statutory Guidance

In developing this policy, recognition was taken of the legislative requirements and good practice contained within Appendix 1 and the following documents as reference:

- i. Health and Safety at Work Act etc 1974
- ii. Control of Asbestos Regulations 2012 – HSE Document L143 Regulations, Approved Code of Practice and Guidance
- iii. HSE Guidance HSG264 Asbestos: A survey Guide
- iv. HSE Guidance HSG227 Managing Asbestos in Premises

3.0 Management of Asbestos

3.1 Ardenglen Housing Association recognises the duty imposed by Regulation 4 of Control of Asbestos12 (CAR) to manage asbestos risks associated with occupancy in non-domestic premises and in, particular, the following duties as set out in HSG264:

- To take reasonable steps to determine the location of materials likely to contain asbestos;
- To presume materials to contain asbestos, unless there are good reasons not to do so;
- To make and maintain a written record of the location of the Asbestos Containing Material (ACM) or presumed ACM;
- To assess and monitor the condition of ACM and presumed ACM;
- To assess the risk of exposure from ACM and presumed ACM and prepare a written plan of remediation actions and measures where necessary;
- To take steps to see that these actions are carried out

3.1 AHA also recognises the wider duties set out within CAR12, particularly within Regulations 5 and 6, in respect to maintenance, refurbishment, repair and any demolition works in premises and the need to carry out appropriate, inspection/surveying risk assessments also planning prior to any proposed works to the fabric of the property.

3.2 To ensure compliance with these broad duties, specific roles and responsibilities have been defined, including procedures for addressing joint duties with third parties (e.g. mixed tenure properties) and all AHA staff will hold the requisite levels of competence to properly discharge their responsibilities.

4.0 Roles and Responsibilities

- 4.1 The following Table 1 summarises the association's structure of responsibilities to ensure that those with the most appropriate daily operational functions can manage, supervise, and carry out asbestos related control measures as appropriate.

Table 1

Designation	Role Responsibility
Board of Management	The Board of Management are collectively responsible for providing leadership and direction on Health and Safety matters. The Asbestos Management Policy to be approved by the Board of Management.
Chief Executive Officer	The CEO will hold ultimate responsibility for the development and implementation of the Asbestos Management Policy.
Directors	The Directors hold delegated operational responsibility. Implementation and management of the policy and operational procedures for the management and control. The Directors will appoint a suitable and competent Asbestos Co-Ordinator to deliver on the operational compliance with the Asbestos Management Policy and Procedures. Provision should also be made to ensure that all staff within AHA are aware of who is responsible and ensure that provision is made for any training and development needs.
Asbestos Co-ordinator	Responsibility for and delegated operational responsibility. Implementation of operational procedures for the management and control of asbestos during investment activities and day to day maintenance activities. Maintaining the associations asbestos register is updated on completion of any works on asbestos containing material.
Works Duty Holders	Managers and members of staff are classed as duty holders to ensure implementation of operational procedures and support to the Asbestos Co-Ordinator and Directors when required. Informing all staff, Contractors and Sub Contractors and residents (were appropriate) as to the presence of any asbestos containing materials known to have been affected by any works.
Health and Safety Committee	H&S Committee will be responsible for periodically reviewing the effectiveness of the Asbestos Management Policy and Procedures. Considering

	reports by Asbestos Co-ordinator and or Works Duty Holders. Acting immediately if any serious deficiencies are identified and escalating concerns to the CEO.
Employees	All persons employed by AHA, ensuring that any works that may disturb or damage known asbestos containing materials is avoided. Report to the Asbestos Co-ordinator any materials suspected of containing asbestos, where the material has become disturbed and/or damaged.

5.0 Training and Development

- 5.1 Asbestos awareness training will be given to all the association's staff who may come into contact with asbestos materials within their day to day work, or who supervise such work.
- 5.2 Training on the revised Asbestos Management Policy and Procedures will also be given to all associations staff who supervise such work and be open to other staff as part of their own personal development plan.
- 5.3 The following Table 2 defines an outline training matrix applicable to all AHA staff involved in the Asbestos Management Policy and Procedures. Directors and Asbestos Co-ordinator will ensure the relevant staff are provided with the appropriate training and development and that all training records will be properly maintained.

Table 2

Training Required	CEO	Directors	Asbestos Co-ordinator	Work Duty Holders	Health and Safety Committee	Employees
Asbestos Awareness	x	x	x	x	x	x
Training on Asbestos Management Policy and Procedures			x	x	x	x
Training on specific Roles & Responsibilities	x	x	x	x	x	Optional
Overview of Asbestos Surveys carried out and findings	Optional	Optional	x	x	Optional	Optional

6.0 Continual Improvement and data collection

- 6.1 The association is committed to achieving continual improvement in the management of risk associated with asbestos. This will involve a regular review of the procedures and the introduction of additional controls where Knowledge or technology develops.

7.0 Managing and Monitoring

- 7.1 This Asbestos Management Policy review is carried out in accordance with the associations policy review programme agreed with the Board of Management. This policy will be subject to review in three years.
- 7.2 If there are significant changes to legislation or regulation or there are found to be deficiencies or failures in this policy an immediate review will be initiated by the CEO.

Statement - Ardenglen Housing Association is committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Throughout the Association there will be a consistent approach in promoting equality and diversity across all areas. We will ensure that our monitoring of the policy has due regard to our equal opportunities policy.

8.0 Compliance with Relevant Performance Standards

The Scottish Social Housing Charter came into effect in April 2012 and this sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The Charter replaces the Performance Standards and states in terms of maintenance of its stock landlords should:

Manage their business so that tenants' homes, as a minimum, meet the Scottish Housing Quality Standard by April 2015 and continue to meet it thereafter, and when allocated, are always clean, tidy and in a good state of repair.

Manage their businesses so that tenants' homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done.

Manage all aspects of their business so that tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

- 8.2 Social landlords are responsible for meeting the standards and outcomes set out in the Charter. The Scottish Housing Regulator is responsible for monitoring, assessing and reporting on how well social landlords, individually and collectively, achieve the outcomes.
- 8.3 We will, through operation of this policy and supporting procedures, demonstrate compliance with the Scottish Social Housing Charter.
- 8.4 The Scottish Housing Regulator's approach to monitoring landlords' achievement of the outcomes and standards in the Charter will be based on the landlord's performance information and their own assessment of their performance. For each year ending on 31 March, landlords will be expected to:

- Measure and assess their performance in progressing towards or achieving the Charter outcomes and standards;
- Provide the Regulator with key performance information on their achievement of the outcomes and standards; and
- Report their performance to their tenants and other service users who use their services.

8.5 The Association will review each element of the Charter with its tenants and agree locally based standards designed to demonstrate the achievement of outcomes.

8.6 In addition the Associations approach to asbestos safety is based on good practice and in particular the Raising Standards manual from the SFHA (Scottish Federation of Housing Associations)

9. Risk Management

9.1 The management of asbestos safety represents risk to the Association in that:

- Failure to comply with relevant legislation may result in possible legal challenges including criminal proceedings
- Failure to have in place proper accessible documentation and taking responsibility for advising tenants, staff and contractors of the presence of asbestos containing materials will be contrary to the relevant legislation.
- Should staff of the Association work with asbestos in the process of removing or any associated downtakings of ACM's this will also be contrary to the relevant legislation

10. Public Accountability

10.1 This Policy will be made available to members of the public on request.

APPENDIX 1

LEGISLATION AND COMPLIANCE

The Health and Safety at Work etc. Act 1974 places general duties on employers and self-employed persons to ensure, so far as is reasonably practicable, the health, safety and welfare of all their employees, and persons other than their employees who may be affected by any of their undertakings. They must also ensure that the premises, and any plant or substance therein, are safe and present no risks. The regulations that have either been introduced under this Act, or introduced to implement the requirements of EC directives, and are relevant to the management of asbestos, are set out below.

Management of Health and Safety at Work Regulations, (Amendment) 1999 requires an employer to assess and control risks to the health and safety of his employees and, for significant risk, to record the assessment. This would include the management of risks arising from asbestos.

Control of Asbestos Regulations 2012 came into force in the UK in 2012 and extended slightly the 2006 Regulations. The latter repealed the Asbestos Licensing Regulations 1983 (as amended), the Asbestos Prohibition Regulations 1992 (as amended) and the CAWR 2002. The Regulations consolidated and simplified the regulatory framework by combining all of the previous Regulations into one framework. The new Regulations introduced a single lower Control Limit for airborne asbestos, a new fibre counting method (the WHO method), and the de-classification of Textured Coatings. The main thrust of the regulations, however, remains Regulation 4 and the Duty to Manage. The Requirement to manage asbestos in non-domestic premises (and includes the common parts of domestic premises), applies when any work with asbestos, or with any product containing it, is carried out by the employer. Exposure of employees to asbestos should be prevented, or reduced as far as reasonably practicable. The new regulations set down a control limit at, or above, which employees must not be exposed unless they are wearing respiratory protective equipment, and oblige employers to assess any risk prior to any work with asbestos so that appropriate measures can be taken to control exposure. There is also a duty to prevent or reduce, as far as is reasonably practicable, the spread of asbestos from the workplace where work is carried out. In addition, there are also requirements on personal protective equipment and on ensuring that asbestos is stored or transferred only in suitable sealed and marked containers. The duties to protect employees are extended to anyone else who may be affected by the work, including members of the public. Protective equipment requirements are described in the **Personal Protective Equipment at Work Regulations 1992**. The 2012 Regulations added a new classification for low risk asbestos work i.e. Notifiable but Non-Licensed Work (NNLW). All other sections of the Regulations are the same.

The Construction (Design and Management) Regulations 2015 (CDM 15) replaced the 2007 Regulations of the same name and provide a framework for the governance and management of health, safety and welfare in construction and demolition projects. The new Regulations saw the *removal of the CDM Co-ordinator role*, with the Health & Safety duties of the former CDM-C now being passed to the Principal Designer. The Regulations include various 'notification' and safety related documentation requirements for certain projects. However, in most cases of asbestos works, the Asbestos Regulations

will take precedence over the specific requirements under CDM on the basis that asbestos controls are best determined by the asbestos legislation, codes of practice and guidance.

Disposal of Asbestos Waste

Part II of the EPA sets out waste management and disposal requirements that affect all companies producing controlled waste as defined in section 75(4) of the EPA. Section 34 of the EPA introduces a statutory “Duty of Care” for all those producing or dealing with waste. All waste producers must follow the Duty of Care and have a statutory obligation to ensure the appropriate and correct handling, transportation and ultimate disposal / treatment of the waste they produce. This is especially important if the material is classed as a ‘Special Waste’ under the *Special Waste Regulations 1996, as amended*, which denotes the waste as being of a hazardous nature and requiring specific transportation and disposal procedures to be followed. The waste must also be assigned a waste code under the European Waste Catalogue and meet specific Waste Acceptance Criteria. Waste material containing asbestos will be classed as Special Waste if it meets the hazardous waste criteria.

Useful Guidance:

HSE Legal Series L143 CAR12, Approved Code of Practice and Guidance

HSE Guidance INDG 223 A Short Guide to Managing Asbestos in Premises

HSE Guidance HSG264 Asbestos: A survey guide

HSE Guidance HSG227 Managing Asbestos in Premises